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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. GOMEZ).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 16, 2020.

I hereby appoint the Honorable JIMMY GOMEZ to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving and gracious God, we give You thanks for giving us another day.

As the Members of the people's House regather after our quadrennial elections, may Your spirit of peace descend upon them. As the 116th Congress moves toward a close, may all here attend to the business at hand, providing what is needed for the benefit of our Nation.

May all Members, regardless of the outcome of the election, trust that their future service, be it in the House or not, will be imbued with Your grace. May they be confident that Americans of good will are grateful for their service in the past and wish them well into the future.

Throughout our Nation the coronavirus continues to spread dangerously. Continue to bless those who attend to those who are suffering and their families. We thank You for the advances that are taking place in developing effective vaccines to address the plague.

Bless us all this day and all days to come. And may all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 4(a) of House Resolution 967, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LEE) come forward and lead the House in the Pledge of Allegiance.

Ms. LEE of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 12, 2020.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 12, 2020, at 10:22 a.m.:

That the Senate passed without amendment H.R. 8247.

That the Senate passed without amendment H.R. 8276.

With best wishes, I am,
Sincerely,

CHERYL L. JOHNSON,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 12, 2020.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 12, 2020, at 4:46 p.m.:

That the Senate passed without amendment H.R. 1773.

That the Senate passed without amendment H.R. 8472.

With best wishes, I am,
Sincerely,

CHERYL L. JOHNSON,
Clerk.

COMMUNICATION FROM STAFF ASSISTANT, THE HONORABLE NANCY PELOSI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Elizabeth Beltran, Staff Assistant, the Honorable NANCY PELOSI, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 13, 2020.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the rules of the House of Representatives, that I, Elizabeth Beltran, have been served with subpoenas for testimony issued by the United States District Court for the Middle District of Florida.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

ELIZABETH BELTRAN,
Staff Assistant.

COMMUNICATION FROM THE SERGEANT AT ARMS

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 13, 2020.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to section 1(b)(2) of House Resolution 965, following consultation with the Office of Attending Physician, I write to provide you further notification that the public health emergency due to the novel coronavirus SARS-CoV-2 remains in effect.

Sincerely,

PAUL D. IRVING,
Sergeant at Arms.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces the Speaker's further extension, pursuant to section 1(b)(2) of House Resolution 965, effective November 17, 2020, of the ''covered period'' designated on May 20, 2020.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

HONORING PRESIDENT JERRY RAWLINGS OF GHANA

(Ms. LEE of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE of California. Mr. Speaker, I rise in sympathy with the people of Ghana at the passing of former President Jerry Rawlings. I offer my sincerest condolences and prayers to his family, friends, and loved ones.

Personally, I have known President Rawlings and his beautiful family since around 1994. I most recently visited President Rawlings and his family last year when Speaker PELOSI and Chairwoman BASS led a Congressional delegation to Ghana commemorating 400 years since the brutal institution of slavery began in America. It was such a wonderful meeting and visit. He reaffirmed his commitment to strengthen the ties between Ghanaians, the country of Ghana, African Americans, and the United States.

President Rawlings' leadership contributed to steady development, a transition to democracy and peaceful transfer of power.

Today, Ghana is one of the strongest democracies in Africa, a strong partner of the United States, and a respected actor on the world's stage.

My deepest sympathy and love goes out to Mrs. Rawlings, the entire Rawlings family, to the citizens of Ghana, and the entire continent of my motherland of Africa. We stand in solidarity as the people of Ghana continue building a stronger and more inclusive and prosperous country. May President Rawlings' soul rest in peace.

THE PROMISE OF AMERICAN INNOVATION

(Mr. JOYCE of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. JOYCE of Pennsylvania. Mr. Speaker, I rise today to showcase the promise of American innovation. Just this morning, Moderna announced that its COVID–19 vaccine is nearly 95 percent effective. Last week, Pfizer reported that its coronavirus vaccine is more than 90 percent effective.

Today, less than a year after the coronavirus reached our shores, this is an incredible achievement. It is a testament to the excellence of American scientists and researchers.

Thanks to these heroes and to the historic private-public partnership spurred by Operation Warp Speed, our Nation is positioned to distribute a safe and effective vaccine more efficiently than any other country in the world.

Now more than ever, as cases of COVID–19 rise across our Nation, we must stand firm against this invisible enemy. And thanks to American innovation, there is hope on the horizon.

HONORING SCIENTISTS AND RESEARCHERS

(Mr. SCHNEIDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHNEIDER. Mr. Speaker, I rise today to thank the frontline heroes, especially our healthcare workers who are working tirelessly under unbearable stresses to save lives.

I thank the researchers and scientists who are developing COVID vaccines. But I also want to plead with my fellow citizens to act responsibly to protect each other in this battle against a deadly virus.

Today, Moderna announced remarkable results for a second vaccine on the heels of Pfizer's recent announcement.

There is light at the end of the tunnel, but the tunnel is long, and the road back is still many months away. We can't afford to let our guard down or millions of Americans will get sick and thousands, tens of thousands of our fellow citizens, our neighbors, and our family members will needlessly die.

As I speak, America's hospitals, especially in rural and underserved communities, are at capacity. They are airlifting patients to bigger cities. We have reports of growing shortfalls of medical supplies and staff. Our frontline healthcare workers desperately need our help.

As we enter the holiday season, I am begging Americans to stay vigilant. Wear a mask, watch your distance, and wash your hands. If you must gather, do so outside, even though it is cold. I know that you want to see your families. I want to see mine. I know that the sacrifice will not be easy, but I also know that there is pain.

We can do this. We can beat back this virus, but only if we do it together. If we don't people will die, and God forbid you or your loved one is the last to die before a vaccine.

DO NOT UNDERESTIMATE REPUBLICAN WOMEN

(Ms. FOXX of North Carolina asked and was given permission to address the House for 1 minute.)

Ms. FOXX of North Carolina. Mr. Speaker, the mainstream media will never acknowledge that 2020 is the year of the Republican women.

They wrote us off on countless occasions, and yet, we proved them wrong time and time again.

Across the country, the American people made their voices heard in voting booths, and they chose numerous Republican women candidates to be their voice in Washington.

To conservative women who aspire for public office, people will work to discredit you, they will claim your priorities are misplaced, and they will do everything they can to undermine your hard work.

But what they won't acknowledge is that you represent the best of the values of the American people. That is what truly matters.

COMMEMORATING THE FALL OF THE BERLIN WALL

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today as co-chair of the bipartisan German-American Caucus to commemorate the fall of the Berlin Wall.

Last week, November 9, marked 31 years since the Iron Curtain fell and the Cold War began to crumble.

For nearly three decades, the Berlin Wall stood as a growing reminder of the evils of communism and the ongoing threat of the Cold War.

In 1987, President Ronald Reagan famously shouted, ''Mr. Gorbachev, tear down this wall.'' Two years later, the wall finally came down. East and West Berliners celebrated together at Brandenburg Gate.

The following year, on October 3, 1990, East and West Germany reunited as one.

This historic moment was the beginning of the end for the Cold War, and today we are still celebrating this iconic moment in world history as an international symbol of freedom.

I join our German friends in celebrating this milestone and would like to remind all of us that freedom is always worth fighting for.

CONGRATULATING RAQUEL SALTER

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to congratulate Raquel Salter for being selected for promotion from lieutenant commander to commander in the U.S. Coast Guard Reserves.

Commander Salter is a 29-year veteran of the U.S. Coast Guard and served about one-third of her time in Georgia's First Congressional District.

Throughout her service, she has always gone above and beyond to selflessly defend our Nation and advocate for the Coast Guard, especially servicewomen.

Over her 29 years of service, Commander Salter has been activated to Key West for the Cuban Raft Crisis, to Savannah to assist with the Olympic sailing security, to Charleston for Operation Iraqi Freedom, and to Savannah again for 9/11 and to help assist with the G8 summit security.

This year, Commander Salter was chosen as part of a select group to help with COVID–19 response in Miami. I can't thank her enough for her steadfast commitment to serving our country and countless Americans, and I wish her the best in her new position.

THE AMERICAN PEOPLE HAVE A RIGHT TO KNOW

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, many in the media or in opposition are calling for President Trump to concede, but just as many are supporting his pursuit of legitimate legal challenges.

A lack of transparency in the monitoring and vote counting process has raised flags for many Americans, and if left unchecked, will undermine the faith in our electoral process, an important integrity to all Americans.

The President's team has hundreds of sworn affidavits from election workers, postal employees, and election observers everywhere about questionable activities in key States.

These workers do not have built-in safety guarantees like members of the Washington swamp. They are regular Americans putting their livelihoods on the line to speak up and protect our elections.

After 4 years of scare tactics, of fake impeachment, fraudulent dossiers, and Russia witch hunts, the American people have a right to know that every legal vote has been counted and all illegal votes removed. Americans must have all questions surrounding the outcome of this election answered before we can move forward so we do have election integrity that we can count on.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KENNEDY) at 4 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

LUMBEE TRIBE OF NORTH CAROLINA RECOGNITION ACT

Mr. HUFFMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1964) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1964

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lumbee Tribe of North Carolina Recognition Act''.

SEC. 2. FEDERAL RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254, chapter 375), is amended—

(1) by striking section 2;

(2) in the first sentence of the first section, by striking ''That the Indians'' and inserting the following:

''SEC. 3. DESIGNATION OF LUMBEE INDIANS.

''The Indians'';

(3) in the preamble—

(A) by inserting before the first undesignated clause the following:

''SECTION 1. FINDINGS.

''Congress finds that—'';

(B) by designating the undesignated clauses as paragraphs (1) through (4), respectively, and indenting appropriately;

(C) by striking ''Whereas'' each place it appears;

(D) by striking ''and'' after the semicolon at the end of each of paragraphs (1) and (2) (as so designated); and

(E) in paragraph (4) (as so designated), by striking '': Now, therefore,'' and inserting a period;

(4) by moving the enacting clause so as to appear before section 1 (as so designated);

(5) by striking the last sentence of section 3 (as designated by paragraph (2));

(6) by inserting before section 3 (as designated by paragraph (2)) the following:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(2) TRIBE.—The term 'Tribe' means the Lumbee Tribe of North Carolina or the Lumbee Indians of North Carolina.''; and

(7) by adding at the end the following:

''SEC. 4. FEDERAL RECOGNITION.

''(a) IN GENERAL.—Federal recognition is extended to the Tribe (as designated as petitioner number 65 by the Office of Federal Acknowledgment).

''(b) APPLICABILITY OF LAWS.—All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Tribe and its members.

''(c) PETITION FOR ACKNOWLEDGMENT.—Notwithstanding section 3, any group of Indians in Robeson and adjoining counties, North Carolina, whose members are not enrolled in the Tribe (as determined under section 5(d)) may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgment of tribal existence.

''SEC. 5. ELIGIBILITY FOR FEDERAL SERVICES.

''(a) IN GENERAL.—The Tribe and its members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes.

''(b) SERVICE AREA.—For the purpose of the delivery of Federal services and benefits described in subsection (a), those members of the Tribe residing in Robeson, Cumberland, Hoke, and Scotland counties in North Carolina shall be deemed to be residing on or near an Indian reservation.

''(c) DETERMINATION OF NEEDS.—On verification by the Secretary of a tribal roll under subsection (d), the Secretary and the Secretary of Health and Human Services shall—

''(1) develop, in consultation with the Tribe, a determination of needs to provide the services for which members of the Tribe are eligible; and

''(2) after the tribal roll is verified, each submit to Congress a written statement of those needs.

''(d) TRIBAL ROLL.—

''(1) IN GENERAL.—For purpose of the delivery of Federal services and benefits described in subsection (a), the tribal roll in effect on the date of enactment of this section shall, subject to verification by the Secretary, define the service population of the Tribe.

''(2) VERIFICATION LIMITATION AND DEADLINE.—The verification by the Secretary under paragraph (1) shall—

''(A) be limited to confirming documentary proof of compliance with the membership criteria set out in the constitution of the Tribe adopted on November 16, 2001; and

''(B) be completed not later than 2 years after the submission of a digitized roll with supporting documentary proof by the Tribe to the Secretary.

''SEC. 6. AUTHORIZATION TO TAKE LAND INTO TRUST.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is hereby authorized to take land into trust for the benefit of the Tribe.

''(b) TREATMENT OF CERTAIN LAND.—An application to take into trust land located within Robeson County, North Carolina, under this section shall be treated by the Secretary as an 'on reservation' trust acquisition under part 151 of title 25, Code of Federal Regulations (or a successor regulation).

"SEC. 7. JURISDICTION OF STATE OF NORTH CAROLINA.

''(a) IN GENERAL.—With respect to land located within the State of North Carolina that is owned by, or held in trust by the United States for the benefit of, the Tribe, or any dependent Indian community of the Tribe, the State of North Carolina shall exercise jurisdiction over—

''(1) all criminal offenses that are committed; and

''(2) all civil actions that arise.

''(b) TRANSFER OF JURISDICTION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may accept on behalf of the United States, after consulting with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in subsection (a) over Indian country occupied by the Tribe pursuant to an agreement between the Tribe and the State of North Carolina.

''(2) RESTRICTION.—A transfer of jurisdiction described in paragraph (1) may not take effect until 2 years after the effective date of the agreement described in that paragraph.

''(c) EFFECT.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

"SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act.

"SEC. 9. SHORT TITLE.

''This Act may be cited as the 'Lumbee Tribe of North Carolina Recognition Act'.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUFFMAN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUFFMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1964, the Lumbee Recognition Act, introduced by our colleague from North Carolina, Mr. BUTTERFIELD, will finally extend recognition to the Lumbee Tribe of North Carolina.

The Lumbee Tribe resides primarily in Robeson, Hoke, Cumberland, and Scotland Counties of that State and has approximately 60,000 members. That means it is the largest Tribe in North Carolina, the largest Tribe east of the Mississippi River, and the ninth largest Tribe in America.

In 1885, this Tribe was recognized by the State of North Carolina. It then sought Federal recognition from the United States in 1889, and they have been seeking that recognition ever since.

Over the past 130 years, numerous bills have been introduced in Congress to federally recognize the Lumbee people, resulting in a record of hearing transcripts and committee reports. In addition, numerous academic studies have been undertaken on Lumbee ancestry, and reports have been requested and filed by the Department of the Interior on the Tribe's validity.

All of these documents consistently conclude one thing: The Lumbee people are indeed a distinct, self-governing Indian community that has been continuously and undeniably present in the Robeson County area.

In 1955, the Lumbee Tribe sought Federal recognition. Unfortunately, this was during the era known as the termination era, when the United States sought to terminate relationships with Tribal governments and force the assimilation of indigenous people into mainstream American society.

To that end, the Department of the Interior recommended that Congress amend the legislation to deny eligibility for the benefits and services available to the Tribe recognized under the bill.

Congress then enacted this amended legislation in 1956, giving it the dubious effect of simultaneously federally recognizing the Lumbee Tribe and then effectively terminating that recognition.

In 1987, the Lumbee Tribe again attempted to restore their Federal recognition, this time through the newly created Federal acknowledgment process at Interior. However, the Department determined that the Tribe was ineligible to participate in that process because Congress, pursuant to that 1956 act, had terminated the relationship with the Tribe and, therefore, only Congress could restore the relationship. That is exactly what enactment of this bill will accomplish.

Federal recognition is the formal establishment of a government-to-government relationship between the United States and a Tribal nation. Its importance to Tribes cannot be overstated.

Federal recognition allows a Tribe to establish a homeland and to put land into trust to protect future generations. This, in turn, allows the Tribe to manage its own resources and gives them control over local jurisdiction and taxation issues.

Recognition also entitles Tribal people to distinctive benefits, including eligibility to participate in many Federal programs, including healthcare and education.

That is why enactment of this bill is so vital to the Lumbee people and why they have been seeking Federal recognition for so very long.

Other Tribes that were terminated by congressional action have come before Congress, and they have had their relationship reestablished through legislation. It is finally time that we act on that prerogative and extend Federal recognition to the Lumbee Tribe.

Mr. Speaker, I thank Representative BUTTERFIELD for being a champion of this bipartisan legislation, and I urge its quick adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. BISHOP), who has the proper last name, if not the correct first name.

Mr. BISHOP of North Carolina. Mr. Speaker, I thank the ranking member for yielding.

Since 1885, the State of North Carolina has recognized the Lumbee Indians of North Carolina, but today marks the first time in U.S. history since the Lumbee first sought Federal recognition in 1885 that legislation for full and bona fide recognition will pass the U.S. House while a companion bill awaits action in the U.S. Senate strongly favored by two North Carolina Senators and with the President of the United States having promised to sign the legislation that will result.

For 64 years, the 66,000-strong Lumbee have existed in a kind of official limbo that reflects the worst of our Federal Government.

In 1956, Congress passed a law simultaneously granting recognition of the Tribe and terminating it, according to the movement of that era. ''Nothing in this Act,'' said the legislation, ''shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.''

One wonders if they had heard about equal protection.

For the opponents of Lumbee recognition, including other Tribes, it has always been about the money. Of course, there have been fellow travelers motivated by racial prejudice or neglect.

It cannot be disputed, though, that the Lumbee have been, for three centuries, a cohesive and distinct community of aboriginal origins and durable institutions, especially schools, living near the Lumber River, which was known until 1809 by the unfortunate but accurate name Drowning Creek.

Although the Lumbee have also been known by other names—the Croatan, the Cheraw of Robeson, the Siouan Indian Community of Lumber River—they are the continuously present and vital people shown on a map drawn in 1725 whose common modern surnames appear on a document written in 1771, such as Locklear, Chavis, Dees, Sweat, and Groom. They are the Lumbee who were living in Long Swamp in the 1730s, the community now known as Prospect, where I visited just weeks ago.

My maternal forebears were Kinlaws in Bladen County, adjacent to Robeson. We also trace a genealogy to the early 1700s, and our family name evolved, like the Lumbee's did. We were once McKinlaws and, before that, McKinlochs, desperately poor but independent Scots-Irish from the borderlands of the English Civil Wars.

I can only imagine what it would mean to me to have been singled out by the United States Government for centuries of official disregard and denial of my very identity. That is the longstanding injustice that we are correcting today, and the happy ending is already being written by the Lumbee themselves.

I know the Lumbee. I know the Warrior's Ball and Lumbee Homecoming, UNC-Pembroke and Old Main, the Lumbee Cultural Center and even the Cozy Corner.

The Lumbee are supremely patriotic Americans, God-fearing and washed in the blood, devoted to the liberating cause of education and to civic involvement, proud of their community, loving and welcoming to strangers.

They are the best of America, and the only honorable course for the United States Congress is to accord them their due recognition at long last.

Mr. Speaker, I give my thanks to Representatives BUTTERFIELD, HUDSON, and GRIJALVA, and to Ranking Member ROB BISHOP, staunch supporters of the Lumbee's pursuit of justice, and also to President Trump. When I had the right moment to bring this to the President's attention, in characteristic practice, he made no promises other than to give it a close look. When he decided to throw his support behind recognition, he did it all the way, including traveling to Lumberton to tell the Lumbee himself.

Today is a gratifying capstone for my first partial term in the U.S. House.

Mr. Speaker, I urge Members to unanimously pass the Lumbee Recognition Act.

Mr. HUFFMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, I thank the gentleman very much for yielding time this afternoon.

I rise, Mr. Speaker, in strong support of H.R. 1964, the Lumbee Recognition Act, and I urge my colleagues to vote for its passage.

Mr. Speaker, let me just take a moment to thank the chairman of the committee—he is not here today—Mr. GRIJALVA. I thank him so very much for his friendship and for his leadership on this issue. I thank Mr. HUFFMAN for managing the floor today and recognizing me for just a few moments. And to the ranking member, Mr. BISHOP from Utah, I thank him so very much. He is the ranking member of the committee, and I thank him for his leadership as well.

Mr. Speaker, I particularly want to thank Mr. HUDSON—I don't see Mr. HUDSON on the floor, but I know he is very close by—and my friend, Mr. BISHOP from North Carolina. I thank both of them for their unwavering support for this legislation.

I might say that Robeson County—someone mentioned ''Robeson County'' a few moments ago; it is actually ''Robeson County''—is a part of Mr. BISHOP's Ninth Congressional District.

This bill, Mr. Speaker, will finally extend full Federal recognition to the Lumbee Tribe of North Carolina, making its members eligible for the same services and benefits provided to members of other federally recognized Tribes. Most importantly, the bill will establish once and for all the Lumbee Tribe as an independent and sovereign entity under Federal law.

North Carolina, as Mr. BISHOP, I believe, or Mr. HUFFMAN mentioned a moment ago, has recognized the Lumbee Tribe since 1885. This body even recognized the Lumbees in the 1950s, but during the dark days of the termination era, they refused to allow the Lumbee Tribe access to federally funded services and benefits.

Almost all the Tribes that were terminated in this troubling era have since been restored to Federal recognition. We are long overdue in delivering the same justice to the Lumbee Tribe.

This legislation, Mr. Speaker, has tremendous bipartisan support, as you can see today, tremendous bipartisan support that has only accelerated over the past few months.

At the end of September, under Chairman GRIJALVA's leadership, the Natural Resources Committee passed this bill by a voice vote. It was noncontroversial. Shortly thereafter, Democratic Leader STENY HOYER announced his support for full Federal recognition for the Lumbee Nation and his intention to bring the bill to the floor.

Mr. HOYER told me, and he told Chairman Godwin in a telephone call a few weeks ago, that he would bring this bill, H.R. 1964, to the floor on November 16. Today is November 16.

□ 1615

During the Presidential campaign, Joe Biden gave his unconditional support to this legislation, and President Trump, as Mr. BISHOP said, did so as well.

Now is the time for the House to get this done. When this legislation passes, it is my fervent hope that our Senate colleagues from both parties will support passage and send it to the President's desk for his immediate signature.

In closing, Mr. Speaker, let me remind the House that this legislation has been before this body many times over the years since I have been in Congress. I recall Democratic Congressman Mike McIntyre repeatedly introducing this legislation. In the 110th and the 111th Congress, the House passed this legislation, but it never ever saw the light in the other body.

It appears that the legislation now has the support of Senators BURR and TILLIS. I am not suggesting that they didn't support it previously. It was another time and another Congress, but it appears that the legislation has the support of Senator BURR and Senator TILLIS and it should be favorably considered in the Senate.

Therefore, I respectfully ask my colleagues to extend a hand of friendship to the 66,000 members of the Lumbee Nation and grant them their long overdue full Federal recognition.

Mr. Speaker, I ask my colleagues to vote ''aye'' on H.R. 1964.

Mr. HUFFMAN. Mr. Speaker, I include in the RECORD an email from the CBO. While we do not have an official CBO score, we do have this email today confirming that the bill will not affect direct spending or revenues.

From: Jon Sperl
Sent: Monday, November 16, 2020 12:06 PM
To: Lim, Sarah
Cc: Urbina, Luis
Subject: RE: HR 1964 (Lumbee Recognition)

MORNING SARAH: My manager has informed me that she won't be able to get to the Lumbee bill today.

For your purposes: HR 1964 would increase discretionary spending. The legislation would not affect direct spending or revenues.

Cheers,

JON.

Mr. HUFFMAN. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this longstanding issue has been one that has been before many Congresses, so I appreciate Mr. BUTTERFIELD for his efforts and Mr. BISHOP—both of them North Carolina Representatives—for bringing their State together and coming up with a cooperative way of doing it.

The issue with the Lumbees goes back to 1956, as has been mentioned, but also had, starting in 1988 and 1989 and finishing in the last administration, conflicting opinions from solicitors of the Interior Department that have caused this problem regarding the Lumbee Tribe on what they may or may not pursue as far as administrative recognition or other issues that are dealt with.

So the proper way when there are conflicting opinions, especially coming from the executive branch, is for Congress to stand up and do its responsibility and its duty, and that is what H.R. 1964—which was a wonderful year for me; I remember it very well—does is allow Congress to do its responsibility by taking these conflicting opinions and stating what is the purpose and intent of Congress. This is the right way of doing things.

Far too often have we tried to use administrative shortcuts when, in essence, we find out that it produces long-term problems for us. So I commend Representative BISHOP from North Carolina, not only for a great name, but also for the fact that he is representing his constituency extremely well, and he is doing it in the proper way in bringing a piece of legislation to us through markup.

I appreciate, also, the letter that was mentioned by Mr. HUFFMAN as well, because it is significant. One of the things the majority party still has to do is make sure there is a CBO score attached to this bill, perhaps, before it

goes all the way through, but we have overlooked those in the past. We don't need to necessarily overlook them in the future going through there.

But I appreciate what the gentlemen are doing with this process. It is a positive thing, and I urge all of the Members who are here or who are not here to pass this one in the affirmative because it is something that needs to be done. I applaud those who have worked so hard to get unity within the delegation from North Carolina and move forward with it.

Mr. Speaker, I yield back the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I request an ''aye'' vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUFFMAN) that the House suspend the rules and pass the bill, H.R. 1964, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROPER AND REIMBURSED CARE FOR NATIVE VETERANS ACT

Mr. HUFFMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6237) to amend the Indian Health Care Improvement Act to clarify the requirement of the Department of Veterans Affairs and the Department of Defense to reimburse the Indian Health Service for certain health care services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6237

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Proper and Reimbursed Care for Native Veterans Act'' or the ''PRC for Native Veterans Act''.

SEC. 2. CLARIFICATION OF REQUIREMENT OF DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE TO REIMBURSE INDIAN HEALTH SERVICE FOR CERTAIN HEALTH CARE SERVICES.

Section 405(c) of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended by inserting before the period at the end the following: '', regardless of whether such services are provided directly by the Service, an Indian tribe, or tribal organization, through purchased/referred care, or through a contract for travel described in section 213(b)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUFFMAN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUFFMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include any extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 6237, is the PRC for Native Veterans Act, introduced by our colleague from Arizona, Representative GALLEGO. This bill will ensure that Native veterans can access high-quality healthcare regardless of the system where they choose to seek it.

Providing for the healthcare of our veterans should be one of our top priorities, including the care of approximately 150,000 Native veterans who have served our country.

By law, a Native veteran is eligible to receive services under both the VA and Indian Health Service. They can choose which one of those to use at any given time.

In instances where a Native veteran is eligible for a particular healthcare service from both the VA and IHS, the VA is considered the primary payer. As such, the VA reimburses IHS and Tribal facilities for any direct care they provide.

Here is the problem that sometimes arises: It is with the Purchased/Referred Care Program, known as PRC. IHS and Tribal facilities are not always able to directly provide all of the necessary health services a Tribal member may need, and in order to bridge that gap, the PRC program was created. It authorizes the purchase of services from a network of private providers when care is not available at IHS or Tribal facilities.

During the permanent reauthorization of the Indian Health Care Improvement Act, Congress amended section 405(c) of that law to require the VA to reimburse IHS and Tribes for health services provided under that PRC program.

But the VA now claims that this language does not statutorily require them to reimburse specialty and referral services through IHS or Tribal facilities. The VA, instead, insists that the referral must come from them.

That creates problems. It means that the Native veterans who arrive at IHS or Tribal facilities needing specialty care are often forced to travel extreme distances to the nearest VA just to get a redundant primary care visit and a referral.

These extra steps cause significant hardship for many Native veterans and can delay critical care. The result is that many IHS and Tribal facilities are referring Native veterans out for specialty care and then just paying for it themselves with their already meager PRC fund so that the patient can be treated in a timely and competent manner.

This bill clarifies that the VA is responsible for reimbursing IHS and Tribes for any specialty care provided through a referral by an IHS or Tribal facility.

I think we can all agree our Native veterans should have timely access to the quality of care they need no matter where they choose to access it.

I want to thank Representative GALLEGO for championing this bipartisan legislation on behalf of all Native veterans, and I urge its quick adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, wish to support H.R. 6237, which is officially the Proper and Reimbursed Care for Native Americans Act. Over the last century, Native Americans have served in the U.S. armed services at a higher per capita rate than any other ethnicity, and with Veterans Day occurring last week at the same time as the opening of the Native American Veterans Memorial, I thank those who have served and continue to serve in this capacity.

Under current law, the Department of Veterans Affairs or the Department of Defense reimburses the Indian Health Services for any health-related services provided to Native Americans.

Unfortunately, not all Indian Health Services or Tribally operated facilities can provide every level of care, and some patients must be referred. For these situations, the VA or the DOD cannot reimburse the Indian Health Service or Tribal facility for certain services.

H.R. 6237 would amend the Indian Health Care Improvement Act to fix this problem and ensure that the Veterans Administration or the Department of Defense has authority to pay for the care Native veterans receive regardless of where those services are provided.

So I have to thank subcommittee Chairman GALLEGO, who is, himself, a marine veteran, for his service and ensuring that Native Americans receive proper care.

I urge adoption of this measure, and I yield back the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I request an ''aye'' vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUFFMAN) that the House suspend the rules and pass the bill, H.R. 6237, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WOUNDED VETERANS RECREATION ACT

Mr. HUFFMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 327) to amend the Federal Lands

Recreation Enhancement Act to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 327

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wounded Veterans Recreation Act''.

SEC. 2. NATIONAL RECREATIONAL PASSES FOR DISABLED VETERANS.

Section 805(b) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(b)) is amended by striking paragraph (2) and inserting the following:

''(2) DISABILITY DISCOUNT.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge and for the lifetime of the passholder, to the following:

''(A) Any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled, within the meaning of the term 'disability' under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), if the citizen or person provides adequate proof of the disability and such citizenship or residency.

''(B) Any veteran who has been found to have a service-connected disability under title 38, United States Code.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUFFMAN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUFFMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include any extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to support this bill to provide wounded veterans with free access to our national parks and our public lands. This clearly is a bipartisan priority, and thanks to the leadership and hard work of my colleague, Senator SHAHEEN from New Hampshire, it cleared the Senate with unanimous support.

I also know that my good friend, RAUL RUIZ from California, the House sponsor of the bill, worked very hard and cares very deeply about the impact this bill will have on the veteran community.

The Department of the Interior and the Forest Service currently waive fees for all disabled Americans, and this bill will make this a permanent and standard feature for all veterans with a service-related disability, ensuring that there are no barriers to access to the lands and waters these brave Americans have sacrificed so much to protect.

Sending this bill to the White House for the President's signature less than a week after Veterans Day is also fitting. It is a meaningful action that will impact the lives of wounded veterans and recognize their important contribution and sacrifice. In the Natural Resources Committee, we have heard numerous stories about the healing and restorative powers of our public lands for countless veterans.

Again, I want to thank the sponsors of this legislation for their attention to this issue. I strongly urge a ''yes'' vote, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, S. 327, requires the Department of the Interior and the Department of Agriculture to make available, free of charge, a lifetime national parks and Federal recreation land pass to any veteran who has been found to have service-connected disabilities.

This builds upon the Secretary of the Interior's, Mr. Bernhardt's, recent Secretarial order which provided free park and public land passes to all U.S. veterans and Gold Star families. Providing free access to our Nation's veterans connects them to the treasured lands that they fought to protect.

Each year thousands of veterans will benefit by recreating on these public lands, and providing a park pass is a small token of gratitude to our Nation's cherished servicemen and -women. So I urge adoption of this measure, and I yield back the balance of my time.

□ 1630

Mr. HUFFMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUFFMAN) that the House suspend the rules and pass the bill, S. 327.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HUFFMAN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

DIGITAL COAST ACT

Mr. HUFFMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1069) to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1069

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Digital Coast Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Digital Coast is a model approach for effective Federal partnerships with State and local government, nongovernmental organizations, and the private sector.

(2) Access to current, accurate, uniform, and standards-based geospatial information, tools, and training to characterize the United States coastal region is critical for public safety and for the environment, infrastructure, and economy of the United States.

(3) More than half of all people of the United States (153,000,000) currently live on or near a coast and an additional 12,000,000 are expected in the next decade.

(4) Coastal counties in the United States average 300 persons per square mile, compared with the national average of 98.

(5) On a typical day, more than 1,540 permits for construction of single-family homes are issued in coastal counties, combined with other commercial, retail, and institutional construction to support this population.

(6) Over half of the economic productivity of the United States is located within coastal regions.

(7) Highly accurate, high-resolution remote sensing and other geospatial data play an increasingly important role in decision making and management of the coastal zone and economy, including for—

(A) flood and coastal storm surge prediction;

(B) hazard risk and vulnerability assessment;

(C) emergency response and recovery planning;

(D) community resilience to longer range coastal change;

(E) local planning and permitting;

(F) habitat and ecosystem health assessments; and

(G) landscape change detection.

SEC. 3. DEFINITIONS.

In this Act:

(1) COASTAL REGION.—The term ''coastal region'' means the area of United States waters extending inland from the shoreline to include coastal watersheds and seaward to the territorial sea.

(2) COASTAL STATE.—The term ''coastal State'' has the meaning given the term ''coastal state'' in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) FEDERAL GEOGRAPHIC DATA COMMITTEE.—The term ''Federal Geographic Data Committee'' means the interagency committee that promotes the coordinated development, use, sharing, and dissemination of geospatial data on a national basis.

(4) REMOTE SENSING AND OTHER GEOSPATIAL.—The term ''remote sensing and other geospatial'' means collecting, storing, retrieving, or disseminating graphical or digital data depicting natural or manmade physical features, phenomena, or boundaries of the Earth and any information related thereto, including surveys, maps, charts, satellite and airborne remote sensing data, images, LiDAR, and services performed by professionals such as surveyors,

photogrammetrists, hydrographers, geodesists, cartographers, and other such services.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 4. ESTABLISHMENT OF THE DIGITAL COAST.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program for the provision of an enabling platform that integrates geospatial data, decision-support tools, training, and best practices to address coastal management issues and needs. Under the program, the Secretary shall strive to enhance resilient communities, ecosystem values, and coastal economic growth and development by helping communities address their issues, needs, and challenges through cost-effective and participatory solutions.

(2) DESIGNATION.—The program established under paragraph (1) shall be known as the ''Digital Coast'' (in this section referred to as the ''program'').

(b) PROGRAM REQUIREMENTS.—In carrying out the program, the Secretary shall ensure that the program provides data integration, tool development, training, documentation, dissemination, and archive by—

(1) making data and resulting integrated products developed under this section readily accessible via the Digital Coast internet website of the National Oceanic and Atmospheric Administration, the GeoPlatform.gov and data.gov internet websites, and such other information distribution technologies as the Secretary considers appropriate;

(2) developing decision-support tools that use and display resulting integrated data and provide training on use of such tools;

(3) documenting such data to Federal Geographic Data Committee standards; and

(4) archiving all raw data acquired under this Act at the appropriate National Oceanic and Atmospheric Administration data center or such other Federal data center as the Secretary considers appropriate.

(c) COORDINATION.—The Secretary shall coordinate the activities carried out under the program to optimize data collection, sharing, and integration, and to minimize duplication by—

(1) consulting with coastal managers and decision makers concerning coastal issues, and sharing information and best practices, as the Secretary considers appropriate, with—

(A) coastal States;

(B) local governments; and

(C) representatives of academia, the private sector, and nongovernmental organizations;

(2) consulting with other Federal agencies, including interagency committees, on relevant Federal activities, including activities carried out under the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.), and the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 et seq.);

(3) participating, pursuant to section 216 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note), in the establishment of such standards and common protocols as the Secretary considers necessary to assure the interoperability of remote sensing and other geospatial data with all users of such information within—

(A) the National Oceanic and Atmospheric Administration;

(B) other Federal agencies;

(C) State and local government; and

(D) the private sector;

(4) coordinating with, seeking assistance and cooperation of, and providing liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A–16 and Executive Order 12906 of April 11, 1994 (59 Fed. Reg. 17671), as amended by Executive Order 13286 of February 28, 2003 (68 Fed. Reg. 10619); and

(5) developing and maintaining a best practices document that sets out the best practices used by the Secretary in carrying out the program and providing such document to the United States Geological Survey, the Corps of Engineers, and other relevant Federal agencies.

(d) FILLING NEEDS AND GAPS.—In carrying out the program, the Secretary shall—

(1) maximize the use of remote sensing and other geospatial data collection activities conducted for other purposes and under other authorities;

(2) focus on filling data needs and gaps for coastal management issues, including with respect to areas that, as of the date of the enactment of this Act, were underserved by coastal data and the areas of the Arctic that are under the jurisdiction of the United States;

(3) pursuant to the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.), support continue improvement in existing efforts to coordinate the acquisition and integration of key data sets needed for coastal management and other purposes, including—

(A) coastal elevation data;

(B) land use and land cover data;

(C) socioeconomic and human use data;

(D) critical infrastructure data;

(E) structures data;

(F) living resources and habitat data;

(G) cadastral data; and

(H) aerial imagery; and

(4) integrate the priority supporting data set forth under paragraph (3) with other available data for the benefit of the broadest measure of coastal resource management constituents and applications.

(e) FINANCIAL AGREEMENTS AND CONTRACTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary—

(A) may enter into financial agreements to carry out the program, including—

(i) support to non-Federal entities that participate in implementing the program; and

(ii) grants, cooperative agreements, interagency agreements, contracts, or any other agreement on a reimbursable or non-reimbursable basis, with other Federal, tribal, State, and local governmental and nongovernmental entities; and

(B) may, to the maximum extent practicable, enter into such contracts with private sector entities for such products and services as the Secretary determines may be necessary to collect, process, and provide remote sensing and other geospatial data and products for purposes of the program.

(2) FEES.—

(A) ASSESSMENT AND COLLECTION.—The Secretary may, to the extent provided in advance in appropriations Acts, assess and collect fees for the conduct of any training, workshop, or conference that advances the purposes of the program.

(B) AMOUNTS.—The amount of a fee under this paragraph may not exceed the sum of costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the training, workshop, or conference, including for subsistence expenses incidental to the training, workshop, or conference, as applicable.

(C) USE OF FEES.—Amounts collected by the Secretary in the form of fees under this paragraph shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for—

(i) the costs incurred for conducting an activity described in subparagraph (A); or

(ii) the expenses described in subparagraph (B).

(3) SURVEY AND MAPPING.—Contracts entered into under paragraph (1)(B) shall be considered ''surveying and mapping'' services as such term is used in and as such contracts are awarded by the Secretary in accordance with the selection procedures in chapter 11 of title 40, United States Code.

(f) OCEAN ECONOMY.—The Secretary may establish publically available tools that track ocean and Great Lakes economy data for each coastal State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $4,000,000 for each fiscal year 2021 through 2025 to carry out the program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUFFMAN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUFFMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Digital Coast Act, which passed the Senate by unanimous consent, is an important piece of legislation, one which we passed here in the House as part of the Coastal and Great Lakes Communities Enhancement Act back in December of 2019.

The importance of data in today's world can't be overstated, nor can the role of the climate crisis. NOAA's Digital Coast Partnership supports coastal managers with the data they need to confront today's challenges with intensifying storms, coastal flooding, sea level rise, and coastal economic development.

Digital Coast is a web-based platform containing data, tools, and training resources to support our coastal managers. This includes economic data, satellite imagery, visualization tools, and predictive tools gathered from hundreds of sources across academia, non-governmental, Federal, State, Tribal, and county partners. The Digital Coast Partnership also provides coastal managers with collaborative events like conferences, workshops, and meetings where these managers can focus on important issues like coastal resilience, ocean planning, and habitat protection.

This commonsense, good governance legislation would formally authorize a program that has been proven to work. The National Oceanic and Atmospheric Administration estimates that the Digital Coast Partnership currently produces a 3:1 benefit-to-cost ratio, and they predict that this ratio will increase to over 5:1 by fiscal year 2028.

Let's continue to support this amazing program and make the Digital Coast Act into public law.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN), who will explain and introduce this particular bill. The gentlewoman is someone on our committee who clearly understands the significance of mapping, especially for storm preparations and flood management and everything else.

I wish to congratulate Miss GONZÁLEZ-COLÓN because she is the only one of us on the floor who just recently was returned here for a 4-year term.

Miss GONZÁLEZ-COLÓN of Puerto Rico. Mr. Speaker, I thank Ranking Member BISHOP for yielding.

Mr. Speaker, I rise today in strong support of S. 1069. This legislation authorizes NOAA's Digital Coast Program and ensures coastal communities have up-to-date data and tools to prepare for storms, manage floods, restore shorelines, and plan for long-term coastal resilience.

NOAA's Digital Coast Program has been extremely valuable for jurisdictions like Puerto Rico, where we have 799 miles of coastline and 62 percent of our population lives in coastal municipalities. For instance, after Hurricane Maria devastated the island with powerful storm surge and flash floods, Digital Coast staffers updated their Coastal Flood Exposure Mapper to incorporate high-resolution flood maps for the territory. They also held training sessions on flood mapping and resilient infrastructure, allowing officials to visualize storm surge, high tide flooding, sea level rise, and tsunami scenarios in order to increase our preparedness for such events.

This bill would build upon this work, authorizing NOAA to continue providing comprehensive mapping information that allows planners and coastal managers across the Nation to make accurate decisions and smart investments. This bill will also require NOAA to focus additional data collection efforts on underserved coastal areas.

As Puerto Rico's sole representative in Congress, I know firsthand the importance of having reliable coastal data to help respond to emergencies, to build resilience, and manage water resources. Therefore, I strongly urge my colleagues to support S. 1069.

Mr. HUFFMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER) to speak on this bill.

(Mr. RUPPERSBERGER asked and was given permission to revise and extend his remarks.)

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of the Digital Coast Act, a bipartisan and bicameral bill that I have put forth for consideration by this Chamber the last 10 years. I have spent a decade pushing this legislation because, while it is critical to coastal communities like mine in the Chesapeake Bay watershed, we all have a stake in protecting America's shorelines. But it is not just about protecting our environment, it is about protecting our economy. Our country's 95,000 miles of shoreline are home to more than 42 percent of our country's population and millions of businesses that supply most of our gross domestic product.

This bill's Republican House cosponsor, Mr. DON YOUNG, represents Alaska, a State with 44,000 miles of coastline. The fishing industry is their largest private-sector employer.

Every day, planners in our hometowns are asking questions such as: What is the storm surge in this community?

Or: How much is this bluff going to erode?

Or: What are the water level trends at the marina where we want to build a new dock?

Unfortunately, the current coastal maps and geospatial data they are relying on for answers are woefully inaccurate, outdated, and nonexistent. The Digital Coast Act will allow professionals at the National Oceanic and Atmospheric Administration to begin a comprehensive mapping process of our Nation's fragile shorelines.

Coastal communities will be able to use the data to better prepare for storms, manage floods, restore ecosystems, and plan smarter developments near America's coasts, harbors, ports, and shorelines. In Alaska, better mapping will improve search and rescue operations.

Also, NOAA will train decision makers at the local and State level on how to use the data sets to answer questions about storm surge, erosion, and water level trends. The data will also be available on NOAA's website for free and easy public access so that every citizen can leverage the expertise of the Federal Government.

This bill is more important now than it was a decade ago when I first introduced it. We are seeing more storms that are stronger, and sea level rise is accelerating. We can't wait any longer.

In addition to Congressman DON YOUNG, I thank Chairman GRIJALVA and Ranking Member BISHOP for their work in bringing this bill to the floor. Finally, I thank Senators TAMMY BALDWIN and LISA MURKOWSKI for championing this bill in the Senate.

Mr. Speaker, I urge all my colleagues to support this bipartisan, commonsense investment in our Nation's coastal communities.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the balance of my time.

The Digital Coast Act will enhance Federal, State, Tribal, and local authorities' decisionmaking regarding coastal resiliency, mapping, and infrastructure planning. It is one of these good measures that we need to support. I truly support it. It deals with the entire coast of the Nation. It deals with the coasts in other areas that are not yet part of the 50 States—yet—and it deals with the Great Salt Lake. I am sorry, it deals with the Great Lakes.

What I am saying is the only way you could improve this stupid thing is if you added the Great Salt Lake into it as well. But as part of the Intermountain West, I'm used to being ignored by the rest of Congress as they go merrily on their way, not realizing the kind of value that we have in the Intermountain West.

So despite that flaw in this particular piece of legislation, I support it wholeheartedly and I urge my colleagues to vote ''yes'' on this particular piece.

Mr. Speaker, I inquire of the gentleman from California if he has any further speakers.

Mr. HUFFMAN. Mr. Speaker, I have no further speakers.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I request an ''aye'' vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUFFMAN) that the House suspend the rules and pass the bill, S. 1069, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2020

Mr. HUFFMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 910) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 910

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Sea Grant College Program Amendments Act of 2020''.

SEC. 2. REFERENCES TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. MODIFICATION OF DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.

(a) IN GENERAL.—Section 208(b) (33 U.S.C. 1127(b)) is amended by striking ''may'' and inserting ''shall''.

(b) PLACEMENTS IN CONGRESS.—Such section is further amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) in paragraph (1), as designated by paragraph (1), in the second sentence, by striking ''A fellowship'' and inserting the following:

''(2) PLACEMENT PRIORITIES.—

''(A) IN GENERAL.—In each year in which the Secretary awards a legislative fellowship under this subsection, when considering the placement of fellows, the Secretary shall prioritize placement of fellows in the following:

''(i) Positions in offices of, or with Members on, committees of Congress that have jurisdiction over the National Oceanic and Atmospheric Administration.

''(ii) Positions in offices of Members of Congress that have a demonstrated interest in ocean, coastal, or Great Lakes resources.

''(B) EQUITABLE DISTRIBUTION.—In placing fellows in offices described in subparagraph (A), the Secretary shall ensure that placements are equitably distributed among the political parties.

''(3) DURATION.—A fellowship''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the first calendar year beginning after the date of the enactment of this Act.

(d) SENSE OF CONGRESS CONCERNING FEDERAL HIRING OF FORMER FELLOWS.—It is the sense of Congress that in recognition of the competitive nature of the fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), and of the exceptional qualifications of fellowship awardees, the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, should encourage participating Federal agencies to consider opportunities for fellowship awardees at the conclusion of their fellowships for workforce positions appropriate for their education and experience.

SEC. 4. MODIFICATION OF AUTHORITY OF SECRETARY OF COMMERCE TO ACCEPT DONATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) IN GENERAL.—Section 204(c)(4)(E) (33 U.S.C. 1123(c)(4)(E)) is amended to read as follows:

''(E) accept donations of money and, notwithstanding section 1342 of title 31, United States Code, of voluntary and uncompensated services;''.

(b) PRIORITIES.—The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish priorities for the use of donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)), and shall consider among those priorities the possibility of expanding the Dean John A. Knauss Marine Policy Fellowship's placement of additional fellows in relevant legislative offices under section 208(b) of that Act (33 U.S.C. 1127(b)), in accordance with the recommendations under subsection (c) of this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Sea Grant College Program, in consultation with the National Sea Grant Advisory Board and the Sea Grant Association, shall—

(1) develop recommendations for the optimal use of any donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)); and

(2) submit to Congress a report on the recommendations developed under paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to limit or otherwise affect any other amounts available for marine policy fellowships under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), including amounts—

(1) accepted under section 204(c)(4)(F) of that Act (33 U.S.C. 1123(c)(4)(F)); or

(2) appropriated pursuant to the authorization of appropriations under section 212 of that Act (33 U.S.C. 1131).

SEC. 5. REDUCTION IN FREQUENCY REQUIRED FOR NATIONAL SEA GRANT ADVISORY BOARD REPORT.

Section 209(b)(2) (33 U.S.C. 1128(b)(2)) is amended—

(1) in the paragraph heading, by striking ''BIENNIAL'' and inserting ''PERIODIC'';

(2) by striking the first sentence and inserting the following: ''The Board shall report to Congress at least once every four years on the state of the national sea grant college program and shall notify Congress of any significant changes to the state of the program not later than two years after the submission of such a report.''; and

(3) in the second sentence, by adding before the end period the following: ''and provide a summary of research conducted under the program''.

SEC. 6. MODIFICATION OF ELEMENTS OF NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204(b) (33 U.S.C. 1123(b)) is amended, in the matter preceding paragraph (1), by inserting ''for research, education, extension, training, technology transfer, and public service'' after ''financial assistance''.

SEC. 7. DESIGNATION OF NEW NATIONAL SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207(b) (33 U.S.C. 1126(b)) is amended—

(1) in the subsection heading, by striking ''EXISTING DESIGNEES'' and inserting ''ADDITIONAL DESIGNATIONS''; and

(2) by striking ''Any institution'' and inserting the following:

''(1) NOTIFICATION TO CONGRESS OF DESIGNATIONS.—

''(A) IN GENERAL.—Not less than 30 days before designating an institution, or an association or alliance of two or more such institutions, as a sea grant college or sea grant institute under subsection (a), the Secretary shall notify Congress in writing of the proposed designation. The notification shall include an evaluation and justification for the designation.

''(B) EFFECT OF JOINT RESOLUTION OF DISAPPROVAL.—The Secretary may not designate an institution, or an association or alliance of two or more such institutions, as a sea grant college or sea grant institute under subsection (a) if, before the end of the 30-day period described in subparagraph (A), a joint resolution disapproving the designation is enacted.

''(2) EXISTING DESIGNEES.—Any institution''.

SEC. 8. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.

(a) IN GENERAL.—During fiscal year 2021 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title, a qualified candidate described in subsection (b) directly to a position with the Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(b) DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.—Subsection (a) applies with respect to a former recipient of a Dean John A. Knauss Marine Policy Fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) who—

(1) earned a graduate or post-graduate degree in a field related to ocean, coastal, and Great Lakes resources or policy from an accredited institution of higher education; and

(2) successfully fulfilled the requirements of the fellowship within the executive or legislative branch of the United States Government.

(c) LIMITATION.—The direct hire authority under this section shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the fellowship described in subsection (b).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) IN GENERAL.—Section 212(a) (33 U.S.C. 1131(a)) is amended—

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

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

''(A) $87,520,000 for fiscal year 2021;

''(B) $91,900,000 for fiscal year 2022;

''(C) $96,500,000 for fiscal year 2023;

''(D) $101,325,000 for fiscal year 2024; and

''(E) $105,700,000 for fiscal year 2025.''; and

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

''(2) PRIORITY ACTIVITIES FOR FISCAL YEARS 2021 THROUGH 2025.—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated $6,000,000 for each of fiscal years 2021 through 2025 for competitive grants for the following:

''(A) University research on the biology, prevention, and control of aquatic nonnative species.

''(B) University research on oyster diseases, oyster restoration, and oyster-related human health risks.

''(C) University research on the biology, prevention, and forecasting of harmful algal blooms.

''(D) University research, education, training, and extension services and activities focused on coastal resilience and United States working waterfronts and other regional or national priority issues identified in the strategic plan under section 204(c)(1).

''(E) University research and extension on sustainable aquaculture techniques and technologies.

''(F) Fishery research and extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.''.

(b) MODIFICATION OF LIMITATIONS ON AMOUNTS FOR ADMINISTRATION.—Paragraph (1) of section 212(b) (33 U.S.C. 1131(b)) is amended to read as follows:

''(1) ADMINISTRATION.—

''(A) IN GENERAL.—There may not be used for administration of programs under this title in a fiscal year more than 5.5 percent of the lesser of—

''(i) the amount authorized to be appropriated under this title for the fiscal year; or

''(ii) the amount appropriated under this title for the fiscal year.

''(B) CRITICAL STAFFING REQUIREMENTS.—

''(i) IN GENERAL.—The Director shall use the authority under subchapter VI of chapter 33 of title 5, United States Code, and under section 210 of this title, to meet any critical staffing requirement while carrying out the activities authorized under this title.

''(ii) EXCEPTION FROM CAP.—For purposes of subparagraph (A), any costs incurred as a result of an exercise of authority as described in clause (i) shall not be considered an amount used for administration of programs under this title in a fiscal year.''.

(c) ALLOCATION OF FUNDING.—

(1) IN GENERAL.—Section 204(d)(3) (33 U.S.C. 1123(d)(3)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''With respect to sea grant

colleges and sea grant institutes'' and inserting ''With respect to sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects''; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking ''funding among sea grant colleges and sea grant institutes'' and inserting ''funding among sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects''.

(2) REPEAL OF REQUIREMENTS CONCERNING DISTRIBUTION OF EXCESS AMOUNTS.—Section 212 (33 U.S.C. 1131) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 10. REPEAL OF REQUIREMENT FOR REPORT ON COORDINATION OF OCEANS AND COASTAL RESEARCH ACTIVITIES.

Section 9 of the National Sea Grant College Program Act Amendments of 2002 (33 U.S.C. 857–20) is repealed.

SEC. 11. TECHNICAL CORRECTIONS.

The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

(1) in section 204(d)(3)(B) (33 U.S.C. 1123(d)(3)(B)), by moving clause (vi) 2 ems to the right; and

(2) in section 209(b)(2) (33 U.S.C. 1128(b)(2)), as amended by section 5, in the third sentence, by striking ''The Secretary shall'' and inserting the following:

''(3) AVAILABILITY OF RESOURCES OF DEPARTMENT OF COMMERCE.—The Secretary shall''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUFFMAN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUFFMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a proud supporter of the Sea Grant College Program. In fact, I am the lead author of H.R. 2405 to reauthorize Sea Grant in the House. Today, I am proud of the bipartisanship this bill has garnered, and I am happy to stand in support of S. 910, the National Sea Grant College Program Amendments Act championed by the chair of the Senate Commerce Committee, Senator WICKER. The Senate passed this bill by unanimous consent in September. The Senate overwhelmingly supports this bill on both sides of the aisle.

The House passed my legislation as part of the Coastal and Great Lakes Communities Enhancement Act back in December 2019, again, a great piece of legislation that for some reason didn't include the Great Salt Lake, but we can keep working on that. My hope is that we, once again, vote in support of this legislation today. This is an exciting day, as we have never been this close to getting the Sea Grant College Program reauthorized.

The Sea Grant College Program supports our oceans, coasts, and Great Lakes through grants and contracts with 33 State-level programs. These programs support research, education, and advisory services that are crucial for our coastal communities. Sea Grant is incredibly efficient, too. For every Federal dollar appropriated, Sea Grant leverages nearly $3 from partnerships among State universities, State and local governments, and coastal communities and businesses.

In 2017 alone, after being appropriated $63 million, it is estimated that Sea Grant Programs helped regenerate $579 million in economic impacts, created or supported 12,500 jobs, assisted 462 communities to improve their resilience, restored or protected over 700,000 acres of coastal ecosystems, worked with 1,300 industry and private sector, local, State, and regional partners and supported the education and training of over 1,800 undergraduate and graduate students.

In addition to reauthorizing and updating the Sea Grant College Program, this bill also makes important updates to the program's Knauss Marine Policy Fellowship, which fosters our next generation of ocean and coastal policy managers.

The legislation also identifies Sea Grant spending priorities for the next 5 years, which include aquatic invasive species, oyster disease and restoration, harmful algal blooms, coastal resilience, sustainable aquaculture, and fishery research and extension.

My colleague on the other side of the aisle will likely have one main complaint about Sea Grant, and that is the decades-old fellowship program. Somehow I think my colleague across the aisle may believe the fellowship is a handout to Democratic offices. The truth is that Sea Grant, which has been around since 1979, focuses on training the next generation of ocean scientists and policy makers, and fellows end up in the offices where they can best prepare for future careers in marine science and policy. Sea Grant fellows have gone on to prominent positions in both Democratic and Republican administrations. In fact, the Trump administration's former Chief of Staff at NOAA is a fellowship alumni.

Further, this legislation will actually help level the playing field for Republican and Democratic offices vying for fellows by directing that NOAA ensure equitable distribution among political parties.

□ 1645

I would hope that my colleagues on the Committee on Natural Resources would take a step back and listen to the many Republicans representing coastal areas who strongly support this legislation. I thank Senator WICKER and all the cosponsors of my bill in the House for their support and their work on this important legislation.

Mr. Speaker, I urge my colleagues to support this program and vote in favor of the bill, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN) on this particular bill.

Miss GONZÁLEZ-COLÓN of Puerto Rico. Mr. Speaker, I thank Ranking Member BISHOP.

Mr. Speaker, I express my support for S. 910 to reauthorize the National Sea Grant College Program, which is a network of 34 university-based programs that support coastal States and territories, as well.

In 2019, the Sea Grant program generated over $400 million in economic benefits and supported more than 10,000 jobs. In my district, the program, based at the University of Puerto Rico, has produced vital research to address erosion, has developed strategies for the sustainable use of fisheries, and has contributed to the island's tourism-based economy through its coral reef restoration efforts.

Puerto Rico's Sea Grant is also a critical source of funding for research projects that provide data for the development of sound management plans for our marine resources.

Mr. Speaker, I believe it is crucial that we reauthorize and support the Sea Grant program, and I urge my colleagues to vote in favor of it.

Mr. HUFFMAN. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ZELDIN).

Mr. ZELDIN. Mr. Speaker, I rise today in support of S. 910, the National Sea Grant College Program Amendments Act of 2020, which would authorize roughly $513 million over 5 years for NOAA's National Sea Grant College Program.

Mr. Speaker, representing a district almost completely surrounded by water in New York's First Congressional District, Sea Grant has worked to support our local fishermen and oyster growers, protect our beaches, and support marine science research that is essential for our local economy and environment.

Leading some of the largest bipartisan coalitions of lawmakers to ever support Sea Grant, with my Democratic colleague, Congressman JOE COURTNEY from Connecticut, we have helped secure critical funding over the years for Sea Grant through the appropriations process.

With imported seafood making up the vast majority of American's seafood consumption, this critical program will help strengthen local seafood businesses on Long Island and across the country.

Mr. Speaker, I urge my colleagues to support this important bipartisan legislation.

Mr. HUFFMAN. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume, as now we come to some of the

realities of this particular bill and the procedures.

Mr. Speaker, it would be nice if we actually dealt with the good of the body and recognize that reauthorizations are important so that we can reevaluate what kinds of programs actually exist and if they are still necessary. We don't do a very good job in Congress of doing that. We allow reauthorizations to lapse, and then we simply go on automatic pilot, unfortunately.

This is the situation with this particular program because the Sea Grant College Program expired in 2014 and has never been reauthorized by Congress since that time. The appropriators still put money into it, even though they are not supposed to do it. But once again, when we, as a Congress, fail to do the reauthorization investigation and hearings and prioritize, then we make major mistakes in what we are attempting to do. We certainly don't have the priorities that we should when these programs were originally started to make sure that they are doing what we originally intended them to do, or if, indeed, there needs to be a change, like including the Great Salt Lake in many of its provisions so that you actually do something positive for the rest of the world.

Mr. Speaker, Congress in the last year, fiscal year 2019, even though this was not an authorized program, still spent $72 million to do that, even though it was eliminated from the administration's budget. The House in this fiscal year appropriated in the 2020 bill only $71 million for this program.

There is, of course, a glitch in that appropriation, which simply means that unlike other Senate bills that are coming here to the floor, this one will not go directly to the President's desk. It has to go back to the Senate for some kind of a revote and reanalysis with it. But this is not simply a reauthorization of a program. This is a reauthorization that changes things, including of which is a much higher amount with that program.

So, beginning with this bill, this would change it not only from $70 million; it would take it to the $87.5 million for fiscal year 2020 and add a generous 5 percent increase to each year through 2024. In addition, it funds an additional $30 million for six specific research and extension activities.

Now, once again, whether those are justifiable or not—it would be nice—that should be part of the discussion in a reauthorization program before you actually come up with these kinds of numbers that go into that. The increases won't necessarily result in more Sea Grant marine research or outreach because it also increases the percentage of funds that can be used by program administration.

Now, the CBO score of this bill is at $513 million. A half-billion dollars for any program is simply a big deal if it is not considered in the context of the other priorities that this government should have, and that is one of the programs and processes that should be done.

So, this bill, like its House companion bill, goes beyond simple reauthorization. It adds new priorities. It adds new programs that benefit certain offices more than others. I am not just going to contend that this has a disproportionate influence on certain bodies, but let's just say this provides for free office work, fellows that are placed in offices year after year.

In the latest list of congressional placements and their opportunities, out of 29 total spots in both the House and the Senate, only five were put in Republican offices. Maybe there is a reason for that. Maybe there is simply a process that we are not looking at in the reauthorization and the way this program is managed, which, once again, should be considered before you go through the reauthorization approach to it.

The problem is that some of these positions now go in there, and it should not be that Congress provides itself its own free staff, but that is exactly what this is attempting to do. Those free staffs are involved in drafting legislation that benefits the Sea Grant program, which is, of course, a built-in conflict of interest.

With those other conflicts of interests, there is another advantage that has now been built-in for these fellows that I don't think is appropriate and something we should actually think about properly before we even go forward with that and decide if these kinds of programs need to be done at taxpayer expense. The Sea Grant bill also gives preferential access to Federal jobs. This bill allows the direct hire of fellows by any Federal agency, regardless of if there are better qualified candidates.

So, fellows already receive a unique educational professional experience that provides advancement in opportunities that others in the same field may not have. Yet, they are now being asked to reduce the competition to get a job in the Federal workforce to help a select few in this program.

I am sorry, that is a process that is simply not in the best interest of good government. It is that process that needs to be revisited, that should be revisited.

Actually, this also eliminates some of the transparency. Right now, this program needs to report to Congress on a yearly basis. By this bill, the advisory board will have to report every other year to Congress.

I understand that the Sea Grant program is popular among some States, especially coastal States. Even as a representative from an inland State, I have to applaud the efforts for research and outreach that are conducted by Sea Grant universities and institutions, and I also don't object to fellows at all who are placed in the executive branch. But I have grave concerns regarding the politicized nature of this program, the fellowship program. I have problems with the direct-hire incentives and authorities that are given in this particular program, also, without actually having some rationale for it, just the mandatory increase in spending that goes along with this type of program.

Therefore, I cannot vote for this particular piece of legislation. Obviously, for me, I will vote ''no'' and urge the rejection of this.

Mr. Speaker, I reserve the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, if the gentleman has no other speakers, I yield back the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am grateful for the broad bipartisan support for this bill and its House companion bill, and I urge an ''aye'' vote.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUFFMAN) that the House suspend the rules and pass the bill, S. 910, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF VETERANS AFFAIRS WEBSITE ACCESSIBILITY ACT OF 2019

Mrs. LURIA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3587) to require the Secretary of Veterans Affairs to conduct a study on the accessibility of websites of the Department of Veterans Affairs to individuals with disabilities, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3587

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Veterans Affairs Website Accessibility Act of 2019''.

SEC. 2. STUDY ON THE ACCESSIBILITY OF WEBSITES OF THE DEPARTMENT OF VETERANS AFFAIRS TO INDIVIDUALS WITH DISABILITIES.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a study of all websites of the Department of Veterans Affairs to determine whether such websites are accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(b) REPORT.—Not later than 90 days after completing the study under subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such study.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A list of each website described in subsection (a) that is not accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(2) For each website identified in the list under paragraph (1)—

(A) the plan of the Secretary to bring the website into compliance with the requirements of section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

(B) a description of the barriers to bringing the website into compliance with the requirements of such section, including any barriers relating to vacant positions at the Department of Veterans Affairs.

(d) WEBSITE DEFINED.—In this section, the term ''website'' includes the following:

(1) A file attached to a website.

(2) A web-based application.

(3) A kiosk at a medical facility of the Department of Veterans Affairs, the use of which is required to check in for scheduled appointments.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. LURIA) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. LURIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials to S. 3587.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. LURIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3587 will require the Secretary of Veterans Affairs to conduct a study on the accessibility of VA websites to our veterans and VA employees with disabilities and to ensure that these websites comply with the accessibility standards established by section 508 of the Rehabilitation Act of 1973.

Section 508 ensures that disabled Americans have equal access to electronic and information technology. As it stands today, the VA has not brought all of its online services into compliance with this existing law. This bill forces the VA to take a closer look at all of its websites and electronic services, identify the ones that are not legally compliant, and develop a correctional plan to make those services functional for the disabled. This will be particularly helpful to our blind veterans.

According to a 2018 study conducted by the Veterans Health Administration, our country has an estimated 131,500 legally blind veterans, though that number is projected to grow in the coming decades. Because these individuals depend on screen readers and magnification software when using websites, apps, kiosks, and telehealth tools, it is imperative that all VA programs be compatible with accessible communications technologies. That way, every veteran has equal access to the essential information and services that the Department provides.

□ 1700

Mr. Speaker, not only will this legislation better assist veterans seeking care and benefits from the VA, it will also assist the Department's own disabled employees. Far too often, the VA utilizes inaccessible PDF formats when conducting internal operations, hindering its own employees who rely on screen readers in their work and in their service to our veterans. This legislation will identify and improve these barriers for services to the public.

Last year, I met with a group of blinded veterans, and they explained the structure of the VA websites and how it makes it difficult for them to learn about treatments and schedule doctor appointments. To remedy this problem, I introduced the House companion to this bill, H.R. 1199, the VA Website Accessibility Act.

Blinded veterans deserve equal access to all VA services, and I am honored to champion their cause. Our heroes should not have to wait a day longer. Today, we can help thousands of veterans receive better access to healthcare resources. I urge support of the VA Website Accessibility Act.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 3587, the Department of Veterans Affairs Website Accessibility Act of 2019. This bill will require the Department of Veterans Affairs to conduct a study of all VA websites, apps, and electronic forms; determine which are inaccessible to veterans with disabilities; and develop a plan to make each of them accessible and compliant with section 508 of the Rehabilitation Act of 1973.

Although the VA has taken steps to improve the accessibility of its website, the committee has heard concerns from Blinded Veterans of America that ''a web page that was easily accessed one day cannot be read or even located during the next visit to the site.'' Of course that is unacceptable as far as I am concerned.

Moreover, visually impaired veterans, in particular, often face barriers to accessing information from VA because they are directed to forms or pages that are incompatible with screen readers.

Given that over 4.9 million veterans have at least one service-connected disability, it is unacceptable that the VA's delivery of information falls short of disabled veterans' needs. This bill will require the VA to take systematic action to address these issues.

I applaud Senator BOB CASEY and Congresswoman ELAINE LURIA, who does an outstanding job on the Committee on Veterans' Affairs, for their leadership on this particular bill and their efforts to ensure that all veterans are able to access the information they need from the VA.

I will be supporting this bill today, and I urge my colleagues to join me.

Mr. Speaker, I yield back the balance of my time.

Mrs. LURIA. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. LURIA) that the House suspend the rules and pass the bill, S. 3587.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TRAVIS W. ATKINS DEPARTMENT OF VETERANS AFFAIRS CLINIC

Mrs. LURIA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 900) to designate the community-based outpatient clinic of the Department of Veterans Affairs in Bozeman, Montana, as the ''Travis W. Atkins Department of Veterans Affairs Clinic'', as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 900

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

SECTION 1. DESIGNATION OF TRAVIS W. ATKINS DEPARTMENT OF VETERANS AFFAIRS CLINIC IN BOZEMAN, MONTANA.

(a) DESIGNATION.—The community-based outpatient clinic of the Department of Veterans Affairs located in Bozeman, Montana, shall after the date of the enactment of this Act be known and designated as the ''Travis W. Atkins Department of Veterans Affairs Clinic'' or the ''Travis W. Atkins VA Clinic''.

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the community-based outpatient clinic referred to in subsection (a) shall be considered to be a reference to the Travis W. Atkins Department of Veterans Affairs Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. LURIA) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. LURIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials on S. 900, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. LURIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to remember the life of Army Staff Sergeant Travis Atkins, who was killed in Iraq on June 1,

2007. I thank my colleague, Mr. GIANFORTE from Montana, for bringing this bill before us so we may all pay tribute to a selfless public servant.

Travis was born on December 9, 1975, to parents Jack and Elaine. Growing up in Bozeman, Montana, he was an active outdoorsman, spending most of his time fishing, hunting, and snowmobiling. After high school, he worked as a painting and concrete contractor but soon felt called to serve.

On November 9, 2000, 24-year-old Travis joined the Army. He deployed to Kuwait with the 101st Airborne Division in March of 2003 and was an infantry team leader during the invasion of Iraq later that month.

After that deployment, he decided to pursue college and was honorably discharged in December of 2003. But as his father put it, the civilian life just didn't do it for him, and he rejoined the Army in December of 2005 as part of the 10th Mountain Division and was again deployed to Iraq.

Mr. Speaker, on June 1, 2007, during a route clearance in a town outside of Baghdad, Atkins' unit noticed two men trying to cross a road that they were securing. Atkins asked the men to stop. When trying to search one of the men, a fight broke out. Realizing the man was wearing a suicide vest, he fought to keep him from finding the trigger. Eventually, he did. Without hesitating, Staff Sergeant Atkins bear-hugged the insurgent, threw him to the ground and pinned him there, shielding his fellow soldiers only a few feet away. Staff Sergeant Atkins saved three men that day.

In every account of his character from his battle buddies, the word most used to describe him was a ''leader,'' and a fine leader he was, right up until his final moments.

Surviving Sergeant Atkins are his parents and his son, Trevor. Trevor said that he wants his father to be remembered as the best dad and the best soldier that anyone could ask for. At the White House, on March 27, 2019, Trevor accepted his father's Medal of Honor.

The legacy of Staff Sergeant Atkins—of loyalty, of dedication, of leadership—must never be forgotten. As the citizens he protected, we honor him by trying to live by his example to care deeply and lead well.

While we will never be able to fully convey the depth of our gratitude to the Atkins family, I hope that this bill, the naming of the clinic in his hometown, will offer some fraction of that comfort.

Mr. Speaker, I wholeheartedly support this bill and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 900, as amended, a bill to name the Department of Veterans Affairs community-based outpatient clinic in Bozeman, Montana, the Travis W. Atkins Department of Veterans Affairs Clinic.

Staff Sergeant Travis Atkins was a Montana native and Army veteran. He was killed in action in Iraq in 2007 during an encounter with two enemy insurgents when he put himself between a suicide bomber and his fellow soldiers.

Staff Sergeant Atkins' quick and selfless actions saved the lives of those three soldiers and led to him being posthumously awarded the Medal of Honor. By naming the VA clinic in Bozeman after him today, we will further ensure that his life and legacy is forever remembered.

This bill was sponsored in the Senate by Senator STEVE DAINES and in the House by my friend and colleague Congressman GREG GIANFORTE, who will be the Governor of Montana very soon. It is also strongly supported by the other member of Montana's congressional delegation, the ranking member of the Senate Veterans' Affairs Committee and another good friend of mine, Senator JON TESTER.

I am grateful to Senator DAINES, Congressman GIANFORTE, Ranking Member TESTER, and the many Montana veteran service organizations that sent in letters of support for this bill, for their efforts to honor Staff Sergeant Atkins' service and sacrifice through this legislation. These are the true heroes, Mr. Speaker. I know you know that.

Staff Sergeant Atkins was just 32 years old when he died. He left behind many loved ones, including his then 11-year-old son, Trevor. I send my prayers to Trevor and to all of Staff Sergeant Atkins' friends and family members who, I know, are still grieving his loss today.

I hope that it is a small comfort to them to know that, with the passage of this bill, Mr. Speaker, Staff Sergeant Atkins' memory will live on and serve as an inspiration to all the veterans who seek hope and healing in the clinic that will now bear his name.

I am proud to support this bill, Mr. Speaker, and I yield back the balance of my time.

Mrs. LURIA. Mr. Speaker, I ask my colleagues to join me in passing S. 900, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. LURIA) that the House suspend the rules and pass the bill, S. 900, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

IMPROVING SAFETY AND SECURITY FOR VETERANS ACT OF 2019

Mrs. LURIA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3147) to require the Secretary of Veterans Affairs to submit to Congress reports on patient safety and quality of care at medical centers of the Department of Veterans Affairs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3147

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving Safety and Security for Veterans Act of 2019''.

SEC. 2. DEPARTMENT OF VETERANS AFFAIRS REPORTS ON PATIENT SAFETY AND QUALITY OF CARE.

(a) REPORT ON PATIENT SAFETY AND QUALITY OF CARE.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report regarding the policies and procedures of the Department relating to patient safety and quality of care and the steps that the Department has taken to make improvements in patient safety and quality of care at medical centers of the Department.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the policies and procedures of the Department and improvements made by the Department with respect to the following:

(i) How often the Department reviews or inspects patient safety at medical centers of the Department.

(ii) What triggers the aggregated review process at medical centers of the Department.

(iii) What controls the Department has in place for controlled and other high-risk substances, including the following:

(I) Access to such substances by staff.

(II) What medications are dispensed via automation.

(III) What systems are in place to ensure proper matching of the correct medication to the correct patient.

(IV) Controls of items such as medication carts and pill bottles and vials.

(V) Monitoring of the dispensing of medication within medical centers of the Department, including monitoring of unauthorized dispensing.

(iv) How the Department monitors contact between patients and employees of the Department, including how employees are monitored and tracked at medical centers of the Department when entering and exiting the room of a patient.

(v) How comprehensively the Department uses video monitoring systems in medical centers of the Department to enhance patient safety, security, and quality of care.

(vi) How the Department tracks and reports deaths at medical centers of the Department at the local level, Veterans Integrated Service Network level, and national level.

(vii) The procedures of the Department to alert local, regional, and Department-wide leadership when there is a statistically abnormal number of deaths at a medical center of the Department, including—

(I) the manner and frequency in which such alerts are made; and

(II) what is included in such an alert, such as the nature of death and where within the medical center the death occurred.

(viii) The use of root cause analyses with respect to patient deaths in medical centers of the Department, including—

(I) what threshold triggers a root cause analysis for a patient death;

(II) who conducts the root cause analysis; and

(III) how root cause analyses determine whether a patient death is suspicious or not.

(ix) What triggers a patient safety alert, including how many suspicious deaths cause a patient safety alert to be triggered.

(x) The situations in which an autopsy report is ordered for deaths at hospitals of the Department, including an identification of—

(I) when the medical examiner is called to review a patient death; and

(II) the official or officials that decide such a review is necessary.

(xi) The method for family members of a patient who died at a medical center of the Department to request an investigation into that death.

(xii) The opportunities that exist for family members of a patient who died at a medical center of the Department to request an autopsy for that death.

(xiii) The methods in place for employees of the Department to report suspicious deaths at medical centers of the Department.

(xiv) The steps taken by the Department if an employee of the Department is suspected to be implicated in a suspicious death at a medical center of the Department, including—

(I) actions to remove or suspend that individual from patient care or temporarily reassign that individual and the speed at which that action occurs; and

(II) steps taken to ensure that other medical centers of the Department and other non-Department medical centers are aware of the suspected role of the individual in a suspicious death.

(xv) In the case of the suspicious death of an individual while under care at a medical center of the Department, the methods used by the Department to inform the family members of that individual.

(xvi) The policy of the Department for communicating to the public when a suspicious death occurs at a medical center of the Department.

(B) A description of any additional authorities or resources needed from Congress to implement any of the actions, changes to policy, or other matters included in the report required under paragraph (1)

(b) REPORT ON DEATHS AT LOUIS A. JOHNSON MEDICAL CENTER.—

(1) IN GENERAL.—Not later than 60 days after the date on which the Attorney General indicates that any investigation or trial related to the suspicious deaths of veterans at the Louis A. Johnson VA Medical Center in Clarksburg, West Virginia, (in this subsection referred to as the ''Facility'') that occurred during 2017 and 2018 has sufficiently concluded, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing—

(A) the events that occurred during that period related to those suspicious deaths; and

(B) actions taken at the Facility and throughout the Department of Veterans Affairs to prevent any similar reoccurrence of the issues that contributed to those suspicious deaths.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A timeline of events that occurred at the Facility relating to the suspicious deaths described in paragraph (1) beginning the moment those deaths were first determined to be suspicious, including any notifications to—

(i) leadership of the Facility;

(ii) leadership of the Veterans Integrated Service Network in which the Facility is located;

(iii) leadership at the central office of the Department; and

(iv) the Office of the Inspector General of the Department of Veterans Affairs.

(B) A description of the actions taken by leadership of the Facility, the Veterans Integrated Service Network in which the Facility is located, and the central office of the Department in response to the suspicious deaths, including responses to notifications under subparagraph (A).

(C) A description of the actions, including root cause analyses, autopsies, or other activities that were conducted after each of the suspicious deaths.

(D) A description of the changes made by the Department since the suspicious deaths to procedures to control access within medical centers of the Department to controlled and non-controlled substances to prevent harm to patients.

(E) A description of the changes made by the Department to its nationwide controlled substance and non-controlled substance policies as a result of the suspicious deaths.

(F) A description of the changes planned or made by the Department to its video surveillance at medical centers of the Department to improve patient safety and quality of care in response to the suspicious deaths.

(G) An analysis of the review of sentinel events conducted at the Facility in response to the suspicious deaths and whether that review was conducted consistent with policies and procedures of the Department.

(H) A description of the steps the Department has taken or will take to improve the monitoring of the credentials of employees of the Department to ensure the validity of those credentials, including all employees that interact with patients in the provision of medical care.

(I) A description of the steps the Department has taken or will take to monitor and mitigate the behavior of employee bad actors, including those who attempt to conceal their mistreatment of veteran patients.

(J) A description of the steps the Department has taken or will take to enhance or create new monitoring systems that—

(i) automatically collect and analyze data from medical centers of the Department and monitor for warnings signs or unusual health patterns that may indicate a health safety or quality problem at a particular medical center; and

(ii) automatically share those warnings with other medical centers of the Department, relevant Veterans Integrated Service Networks, and officials of the central office of the Department.

(K) A description of the accountability actions that have been taken at the Facility to remove or discipline employees who significantly participated in the actions that contributed to the suspicious deaths.

(L) A description of the system-wide reporting process that the Department will or has implemented to ensure that relevant employees are properly reported, when applicable, to the National Practitioner Data Bank of the Department of Health and Human Services, the applicable State licensing boards, the Drug Enforcement Administration, and other relevant entities.

(M) A description of any additional authorities or resources needed from Congress to implement any of the recommendations or findings included in the report required under paragraph (1).

(N) Such other matters as the Secretary considers necessary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. LURIA) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. LURIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials on S. 3147.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. LURIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3147, the Improving Safety and Security for Veterans Act, introduced by Senator MANCHIN and Senator CAPITO of West Virginia. Representative MCKINLEY introduced a companion measure, H.R. 5616, here in the House.

This bipartisan bill requires the Department of Veterans Affairs to submit to Congress two critical reports relating to patient safety and quality of care at its medical facilities.

This bill was introduced in the wake of a disturbingly tragic series of patient deaths that occurred in 2017 and 2018 at the Clarksburg, West Virginia, VA Medical Center.

This past July, a nursing assistant who worked at the Clarksburg VA Medical Center pleaded guilty to seven counts of second-degree murder and one count of assault to commit murder after unnecessarily injecting several veteran patients with insulin with the intent to cause death.

There are no words to adequately express the sorrow we feel for the families of veterans whose lives were tragically cut short in Clarksburg. There are countless questions about how this could have happened and what the Department of Veterans Affairs is doing to better protect veteran patients in the future, not only in Clarksburg, but in other VA facilities nationwide.

The first report outlined in this bill and mandated by S. 3147, which is due within 30 days of enactment, requires the VA to outline the Department's policies and procedures related to monitoring patient safety and suspicious deaths, ensuring proper storage and access controls for high-risk substances, trafficking employees' contact with veteran patients, and removing from patient care employees who are implicated in suspicious deaths.

□ 1715

The Improving Safety and Security for Veterans Act also requires the VA to submit to Congress an after-action report on the events that occurred in Clarksburg. Among other things, the report will detail the timeline of events at Clarksburg and the actions taken at the facility level and throughout the Department of Veterans Affairs in response to these tragic and suspicious deaths.

We can only hope that S. 3147, the Improving Safety and Security for Veterans Act, will serve as a first step toward better understanding what gaps in VA management existed and what actions the Department still needs to take to protect our veterans.

We also hope that this measure will serve as a foundation for helping to restore veterans' confidence in the safety, security, and quality of the care delivered at VA medical facilities.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 3147, the Improving Safety and Security for Veterans Act of 2019.

This bill was drafted in response to a tragic incident at the Department of Veterans Affairs Medical Center in Clarksburg, West Virginia, where a former VA nursing assistant killed at least seven veteran patients by injecting them with lethal doses of insulin while they were under her care.

As a member of the House Veterans' Affairs Committee, I personally grieved the loss of those veterans. I cannot fathom the pain that their loved ones must feel. My heart is with them, especially during this holiday season.

Congress must act to ensure that no other veteran, family, or community experiences such tragedy ever again.

Passing S. 3147 today will help us do that, Mr. Speaker. The bill would require VA to report to Congress on the Department's efforts to assess, monitor, and improve patient safety and quality of care throughout the VA healthcare system. It would also require the VA to report to Congress on the series of events surrounding the Clarksburg murders and the actions taken in Clarksburg and nationwide, for that matter.

We need to ensure that we learn from this tragedy and that it never, ever is repeated.

This bill is sponsored by Senator JOE MANCHIN from West Virginia and is the companion to a House bill in the House by my good friend, a great member of the Energy and Commerce Committee, and I know he supports veterans, DAVID MCKINLEY, who I will yield to in a second. DAVID is from West Virginia.

I appreciate Senator MANCHIN's and Congressman MCKINLEY's efforts to ensure that veterans in West Virginia and across the country receive care that is timely, safe, and of the very highest quality. Again, we have to thank them for their service to our country, and they are entitled to this quality of care, Mr. Speaker.

Every veteran deserves to feel confident that they will be well cared for when they walk through VA's doors. While nothing can bring back the veterans who were ruthlessly murdered in Clarksburg, I hope that the passage of this bill today will restore some of the trust that has been lost due to this heartbreaking chapter in VA's history and ease other veterans' fears that they may have about their own safety seeking care through the VA healthcare system.

Mr. Speaker, I urge every one of my colleagues to join me in supporting this bill today. I reserve the balance of my time.

Mrs. LURIA. Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. MCKINLEY).

Mr. MCKINLEY. Mr. Speaker, I rise in support of S. 3147, the Improving Safety and Security for Veterans Act of 2019.

The bill is indeed the companion to H.R. 5616, which I introduced in January of this year following the death of seven veterans at our Clarksburg VA Medical Center.

A former nursing assistant at the hospital has now pled guilty to murdering these veterans by intentionally and inappropriately injecting them with insulin. Her actions are beyond the pale. Congress must do everything it can to ensure that this never happens again.

This bill was just the first step toward that goal. It will, indeed, as you heard the chairman say, provide transparency and accountability at our VA medical facilities by requiring the VA to submit to Congress detailed reports on patient safety and quality of care at those hospitals.

It will also ensure that the public is well-informed as to what occurred in Clarksburg. The public was kept in the dark for far too long during the course of this investigation.

Our veterans have sacrificed so much for our country, and they deserve the best possible care and should feel safe when they come to one of our facilities.

Congress now has the opportunity to restore the public's confidence in our Veterans Affairs system and ensure that our veterans are receiving the care they deserve.

I join with the chairman, Mr. Speaker, in saying that I urge all of our colleagues to join unanimously in supporting this bill.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

Mrs. LURIA. Mr. Speaker, I have no further speakers, and I am prepared to close. I yield myself such time as I may consume.

Mr. Speaker, I ask all of my colleagues to join me in passing S. 3147.

I want to thank Mr. MCKINLEY for introducing this bill in the House and Senator MANCHIN for working very diligently in the Senate to bring this legislation before us today because, as Mr. MCKINLEY said, we do need to provide assurance to our veterans about their safety in our VA health centers, both in Clarksburg and across the country.

I also want to thank Mr. BILIRAKIS, my colleague on the Veterans' Affairs Committee, for his work on this and all the bills that we have reviewed today.

Mr. Speaker, I urge my colleagues to join me in passing S. 3147, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. LURIA) that the House suspend the rules and pass the bill, S. 3147.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. LURIA. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 23 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 6 o'clock and 30 minutes p.m.

WOUNDED VETERANS RECREATION ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 327) to amend the Federal Lands Recreation Enhancement Act to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUFFMAN) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 28, as follows:

[Roll No. 219]

YEAS—401

Adams	Bera	Brown (MD)
Aguilar	Bergman	Brownley (CA)
Allen	Beyer	Buchanan
Allred	Biggs	Buck
Amash	Bilirakis	Bucshon
Armstrong	Bishop (GA)	Budd
Arrington	Bishop (NC)	Burchett
Axne	Bishop (UT)	Burgess
Babin	Blumenauer	Bustos
Bacon	Blunt Rochester	Butterfield
Baird	Bonamici	Byrne
Balderson	Bost	Carbajal
Banks	Boyle, Brendan F.	Cárdenas
Barr	Brady	Carson (IN)
Barragán	Brindisi	Carter (GA)
Bass	Brooks (AL)	Carter (TX)
Beatty		Cartwright

Case
Casten (IL)
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Cline
Cloud
Clyburn
Cohen
Cole
Comer
Conaway
Connolly
Cook
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crawford
Crenshaw
Crist
Crow
Cuellar
Cunningham
Curtis
Davids (KS)
Davidson (OH)
Davis (CA)
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Duncan
Dunn
Emmer
Engel
Escobar
Eshoo
Espaillat
Estes
Evans
Ferguson
Finkenauer
Fitzpatrick
Fleischmann
Fletcher
Flores
Fortenberry
Foster
Foxx (NC)
Frankel
Fudge
Fulcher
Gabbard
Gaetz
Gallagher
Gallego
Garamendi
Garcia (CA)
García (IL)
Garcia (TX)
Gibbs
Gohmert
Golden
Gomez
Gonzalez (OH)
Gonzalez (TX)
Gooden
Gosar
Gottheimer
Granger
Graves (LA)
Graves (MO)
Green (TN)
Green, Al (TX)
Griffith
Grijalva
Grothman
Guest
Guthrie
Haaland
Hagedorn
Harder (CA)
Harris
Hartzler
Hastings
Hayes
Heck
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Higgins (NY)
Hill (AR)
Himes
Holding
Hollingsworth
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Hudson
Huffman
Hurd (TX)
Jackson Lee
Jacobs
Jayapal
Jeffries
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Johnson (TX)
Jordan
Joyce (OH)
Joyce (PA)
Kaptur
Katko
Keating
Keller
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
King (NY)
Kinzinger
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamb
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Long
Loudermilk
Lowenthal
Lowey
Lucas
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Marshall
Massie
Mast
Matsui
McAdams
McBath
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McKinley
McNerney
Meeks
Meng
Meuser
Mfume
Miller
Moolenaar
Mooney (WV)
Moore
Morelle
Moulton
Mucarsel-Powell
Mullin
Murphy (FL)
Murphy (NC)
Nadler
Napolitano
Neal
Neguse
Newhouse
Norcross
Norman
Nunes
O'Halleran
Ocasio-Cortez
Omar
Palazzo
Pallone
Palmer
Panetta
Pappas
Pascrell
Payne
Pence
Perlmutter
Perry
Peters
Peterson
Phillips
Pingree
Pocan
Porter
Posey
Pressley
Price (NC)
Quigley
Raskin
Reed
Reschenthaler
Rice (NY)
Rice (SC)
Riggleman
Rodgers (WA)
Roe, David P.
Rogers (AL)
Rose (NY)
Rose, John W.
Rouda
Rouzer
Roy
Roybal-Allard
Ruiz
Ruppersberger
Rush
Rutherford
Ryan
Sánchez
Sarbanes
Scalise
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Soto
Spanberger
Spano
Speier
Stanton
Stauber
Stefanik
Steil
Steube
Stevens
Stewart
Stivers
Suozzi
Swalwell (CA)
Takano
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiffany
Timmons
Tipton
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Turner
Underwood
Upton
Van Drew
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walden
Walker
Walorski
Wasserman Schultz
Waters
Watkins
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Wexton
Wild
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoho
Zeldin

NOT VOTING—28

Abraham
Aderholt
Amodei
Brooks (IN)
Calvert
Collins (GA)
Gianforte
Huizenga
King (IA)
Lamborn
Lesko
Luetkemeyer
Marchant
McHenry
Mitchell
Olson
Richmond
Roby
Rogers (KY)
Rooney (FL)
Shimkus
Simpson
Smith (WA)
Thornberry
Walberg
Waltz
Wright
Young

□ 1925

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Barragán (Beyer)
Blumenauer (Beyer)
Bonamici (Clark (MA))
Boyle, Brendan F. (Jeffries)
Brownley (CA) (Clark (MA))
Bustos (Kuster (NH))
Carson (IN) (Cleaver)
Castro (TX) (Garcia (TX))
Clay (Cleaver)
Cohen (Beyer)
Costa (Cooper)
DeGette (Blunt Rochester)
DeSaulnier (Matsui)
Doggett (Raskin)
Escobar (Garcia (TX))
Evans (Brown (MD))
Frankel (Clark (MA))
Garamendi (Sherman)
Gonzalez (TX) (Gomez)
Grijalva (García (IL))
Hastings (Wasserman Schultz)
Higgins (NY) (Sánchez)
Jayapal (Raskin)
Johnson (TX) (Jeffries)
Keating (Kuster (NH))
Khanna (Gomez)
Kind (Beyer)
Kirkpatrick (Stanton)
Langevin (Courtney)
Lawrence (Kildee)
Lawson (FL) (Demings)
Lieu, Ted (Beyer)
Lipinski (Cooper)
Lofgren (Jeffries)
Lowenthal (Beyer)
Lowey (Tonko)
Lynch (McGovern)
McEachin (Wexton)
Meng (Kuster (NH))
Moore (Beyer)
Nadler (Jeffries)
Napolitano (Correa)
Payne (Wasserman Schultz)
Peterson (McCollum)
Pingree, (Kuster (NH))
Pocan (Raskin)
Porter (Wexton)
Price (NC) (Butterfield)
Rose (NY) (Golden)
Roybal-Allard (Bass)
Ruiz (Dingell)
Rush (Underwood)
Ryan (Kildee)
Schrier (Kilmer)
Serrano (Jeffries)
Speier (Scanlon)
Takano (Chu, Judy)
Titus (Connolly)
Vargas (Correa)
Watson Coleman (Pallone)
Welch (McGovern)
Wilson (FL) (Hayes)

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 7 o'clock and 26 minutes p.m.), the House stood in recess.

□ 1936

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 7 o'clock and 36 minutes p.m.

IMPROVING SAFETY AND SECURITY FOR VETERANS ACT OF 2019

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3147) to require the Secretary of Veterans Affairs to submit to Congress reports on patient safety and quality of care at medical centers of the Department of Veterans Affairs, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. LURIA) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 35, as follows:

[Roll No. 220]

YEAS—394

Adams
Aguilar
Allen
Allred
Amash
Armstrong
Arrington
Axne
Babin
Bacon
Baird
Balderson
Banks
Barr
Barragán
Bass
Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Bonamici
Bost
Boyle, Brendan F.
Brady
Brindisi
Brooks (AL)
Brown (MD)
Brownley (CA)
Buck
Bucshon
Budd
Burchett
Burgess
Bustos
Butterfield
Byrne
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cline
Cloud
Clyburn
Cohen
Cole
Comer
Conaway
Connolly
Cook
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crawford
Crenshaw
Crist
Crow
Cuellar
Cunningham
Curtis
Davids (KS)
Davidson (OH)
Davis (CA)
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Duncan
Dunn
Emmer
Engel
Escobar
Eshoo
Espaillat
Estes
Evans
Ferguson
Finkenauer
Fitzpatrick
Fleischmann
Fletcher
Flores
Fortenberry
Foster
Foxx (NC)
Frankel
Fudge
Fulcher
Gabbard
Gaetz
Gallagher
Garamendi
Garcia (CA)
García (IL)
Garcia (TX)
Gibbs
Gohmert
Golden
Gomez
Gonzalez (OH)
Gonzalez (TX)
Gooden
Gosar
Gottheimer
Granger
Graves (LA)
Graves (MO)
Green (TN)
Green, Al (TX)
Griffith
Grijalva
Grothman
Guest
Guthrie
Haaland
Hagedorn
Harder (CA)
Harris
Hartzler
Hastings
Hayes
Heck
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Higgins (NY)
Hill (AR)
Himes
Hollingsworth
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Hudson
Huffman
Hurd (TX)
Jackson Lee
Jacobs
Jayapal
Jeffries
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Johnson (TX)
Jordan
Joyce (OH)

Joyce (PA)	Mucarsel-Powell	Sherman
Kaptur	Mullin	Sherrill
Katko	Murphy (FL)	Sires
Keating	Murphy (NC)	Slotkin
Keller	Nadler	Smith (MO)
Kelly (IL)	Napolitano	Smith (NE)
Kelly (MS)	Neal	Smith (NJ)
Kelly (PA)	Neguse	Smucker
Kennedy	Newhouse	Soto
Khanna	Norcross	Spanberger
Kildee	Norman	Spano
Kilmer	Nunes	Speier
Kim	O'Halleran	Stanton
Kind	Ocasio-Cortez	Stauber
King (NY)	Omar	Stefanik
Kinzinger	Palazzo	Steil
Kirkpatrick	Pallone	Steube
Krishnamoorthi	Palmer	Stevens
Kuster (NH)	Panetta	Stewart
Kustoff (TN)	Pappas	Stivers
LaHood	Pascrell	Suozzi
LaMalfa	Payne	Swalwell (CA)
Lamb	Pence	Takano
Langevin	Perlmutter	Taylor
Larsen (WA)	Perry	Thompson (CA)
Larson (CT)	Peters	Thompson (MS)
Latta	Peterson	Thompson (PA)
Lawrence	Phillips	Tiffany
Lawson (FL)	Pingree	Timmons
Lee (CA)	Pocan	Tipton
Lee (NV)	Porter	Titus
Levin (CA)	Posey	Tlaib
Levin (MI)	Pressley	Tonko
Lieu, Ted	Price (NC)	Torres (CA)
Lipinski	Quigley	Torres Small (NM)
Loebsack	Raskin	Trahan
Lofgren	Reed	Trone
Long	Reschenthaler	Turner
Loudermilk	Rice (NY)	Underwood
Lowenthal	Rice (SC)	Upton
Lowey	Riggleman	Van Drew
Lucas	Rodgers (WA)	Vargas
Luján	Roe, David P.	Veasey
Luria	Rogers (AL)	Vela
Lynch	Rose (NY)	Velázquez
Malinowski	Rose, John W.	Visclosky
Maloney, Carolyn B.	Rouda	Wagner
Maloney, Sean	Rouzer	Walden
Marshall	Roy	Walker
Mast	Roybal-Allard	Walorski
Matsui	Ruiz	Wasserman Schultz
McAdams	Ruppersberger	Waters
McBath	Rush	Watkins
McCarthy	Rutherford	Watson Coleman
McCaul	Ryan	Weber (TX)
McClintock	Sánchez	Webster (FL)
McCollum	Sarbanes	Welch
McEachin	Scalise	Wenstrup
McGovern	Scanlon	Westerman
McKinley	Schakowsky	Wexton
McNerney	Schiff	Wild
Meeks	Schneider	Williams
Meng	Schrader	Wilson (FL)
Meuser	Schrier	Wilson (SC)
Mfume	Schweikert	Wittman
Miller	Scott (VA)	Womack
Moolenaar	Scott, Austin	Woodall
Mooney (WV)	Scott, David	Yarmuth
Moore	Sensenbrenner	Yoho
Morelle	Serrano	Zeldin
Moulton	Sewell (AL)	
	Shalala	

NOT VOTING—35

Abraham	Holding	Roby
Aderholt	Huizenga	Rogers (KY)
Amodei	King (IA)	Rooney (FL)
Bishop (NC)	Lamborn	Shimkus
Blunt Rochester	Lesko	Simpson
Brooks (IN)	Luetkemeyer	Smith (WA)
Buchanan	Marchant	Thornberry
Calvert	Massie	Walberg
Cleaver	McHenry	Waltz
Collins (GA)	Mitchell	Wright
Gallego	Olson	Young
Gianforte	Richmond	

□ 2007

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Barragán (Beyer)	Hastings (Wasserman Schultz)	Napolitano (Correa)
Blumenauer (Beyer)	Higgins (NY) (Sánchez)	Payne (Wasserman Schultz)
Bonamici (Clark (MA))	Jayapal (Raskin)	Peterson (McCollum)
Boyle, Brendan F. (Jeffries)	Johnson (TX) (Jeffries)	Pingree (Kuster (NH))
Brownley (CA) (Clark (MA))	Keating (Kuster (NH))	Pocan (Raskin)
Bustos (Kuster (NH))	Khanna (Gomez)	Porter (Wexton)
Carson (IN) (Cleaver)	Kind (Beyer)	Price (NC) (Butterfield)
Castro (TX) (Garcia (TX))	Kirkpatrick (Stanton)	Rose (NY) (Golden)
Clay (Cleaver)	Langevin (Courtney)	Roybal-Allard (Bass)
Cohen (Beyer)	Lawrence (Kildee)	Ruiz (Dingell)
Costa (Cooper)	Lawson (FL) (Demings)	Rush (Underwood)
DeGette (Blunt Rochester)	Lieu, Ted (Beyer)	Ryan (Kildee)
DeSaulnier (Matsui)	Lipinski (Cooper)	Schrier (Kilmer)
Doggett (Raskin)	Lofgren (Jeffries)	Serrano (Jeffries)
Escobar (Garcia (TX))	Lowenthal (Beyer)	Speier (Scanlon)
Evans (Brown (MD))	Lowey Tonko)	Takano (Chu, Judy)
Frankel (Clark (MA))	Lynch (McGovern)	Titus (Connolly)
Garamendi (Sherman)	McEachin (Wexton)	Vargas (Correa)
Gonzalez (TX) (Gomez)	Meng (Kuster (NH))	Watson Coleman (Pallone)
Grijalva (García (IL))	Moore (Beyer)	Welch (McGovern)
	Nadler (Jeffries)	Wilson (FL) (Hayes)

HONORING KOREAN WAR VETERANS

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, last week I had the honor of presenting Korean Ambassador of Peace Medals to Korean war veterans and their families in Towanda, Pennsylvania. The Korean Ambassador of Peace Medal is an honor from the Embassy of the Republic of Korea for American veterans who served in the Korean war.

One of the greatest parts of representing Pennsylvania's 12th Congressional District is hearing our veterans' stories of service and sacrifice for our Nation. As the names of these heroes are read on the House floor, it is my hope that their legacies echo through these Halls and across America for generations to come:

Glen Ellis, United States Navy;

Silas Mills, United States Army;

Charles Miller, United States Army;

Kent Edsell, United States Marine Corps;

Nicholas Williams, United States Navy;

Edward Moritz, United States Army;

Earl Mayo, United States Army;

Carlton Repsher, Jr., United States Army; and

Keith Haight, Sr., United States Marine Corps.

It is incumbent upon us to honor these individuals and reflect on their heroism in the name of liberty and our American way of life.

RECOGNIZING THE RETIREMENT OF LARSEN JAY

(Mr. BURCHETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURCHETT. Mr. Speaker, during the coronavirus pandemic, community organizations in east Tennessee stepped up to help our neighbors in need. I rise today to highlight the efforts of Random Acts of Flowers, which recently delivered its 500,000th bouquet; and to recognize the retirement of its founder, my good friend, Larsen Jay.

In 2007, Larsen Jay was in the hospital recovering from an accident, and he noticed many patients weren't receiving visitors or flowers. He reflected on the amount of support he received and wanted others to have that encouragement, too. Larsen founded Random Acts of Flowers in 2008 to deliver repurposed flowers to local hospital patients and seniors in nursing homes.

The nonprofit recycles arrangements donated from events like weddings and makes them into beautiful floral bouquets. Since opening its doors in Knoxville, the nonprofit has grown to serve folks in Indianapolis and Tampa Bay, Florida.

Random Acts of Flowers has safely resumed operations after a pause during the coronavirus pandemic. Isolation continues to be a serious problem for seniors and those in poor health during this crisis, but outstanding organizations like Random Acts of Flowers are here to let our neighbors know they are loved and supported.

Mr. Speaker, after reaching the milestone of delivering half a million bouquets, Larsen Jay announced his retirement from Random Acts of Flowers. He has long been active in community service, currently serving as chairman of the Knox County Commission.

I know he will continue to find ways to make an impact in our community. I thank him for his efforts to make Random Acts of Flowers a successful and meaningful organization in east Tennessee and I congratulate the nonprofit on its 500,000th delivery.

□ 2015

CORONAVIRUS' IMPACT ON MINORITY COMMUNITIES

The SPEAKER pro tempore (Mr. CASTEN of Illinois). Under the Speaker's announced policy of January 3, 2019, the gentlewoman from California (Ms. LEE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. LEE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of our Special Order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LEE of California. Mr. Speaker, first, I thank the chair of our Congressional Black Caucus. I thank Chairwoman BASS, who has helped us organize this tonight, for her leadership of the Congressional Black Caucus.

I join with my colleagues to speak on the impact of COVID–19, the pandemic which has had an especially disparate impact on communities of color.

First, again, let me thank Chairwoman BASS, Chairwoman CHU, and Congressman CASTRO of the Tri-Caucus, as well as Representatives KELLY, HAALAND, and DAVIDS, for working together to ensure that we address the disproportionate effects of the COVID–19 pandemic on communities of color—also, Congresswoman SYLVIA GARCIA.

It is really very imperative that our strategy to crush COVID intentionally includes provisions to support the specific needs of our communities.

I also want to take a moment to thank Speaker PELOSI and Chairman PALLONE for negotiating some of the provisions of our COVID Community Care Act, that is H.R. 8192, in our Heroes bill, which further strengthens efforts to engage medically underserved communities in the latest version, again, of the Heroes bill.

I thank Chairman SCOTT and, of course, our subcommittee chair, ROSA DELAURO, for their support, their input, and their assistance in getting this bill, the COVID Community Care Act, really very targeted, very focused, and something that all of us could support as a Tri-Caucus, also—and, of course, Speaker PELOSI, again, for her steadfast understanding and support for this issue.

Now, millions of people have suffered incomprehensible grief and hardship due to the COVID pandemic. Just in the United States, we now have over 10.3 million cases of COVID–19 and over 240,000 deaths. That is mind-boggling.

We are here today to insist that any coronavirus response addresses the needs of people of color. This is because the impacts of the pandemic and the economic fallout have had a disproportionate impact on African Americans, Latinx, Indigenous, Asian Pacific Islander, and immigrant communities. We have witnessed the horrific result of how longstanding inequities stemming from structural racism has exacerbated COVID's threats to people of color.

Black people are dying at more than twice the rate of White people in the United States. Indigenous and Latinx people are both 50 percent more likely to die from COVID than White Americans. Between January and July, the AAPI death rate rose 35 percent compared to an increase of 9 percent for White Americans.

The Federal Government must address the vicious cycle of disparities that drive these unequal impacts on communities of color, especially during the COVID–19 crisis. That is why we introduced, together, H.R. 8192, the COVID Community Care Act, legislation to ensure that any effort to fight the pandemic engages local communities as partners in crushing the virus.

This bill, supported by our Tri-Caucus colleagues, ensures that any testing and tracing efforts engage communities of color where they live with trusted messengers who speak their language and know their unique challenges.

Speaker PELOSI and Chairman PALLONE worked with us to add language to Chairman PALLONE's $75 billion CONTACT plan. This is included in the revised version of the Heroes Act passed October 1, which will further strengthen efforts to engage communities of color.

The strengthened CONTACT plan mandates that community-based organizations and nonprofits in medically underserved communities play an important role to reach those communities that public health agencies have difficulty engaging. It ensures the people hired to conduct the outreach have experience and relationships with people living in the communities that they serve.

Turning a blind eye to the American people's desperate need for culturally rooted contact tracing and testing will result in increased deaths and illnesses that we could have prevented.

We must build a relief package that addresses the needs of millions, especially Black and Brown people, who are suffering disproportionately from this virus.

Mr. Speaker, we thank our Speaker for her persistence, leadership, and fighting spirit to ensure that lawmakers acknowledge and respond to the racial and ethnic disparities that have plagued our Nation for centuries.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. GARCIA), who played an important role in making sure that the Latinx community and all the Hispanic issues, as it relates to COVID, were included as a part of this bill.

Ms. GARCIA of Texas. Mr. Speaker, I thank Representative LEE and the caucuses involved for putting this Special Order together.

Today in America, there is not one State that has the pandemic under control. My own State of Texas became the first State to surpass 1 million cases.

Let me repeat that: 1 million cases.

These cases represent many of our neighbors, our friends, and our own family. I personally have self-quarantined once and have already been tested four times for different times I have been exposed to someone with the virus.

Thank God all tests have come back positive—I am sorry, negative. I meant to say, ''not come back positive.'' Little misspeaking there.

Mr. Speaker, this pandemic is affecting everyone, but it is not affecting everyone in the same way. Black and Latino communities are bearing the weight of this pandemic. While Black and Latino people are being hospitalized and dying at higher rates than White people, they are also the ones most likely to be working jobs that put them more at risk.

They have always been essential workers. Now more than ever, this is sadly more true. They are meatpacking workers, farmworkers, sanitation workers, custodians, restaurant workers, grocery clerks, postal workers, police officers, firefighters, longshoremen. These aren't jobs you can do from home. If you don't show up, you just don't get paid.

Black and Latino families have had to go into work even when it meant they may get sick. And many of them have gotten sick. Even worse, many infected a loved one with the virus.

America depends on these workers to put food on our tables and keep us safe. Because our leaders didn't take any steps to prepare us for this pandemic, we can't even offer the protective gear needed to keep essential frontline workers safe.

So while we are asking these communities to go to work every day without the proper protections, we also know that Latino and Black Americans are more likely to have health conditions, like asthma and diabetes, that make the virus even more dangerous.

Nationwide, Latinos make up 55 percent of the COVID cases and 24 percent of the overall deaths. Yet, we are only 18.5 percent of the total U.S. population. In Texas, Latinos are about 40 percent of the population, but we are nearly 55 percent of the deaths—more than half, Mr. Speaker. In Houston, sadly, Latinos account for 54 percent of the deaths caused by this virus—again, more than half.

My district, which is nearly 80 percent Latino, was one of the hardest hit areas in the Houston region. But despite these numbers, many of my constituents are still scared of getting tested or even seeing the doctor. Many don't have health insurance. Others don't trust our healthcare system. Many more are undocumented and fear deportation.

Mr. Speaker, now, I am optimistic about the future, given some of the news about vaccine trials. However, we must make sure, once we have a safe and effective vaccine, that it is distributed fairly and equitably and that no one is left behind.

We do not need to repeat the disparate mistakes of the past. As elected officials, we must work together to keep all of our constituents safe.

Right now, with the virus rapidly spreading, we are losing precious time if we don't act. People will get sick, and even more people will die, if we wait any longer.

Legislation like the Heroes Act provides protections that working families and frontline workers need now. It would provide rent relief for families who are afraid of losing their homes. It would help our schools keep kids healthy and safe for in-person learning.

It would give local and State governments much-needed relief to retain frontline workers on payroll. It would give hardworking families another stimulus check. It would also reinstate the supplemental weekly $600 in unemployment benefits, a lifeline that helped many families stay afloat.

Lastly, we need to earn the trust of these communities and let them know that, yes, they are a part of us. People of color know and must know that we are working for them. We cannot save the economy if we don't save people first.

Saving many lives must be our top priority. It will take all of us to crush this virus, but I know that we will get together to make sure that we are all working together to get past this pandemic, and if we do, it will be for all of us. Todos juntos.

Mr. Speaker, I thank the gentlewoman for this Special Order.

Ms. LEE of California. Mr. Speaker, I thank Congresswoman GARCIA very much for her input in helping to write the COVID Community Care Act.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO), my good friend, the chair of the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the House Appropriations Committee.

Ms. DELAURO. Mr. Speaker, I thank my colleague for yielding to me this evening and being here with other colleagues because we know, and we have said over and over again, that we face public health and economic crises unlike any that our country has seen in a generation.

More than 245,000 Americans have died of COVID–19. Tens of millions are out of work. And we know how communities of color have suffered acutely and disproportionately.

While we have known about some of these issues in the past, about the inequities in our healthcare system, in our economy, this virus has exposed and shone a light on the depths of the injustices and inequities that exist for communities of color. While we need to fight the virus, we need to fight the virus of injustice.

In my home State of Connecticut, as of last Thursday, Black people accounted for more than 14.5 percent of Connecticut's COVID-related deaths when they are just 12 percent of the population.

Mr. Speaker, 18 percent of COVID cases are Hispanic, outpacing the 17 percent they make up of our State's population.

Yet, this data is not perfect, which is why I have been so proud to work with my friend and my colleague, Congresswoman BARBARA LEE, to require the Health and Human Services agency and the Centers for Disease Control and Prevention to provide Congress with the data on which communities are bearing the worst impacts so that we can make sure that testing—once we have an administration that takes testing strategy seriously—is focused on those communities and that they get the resources they need going forward.

My colleague from California, Congresswoman LEE, has been indefatigable in questioning the issue of the data that we have on communities of color, and she did this long before we probably could spell ''coronavirus.'' To be frank, it is frustrating that we even had to put this requirement into law.

The CDC is complying with the reporting, but we keep a vigilant eye on that information. We have more work to do to ensure that we have complete data.

Through November 12, 47 percent of cases had unknown race and ethnicity in the CDC's surveillance system. That is just not good enough. This moment demands the boldest possible efforts to secure affordable healthcare, to address the deep racial disparities exposed by this virus, to help families.

I am proud to chair this subcommittee, which has been central to our response to this pandemic and the disparities that it has exposed. Together, my colleagues on the committee and on this subcommittee, we have appropriated $280 billion in emergency funding for education, for health, for working people throughout the pandemic. Through the good offices of my colleagues, Congresswoman LEE and Congresswoman BASS, we inserted language that would focus on the issue of disparities and how we address them. We could add $400 million in the latest iteration of The Heroes Act.

□ 2030

Yet the United States Senate has refused to do anything to help struggling Americans and get us to a place where we can test everyone, that we can do contact tracing, and that we can provide treatment.

We know more is needed. So, as I mentioned, the House has passed two additional relief packages, and we looked at boosting SNAP benefits by 15 percent; expanding access to paid leave and paid sick days; and expanding and improving the child tax credit for one-third of our children, which includes half of Black and Hispanic children, who are currently left behind because their families earn too little. If we do not address the virus, we will not be able to do anything about turning our economy around.

Let me say a thank-you to Congresswoman BARBARA LEE, who has been a tireless champion for communities of color, for organizing this Special Order. She and I, along with others, are committed to bringing to bear the full weight of the Federal Government for the communities of color, not only in my district, but around the country, because together we can and we must do better. People's lives are depending on it.

We know what we need to do to save lives. It is incomprehensible that we can't get to a protocol which allows us to save people's lives and those in communities of color, which are affected the most.

Ms. LEE of California. Thank you, Chairwoman DELAURO, for your statement and for reminding us that we have to address the health and economic impacts at the same time. One does not supersede the other. Thank you for helping us move our COVID Community Care Act forward with your leadership on the subcommittee.

Mr. Speaker, I yield to the gentlewoman from California (Ms. JUDY CHU), the chair of the Congressional Asian Pacific American Caucus, someone who contributed to crafting our COVID Community Care Act but also whom I have had the pleasure to serve with as co-chair of the Healthcare Task Force for CAPAC, a true leader on so many issues.

Ms. JUDY CHU of California. Mr. Speaker, as chair of the Congressional Asian Pacific American Caucus, I am here to say that we have reached another terrible milestone. Just yesterday, the number of COVID–19 cases in our country surpassed 11 million. One million of those cases came in just the last week alone.

The coronavirus is spreading at a rapid rate, and while hospitals and healthcare providers in all 50 States are overwhelmed, there is still no plan to contain it. The failure to contain the coronavirus has let it spread within every State and community.

Almost one-third of Americans know someone who has died from COVID–19, and yet we are still hearing false claims, including from some of my colleagues on the other side of this Chamber, that masks don't work and that gathering in large groups indoors is safe.

The message that we can or should live with this virus is a denial of the hundreds of thousands of Americans who are sick or who have died from this virus already, and it is condemning thousands more to die as well.

But not everyone is impacted equally. While all of us are susceptible to the virus, communities of color have been disproportionately impacted by the Trump administration's inaction. Now that we know more about this virus, we can see who is paying more for it.

Native Hawaiians and Pacific Islanders have seen cases surge in their communities and continue to face some of the highest COVID–19 infection and mortality rates out of any of the racial groups in several States, including in my own State of California.

And new data shows that Asian Americans are also dying from COVID–19 at a disproportionate rate, with deaths in the Asian-American community nationwide increasing by 35 percent this year compared with the average over the last 5 years. This is compared to a 9 percent increase in deaths for White Americans.

For other communities of color, there are equally high rates: for

Blacks, a 31 percent increase compared to 5 years ago; 44 percent for Hispanics; and a 22 percent increase for Native Americans.

Downplaying this virus is also downplaying the reality of healthcare inequality and minority health disparities in this country. That is why we crafted an urgently needed COVID–19 response bill: to make us sure we can combat the disproportionate effects of coronavirus on communities of color.

That is precisely what the House did in May, with the passage of The Heroes Act, and again in October, with the updated Heroes Act, which ensured that we collect disaggregated race and ethnicity data related to COVID–19 and that we restore Medicaid coverage for citizens of the Freely Associated States of the Pacific islands and include provisions like Congressmember BARBARA LEE's COVID–19 Community Care Act.

It is so important because it would provide targeted COVID–19 testing, treatment, and contact tracing for communities of color that have been devastated by the pandemic. What is so crucial is that it would include culturally and linguistically competent outreach for contact tracing that is so critical to the AAPI community.

Communities of color cannot wait any longer. Americans cannot wait any longer. We need the outgoing President and Republicans in Congress to stop playing games with American lives. We can't ignore the fact that Americans are dying and the economy is struggling because of a refusal to take this virus seriously. It is time to face facts and work together to pass a coronavirus relief package now.

Ms. LEE of California. Thank you very much, Chairwoman CHU, and thank you for being with us tonight, but also for your consistently sounding the alarm to all of us about the necessity for culturally and linguistically appropriate services, testing, contact tracing, as well as the importance of disaggregating the data based on race and ethnicity. Thank you for input into helping to write this bill.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. KELLY), who is the chair of the Congressional Black Caucus' Health Braintrust, someone who is a member of the House Energy and Commerce Committee and also a member of the Oversight and Reform Subcommittee on National Security and Subcommittee on Civil Rights and Civil Liberties.

Congresswoman ROBIN KELLY has helped put together this bill and helped make sure that we put provisions in for data collection and all of the information that we know we need to be able to target these resources.

So thank you, Congresswoman ROBIN KELLY, for being here tonight and for helping us.

Ms. KELLY of Illinois. Mr. Speaker, I rise today to challenge this Congress to act to end the shocking health disparities that COVID–19 has put on display. To date, nearly 250,000 Americans have lost their lives to COVID–19 and more than 10 million have been infected. And these numbers are still rising.

Shocking, but not surprisingly, a disproportionate number, as you have heard, of those who fought and those who fought and lost battles with COVID–19 have been people of color. Once again, another public health crisis has taken an oversized toll on Black Americans, Latinx Americans, Asian and Pacific Americans, and Native Americans.

COVID–19 is simply the latest in a long list of diseases, including cancer, addiction, HIV/AIDS, maternal mortality, diabetes, cardiovascular conditions, and on and on and on, with a disproportionate impact on communities of color.

Why does this continue to be the case in America, the greatest, richest, most powerful country in the history of our world?

The answer is simple: health disparities.

In America, despite all of our technology and pledges to equity, the ZIP Code in which you are born is nearly inescapable as a determinant of your life, your health, and, yes, even your death.

In Chicago, part of my district, life expectancy varies up to 30 years by neighborhood. The pattern is the same across most American communities.

But what are the social determinants of health, or, as I like to say, the social determinants of life?

In short, they are all of the nonmedical factors that impact your health, the things you don't necessarily see a doctor for, such as not having ample fresh food and vegetables in your diet because there aren't any grocery stores in your community; missing routine preventive care, such as cancer screenings, because seeing the doctor means getting up at 4 a.m., taking two buses, and missing a day of work or school.

It means worrying about manganese or lead poisoning in the air you breathe, the water you drink, or the playground where your child plays.

It means dealing with stress, anxiety, and depression from housing instability on top of a recession and pandemic.

All of these factors decide our lives, our health, and, tragically, again, our death. So many of these factors are out of one's individual control, including environmental factors, the location of medical facilities, discriminatory housing policy, and discrimination and so forth.

We all know these factors have been with us for a long time. They have been undermining our health and the health of generations of Americans for centuries.

As we work on these issues, I am continuously reminded of a quote from Dr. King: ''Of all of the forms of inequality, injustice in healthcare is the most shocking and inhumane.''

Despite 70 years passing and amazing technological and societal advancement since he spoke these words, injustice in healthcare, of all of the forms of inequality, still remains the most shocking and inhumane.

Right now, we are seeing parallel COVID–19 pandemics: one in wealthier, whiter communities, and a much harsher one in vulnerable communities of color.

But this is America. There shouldn't be a two-tiered system, because when it comes to public health, we are all in this together.

The only solution is to root out health disparities at their source. We must end systemic racism and a lack of opportunities for low-income and minority communities.

To address these issues in healthcare, my colleague and mentor, Congresswoman BARBARA LEE, has introduced the COVID Community Care Act, H.R. 8192. This legislation, which I am proud to support and my office helped develop, will provide grants for community-based organizations and nonprofits to conduct testing, tracing, and outreach activities in communities.

Given the number and rates of COVID–19, we know that these resources are most urgently needed in communities of color. I believe this legislation is central to making health equity a cornerstone of our Nation's immediate pandemic response. I am proud to be an original cosponsor of this important and immediate-acting legislation.

Additionally, I have introduced the Ending Health Disparities During COVID–19 Act, H.R. 8200, which provides a sweeping approach to addressing the widening health disparities from COVID–19. It tackles the immediate-term needs of testing, tracing, and public awareness from COVID–19.

But just as crucially, the bill makes long-term investments to build a stronger system to reduce and eliminate health inequities in the future via investments in the social determinants of health, technology, research, workforce diversity, and community health centers and workers.

Lastly, H.R. 8200 makes our government accountable for progress on health equity by creating a Federal task force with oversight over health disparities during COVID–19 and beyond and protects the Office of Minority Health. That is a long list to do, but it is all desperately needed.

I truly feel that this long-term approach, combined with strict accountability for health disparities, is exactly what this moment calls for. For the first time, many Americans are waking up to the reality faced by communities of color, a reality that the Tri-Caucus and our fellow Members of Congress, such as champions like Representative BARBARA LEE, are working to address.

We need to harness this rightful outrage and catalyze it into action. We need to make this the last pandemic to have a disproportionate impact on any

American community, because the fact is Americans deserve a public health system that works for all Americans. We deserve to live in one America, not an unequal America with worse health outcomes for Black and Brown people.

We all deserve healthcare because healthcare is a human right, yet it is not easily won. It must be fought for. As Frederick Douglass taught us: ''Power concedes nothing without a demand. It never did and it never will.'' The only path forward is for us to demand it.

□ 2045

We demand action to end health disparities once and for all. We must do this by passing the COVID Community Care Act, H.R. 8192; and Ending Health Disparities during the COVID–19 Act, H.R. 8200.

Ms. LEE of California. Mr. Speaker, I thank Congresswoman KELLY for laying out actually what the social determinants of healthcare are. Oftentimes, we see that as separate from healthcare, but you laid it out perfectly, so thank you for educating us tonight.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON LEE), who is a member of the Judiciary Committee, but also is a member of the Congressional Black Caucus and the Congressional Native American Caucus. I know Congresswoman JACKSON LEE's district in Texas is ravaged by this COVID pandemic, so I want to thank her for helping us with our COVID Community Care Act and for being here tonight.

Ms. JACKSON LEE. Mr. Speaker, I thank very much the distinguished manager, the honorable BARBARA LEE. I am most grateful for her yielding to me. Also, let me acknowledge the very important work that she has done over the years in disparities and racial equity. I thank her for being my partner in H.R. 40, and me her partner in H. Res. 100, that really also speaks to the pain and the issues of disparities.

We look forward to reconciliation and we look forward to repair with those two initiatives. Let me also acknowledge the chair of the Congressional Black Caucus for gathering us all together, and my colleagues that are here, and my colleague that has just joined us, Congresswoman ADAMS.

Let me try to address where we are nationwide and how disparities weaves its way into this phenomenon of the transfer of power—the peaceful transfer of power—and how the President's status of the President-elect and Vice President-elect is interwoven in how to best respond to one of the disparities in healthcare, and that is COVID–19.

Mr. Speaker, first to take note of the fact that the stability of the United States electoral system is remarkable, it first involved the election of 1800, which marked the first time in United States history that power was transferred. The second was the 1876 election, which the President was chosen, who won neither the absolute majority popular vote nor the necessary electoral votes, but it was resolved by the infamous Hayes-Tilden Compromise. The third instance involved the 2000 election, which sought the Supreme Court effectively deciding the Presidency. But in each of those moments there was an end. In each of those moments there was a transfer of power.

We find ourselves now in a quandary. Believe it or not, there are people who are on ventilators. There are people in El Paso and Dallas who are in hospitals, who are being negatively impacted by the idea of the lack of peaceful engagement, specifically because the President-elect and Vice President-elect definitively need to be able to secure information to have their COVID–19 task force speak with the White House task force to understand prospectively how vaccines will be transferred or implemented throughout the Nation.

So as people are languishing on hospital beds, as loved ones are saying goodbye over telephones, we have this inability to transfer power. Our history has shown the transfer of power in the Nation. It was designed as a benefit. It can be harmed when the transition is not smooth and transparent, which can be invariably attributed to one or more of the following reasons.

The outgoing President is still engaged in the building of his or her legacy in the final months of the administration; two, there are sharp differences in philosophy or style between the outgoing and incoming administration; or the current or future President actively makes trouble for his or her successor.

In this timeframe, I hope my colleagues, Republicans and Democrats, will find a way, as we come back to Washington, to be able to look to the transition of Dwight D. Eisenhower and John F. Kennedy, for example, and speak to the idea of how this should go; or maybe even from Lyndon Baines Johnson and Richard Nixon, opposite parties, but yet they found a way to come together in the wake of the importance of the Constitution and democracy.

Why would I start a health disparities discussion on the transfer of power?

As I indicated, it is very important for the work that is going to be part of containing COVID–19 to really start now, to really start now with a new attitude about wearing masks, socially distance, washing your hands, and yes, testing, testing, testing.

That is what I have found as a chair of the bipartisan Congressional COVID Task Force where we have been working on doing the work of implementing and talking about the diagnostic testing and all its gradations over the past couple of months.

Our first testing site in Houston was opened on March 19. We have opened 41 test sites. The most recent was this past Saturday. We open the 42nd on this coming Saturday. The question in disparities is very, very real. The pandemics dealing with racial disparities indicates that there are 74 Black or African-American persons out of 100,000 impacted by COVID; Alaska Native and American Indian, 40; Hispanic or Latino, 40; Asian, 31; White, 30; Native Hawaiian, 29; others, 29.

We can see that there are large numbers of African Americans, Hispanic, and American Indian. We just heard that the Navajo community will be shutting down for a period of time. That is how devastating COVID–19 is. That is how much the disparities in healthcare are evident.

Let me share with you this question of disparities and underlying conditions. Those are numbers of the number of deaths. So the number of deaths is much higher among African Americans and Hispanics.

Why?

Thirty percent more likely to die of CVD—that is cardiovascular disease—that is Black Americans. Latin Americans, 40 percent more likely to die from stroke. And then it goes on. Two times as likely to die as an infant, two times more likely to die of asthma, three times more likely to develop ESRD, two times more likely to die from prostate cancer, two times on cervical cancer, three times in pregnancy. There is still a high level of maternal mortality among African Americans.

As it relates to Latin Americans and Hispanics, two times more likely to die of liver cancer, two times more likely to die of asthma, 1.7 more times to have diabetes, and two times more likely to die of HIV-AIDS. Which is why we see this increasing number of those on that ethnic backgrounds, African Americans, Hispanics and, of course, Native Americans and Alaskans, because of the underlying conditions and the lack of access to healthcare.

We are on this floor today because, as members of the Tri-Caucus, we have made it our constructive business, starting from the Affordable Care Act, to deal with the question of health disparities. As a Member of Congress many years back, I authored legislation to create an Office of Health Disparities in the Health and Human Services Department, knowing that there was a lack of recognition of different clinicals that African Americans were not participating in, men and women. Hispanic men and women were not participating in those as well.

In the course of the work that we are doing right now, we are seeing a high number of deaths. Texas hit 1 million cases on November 6. We were the first State to hit 1 million cases. Now, in Dallas and El Paso, my sister cities, my colleagues who are there working very hard, our hospitals are being oversaturated. The same thing that happened to Houston, Texas, in July of 2020.

And so it is crucial to do three things: One, we must pass the Heroes

Act. We are desperate for that money in testing, desperate for PPPs, desperate for PPEs. We are now running out of PPEs in some of these saturated towns. We are desperate, as I said, for testing. We are desperate for economic dollars that are needed.

Every testing site that I have had—most of them, let me clarify that, we have had full distribution by our Houston Food Bank, because people need food. And as evidenced with lines in my sister State, just a day or two ago in Los Angeles, we saw cars and cars and cars of individuals recognizing that testing was crucial.

I believe that we cannot ignore anymore. There must be cooperation with our Republican friends, I will call them, to deal with providing this financial relief to our cities and to all of our constituents who are desperately in need. We must acknowledge the health disparities. It is important both in the White House task force, we know that it is happening in the COVID task force under the President-elect and Vice President-elect, that health disparities can kill.

And we can see that the lack of a transition of power right at this time, the continued denial of who has been the victor, so that the General Services Administration can stop violating the administrative procedure code in not allowing the resources necessary for the team that is now in place looking to transition to power with the existing Presidency being stopped, not by law, not by any determination that you did not meet the standard of victory in terms of the Electoral College, but by an individual administrator who indicates that they refuse to certify and to allow that transfer of funds for them to work on.

So I thank the gentlewoman for allowing me to present today, to speak both on the disparities and the needs for response, but also on the devastating impact of COVID–19 impacting now several States.

Mr. Speaker, I want to close on this. I want to say it to America. We are coming on our holidays, and many different faiths celebrate their holidays during this time, from Thanksgiving to, in the Christian faith, Christmas, but many different faiths. I am not here to judge how and which faith will be celebrating this very special time of the year. We beg of you, on the basis of science, to realize that because someone is your family member does not mean that they are immune or that they cannot transfer COVID to you, or they are not asymptomatic. My message is that we must test, test, test.

Today, I had a press conference in Houston, and I want to read these words as I close. I would encourage all cities and States to follow what was utilized in Los Angeles. It was effective. And that is a public safety alert. A public safety alert that is simple, that goes out to the text of all citizens.

COVID–19 cases are increasing. Please wear a mask and social distance. Get tested if you have symptoms or might have been exposed. I would add to that, get tested because you may be asymptomatic. That simple note to the text of people in that State allowed thousands of individuals to see the importance of getting tested, and they went to the testing sites. That is going to help contain and stop the community spread.

So my message is, as you get into Thanksgiving, please do your events outside. If you are inside, doing them 10 or less. Please ask all of your relatives and loved ones to get tested, tested, tested, so that we can contain this preceding the vaccine, which we know is coming, but is not coming as soon as we would like.

We also know that we will be addressing the question of implementation and distribution as it relates to people of color and those who suffer disparities, along with the elderly and those underlying conditions.

You will not get a vaccine tomorrow. While we are waiting for that process, we need to do what is right. And that is to continue to social distance, wearing the mask and getting tested.

Mr. Speaker, I thank the gentlewoman for her kindness and her leadership.

Mr. Speaker, today I rise to join my colleagues during this Special Order to shed light on the impact of COVID–19 on communities of color.

I want to recognize and thank Congresswoman KAREN BASS and the Congressional Black Caucus for hosting this hour, so that we may not only speak about the disproportionate impact of the coronavirus on communities of color but also call upon the federal government to address these devastating inequities.

Mr. Speaker, before addressing the devastating impact of the COVID–19 crisis on communities of color, I wish to speak briefly on the important subject of presidential transitions and the peaceful transfer of power for which the United States is justly celebrated around the world.

The stability of the United States electoral system is remarkable, but this does not mean it has never been tested; it has—three times—and weathered each crisis.

The first involved the election of 1800, which marked the first time in United States history that power had transferred peacefully between political parties.

The second involved the 1876 election, in which a president was chosen who won neither the absolute majority popular vote nor the necessary number of electoral votes and was resolved by the infamous 'Hayes-Tilden Compromise,' which effectively ended Reconstruction.

The third instance involved the 2000 election which saw the Supreme Court effectively decide the presidency by ordering the cessation of ballot counting in the state of Florida.

Mr. Speaker, what enabled the country to weather these crises is that all parties, including the victor and the vanquished, understood and accepted the primacy of the rule of law and the bedrock democratic value that power is only legitimately conveyed by the people through their votes and is held in trust and to be used exclusively to protect and advance the national interest.

A peaceful transfer of power implies also a smooth and seamless transition from outgoing administration to the incoming one, which has usually but not always been the case.

Our history has shown how the transfer of power, and the nation it was designed to benefit, can be harmed when the transition is not smooth and transparent, which can invariably be attributed to one or more of the following reasons: (1) the outgoing president is still engaged in the business of building his or her legacy in the final months of the administration; (2) there are sharp differences in philosophy or style between the outgoing and incoming administrations; or (3) the current or future president actively makes trouble for his successor or predecessor.

The transition between President Dwight D. Eisenhower and the newly elected John F. Kennedy is an example of the dangers of presidential legacy building post-election because Eisenhower authorized covert programs for regime change in what is today the Democratic Republic of the Congo, in the Dominican Republic, and, most famously, against Fidel Castro's Cuba but none of these programs were completed by the time Kennedy took the oath of office.

The second form of trouble can come from the soon-to-be-powerful people on the receiving end of a transition, as when incoming President George W. Bush failed to pay due heed to the warnings received from then President Bill Clinton about the dangers of Osama Bin Laden and Al Qaeda.

But far the most serious harm to be avoided stems from the failure of the outgoing administration to prioritize and expedite the sharing of vital information and resources with the incoming administration.

This is the danger we currently face in the aftermath of President-elect Biden's resounding victory in the Electoral College and the popular vote.

Mr. Speaker, the federal government is perhaps the most complex organization in the world because it involves a $5 trillion-plus budget, four million person workforce, including the military and reservists, who are stationed all over the globe, and two million career civil servants in hundreds of operating units of the Executive Branch, not to mention the 4,000 political appointments made by the President.

So, a presidential transition of this enterprise is a massive operation that requires a lot of work, time, and cooperation in three important areas.

The first is access to the agencies themselves—there are over 100 operating in the government—and the incoming team needs to understand what's happening inside them because each and every one of them have different urgent issues that they are addressing and deciding, including for example, the approval and distribution of any vaccine for COVID–19 and dealing with the economic damage caused by the pandemic.

The second area is the processing of personnel, 1,200 of whom require Senate confirmation and who will need security clearances and financial agreements with the Office of Government Ethics to make sure there are no conflicts.

Third, the incoming President must have access to the President's Daily Brief, to ensure it has awareness and understanding of the most current threats and challenges facing our nation.

The final area is providing funding needed to pay the salaries and expenses of the incoming administration's transition personnel.

I call upon the current President to honor his oath of office to defend, protect, and preserve the Constitution and America's sacred tradition of peaceful transfers of power and begin the full and seamless transition to the Biden Administration.

Turning to the immediate subject at hand, we must recognize the impact of COVID–19 on people of color and its devastating consequences on the communities we represent.

As a Founding Member of the Bipartisan Congressional Coronavirus Task Force, I call upon my fellow Members of Congress to not only recognize the disproportionate impact of this virus on communities of color but also to come together to redress this reality.

I first saw news reports on the rapid spread of the coronavirus in early January.

As the numbers of infected increased, I knew this was not something to be taken lightly, so I began to monitor the situation more closely.

On February 10, 2020, I held the first press conference on the issue of the novel coronavirus at Houston Intercontinental Airport, where I was joined by public health officials, local unions, and advocates to raise awareness regarding the virus, the implications it might have for travel to the United States from China, and the need to combat early signs of discrimination targeting Asian businesses in the United States.

From the onset of this pandemic, I have actively worked to address the negative and unequal affects of this disease on people of color.

I have facilitated the opening of 41 COVID–19 testing sites, which have collectively provided over 200,000 tests to residents in Harris County, one of the most diverse counties in the state of Texas.

Across the United States, Black individuals comprise thirteen percent of the population.

Yet, we experience a higher rate of incarceration and health disparities, are more vulnerable to economic slowdowns, and are even more likely to get COVID–19 and face significantly worse health outcomes from the disease.

Disparities tell the story of living while Black in America, and there are disparities in every aspect of African American life and death.

Right now, Black people are dying at 2.2 times the rate and Latinx people at two times the rate of white people.

Whereas American Indian and Alaska Native people are 5.3 times more likely than white people to be hospitalized due to COVID–19.

My district of Harris County has reported over 175,000 total cases of coronavirus, of which over 17,300 identify as Black and over 37,700 identify as Hispanic or Latinx.

From a high prevalence of preexisting conditions to limited employment opportunities to additional structural inequities that are the result of implicit bias and racial discrimination, there are several factors at play for why communities of color are disproportionately affected by the coronavirus,

For example, the African American community is known to be highly affected by preexisting conditions, such as diabetes, heart disease, hypertension, lung disease, and obesity.

With these underlying health conditions, many African Americans suffer from an impaired immune system, thereby dramatically increasing the risk of being infected with and the fatality of the coronavirus.

Limited employment opportunities also play a role in understanding why people of color are most affected by this disease.

According to the Center for Economic and Policy Research, Black workers make up about one in nine workers overall, but they represent about one in six front-line-industry workers, further increasing the disproportionate likelihood of being exposed to and contracting the virus.

These disparities cannot be separated from the history of enslavement of Black people and subsequent periods of segregation, racialized violence, pervasive racial discrimination and their ongoing impacts.

With that in mind, I urge my colleagues to support my bill, H.R. 40, the Commission to Study and Develop Reparation Proposals for African-Americans Act, as it is the most comprehensive legislative solution to begin repairing the legacy of systemic racism and accounting for the harms of past and present.

Mr. Speaker, it is abundantly clear that people across the United States are struggling in the face of this epidemic.

As Members of Congress, we have a duty to our constituents to address this vicious cycle of socioeconomic disparities that further the inequities facing communities of color, especially during the COVID–19 crisis.

We must come together to ensure that COVID–19 relief extends to all members of our communities.

Ms. LEE of California. Mr. Speaker, I thank the gentlewoman from Texas for using this opportunity to deliver a very powerful public health message also. I also would just note a personal privilege. I was born and raised in El Paso, Texas, and my heart goes out to all of those who are suffering from this terrible deadly pandemic.

Mr. Speaker, I want to salute our colleague, Congresswoman VERONICA ESCOBAR, for being such a tremendous leader in El Paso in trying to help on the ground with taking care of people and preventing the transition of the virus.

I thank Congresswoman JACKSON LEE again.

Mr. Speaker, I now yield to the gentlewoman from North Carolina (Ms. ADAMS), a member of the Committee on Education and Labor, whose mission in life, I think, is to make sure that our young people are educated and receive the best quality education through the Historically Black Colleges and Universities, and at the same time make sure that their health and safety is a top priority issue for their health and their safety.

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Ms. ADAMS. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership. I thank, as well, the Chair of the Congressional Black Caucus for getting us together tonight.

Mr. Speaker, I rise today as the founder and co-chair of the Black Maternal Health Caucus.

I want to take this time to speak briefly about the impact of COVID–19 on the Black community, communities of color, and pregnant women.

For the past 8 months, our country has been battling this incredibly deadly virus. It is a national public health crisis unlike any we have experienced. And it has highlighted the existing racial health disparities that our communities were already facing.

The data does not lie. We know that people of color are experiencing significantly higher rates of infections and deaths compared to White individuals.

Black people are more than twice as likely to die from COVID–19 as White people, and the mortality rate for Native Americans is nearly two times that of White persons.

Researchers have also found that Black and Hispanic people are nearly three times as likely to contract COVID–19 and nearly two times as likely to die from COVID–19.

This month, a CDC morbidity and mortality weekly report found that pregnant women are at increased risk for severe illness from COVID–19.

Since January 22, more than 38,000 pregnant women have been diagnosed with COVID–19 in the United States, of which 51 have died.

The study found that pregnant women are more likely to be admitted to the intensive care unit, receive invasive ventilation, and are at increased risk of death compared to White, nonpregnant women.

But much remains unknown.

But what we do know is that before the pandemic Black and Brown mothers were already dying at alarming and unacceptable rates.

In particular, Black women from all walks of life were three and four times more likely to die from pregnancy-related complications than White women.

According to the CDC data, Latina women account for nearly 50 percent of COVID–19 cases among pregnant women.

And these numbers indicate the devastating effects of the pandemic on the minority community.

A recent study also showed that Black and Latina women in Philadelphia who are pregnant were five times more likely to be exposed to the new coronavirus than White pregnant women.

Physicians in Washington, DC, said that anecdotally they were also seeing similar patterns, according to an August report in the Washington Post.

As Congresswoman LEE and I have continued to say since the start of the pandemic, we are facing a crisis within a crisis. And that is why I have been working closely with healthcare providers, stakeholders, to provide a comprehensive plan for eliminating these racial health disparities, especially during the pandemic.

We must improve access to screening and treatment for women at risk for preterm birth;

Ensure that all women have access to high quality maternity care, no matter where they live;

And provide access to midwives or doulas that can advocate for families' needs throughout pregnancy, labor, and delivery.

This summer I introduced the COVID–19 Bias and Anti-Racism Training Act to provide grants for hospitals and healthcare providers for implicit bias training, particularly in light of COVID–19.

We all have our unconscious bias, and it is important for our healthcare providers to be more aware of those issues as they are providing care to patients during the pandemic.

We need to invest in programs that help families meet their basic needs, including nutrition assistance, housing assistance, and other social supports.

Last, but certainly not least, we must improve the quality of the data being collected and ensure diversity among stakeholders that serve on mortality review committees.

If we don't stand together to address these inequities, Black and Brown mothers, our families, our friends, and our communities will continue to suffer.

I hope this Congress will stand together to ensure that our communities, our mothers, our babies have the resources they need—not only to survive this pandemic, but to thrive and truly build back stronger.

Mr. Speaker, I thank the gentlewoman from California for her leadership.

Ms. LEE of California. Mr. Speaker, I thank Congresswoman ALMA ADAMS for that very clear statement and I thank her for outlining the interconnection and the intersection between systemic racism and the social determinants of healthcare and how they impact the underlying conditions and exacerbate it now as seen in COVID–19. I thank Congresswoman ADAMS again for her leadership.

Mr. Speaker, I yield to the gentlewoman from Pennsylvania (Ms. SCANLON), who certainly knows the serious and devastating impact of this COVID pandemic in her district. I visited her district and understand how close she is to her nonprofits and her community-based organizations who are doing phenomenal work.

Mr. Speaker, I thank Congresswoman SCANLON very much for being here.

Ms. SCANLON. Mr. Speaker, I thank the gentlewoman for arranging this Special Order hour.

I stand before you today frustrated by the lack of Federal relief as COVID–19 surges across the country. With each day that we don't have relief for families, businesses, our frontline workers, and the State and local governments that have borne the brunt of the pandemic response, its impact grows that much more disastrous—and disproportionately so for our communities of color.

More than a quarter of my constituents are Black, and we now know that Black individuals are almost three times as likely to become infected with COVID–19 as White individuals and twice as likely to die of the virus. So over the past 9 months my district has seen families and neighborhoods devastated by this virus.

My district is also home to our Nation's poorest and hungriest major city. When you live paycheck to paycheck, one missed shift or even missing an hour's worth of work forces families to make impossible decisions between putting food on the table or keeping a roof overhead, and it makes quarantining impossible.

For the most part these are not new challenges caused by COVID–19, these are challenges that have been plaguing our most marginalized communities and communities of color for decades. But the pandemic has exacerbated and laid bare these inequities for all who care enough to see. It is why we must provide relief to help our communities survive the pandemic and commit to closing the gaps preexisting the pandemic that have been holding families back for far too long.

Our families are in crisis. They need stimulus checks to pay their rent and mortgages. They need access to free testing to protect themselves and their families. They also need food and childcare and access to equitable education, housing, healthcare, and wages.

This pandemic has shown us there is a roadmap to improving the lives of millions of Americans, especially our communities of color, but we must have the courage to follow it.

Ms. LEE of California. Mr. Speaker, I thank Congresswoman SCANLON for joining us tonight with our Tri-Caucus and Congressional Black Caucus, because so many of the issues that you are talking about in your district as it relates to COVID and health disparities and the social determinants we all are dealing with in our districts, and so thank you for your leadership and for continuing to help us get this Heroes Act passed so that we can do some of the things that you laid out that our communities deserve.

Mr. Speaker, I include in the RECORD the following statements from the Leadership Conference on Civil and Human Rights, the National Indian Health Board, the Asian Health Services, and UnidosUS.

STATEMENT FOR THE RECORD: LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS

On behalf of the Leadership Conference on Civil and Human Rights, I submit this testimony for the record.

No matter what we look like, where we live, or what is in our wallets, getting sick reminds us that at our core we are all the same. But we cannot ignore the pandemic's disproportionate and devastating impact on Black and Brown people, Native Americans, low-income people, people with disabilities, the elderly, women, and immigrant communities. Through health and education disparities, income inequality, discrimination in voting and housing, unequal treatment within the legal system, and the digital divide, communities of color have been routinely locked out and left behind—and sadly, as we have seen in increased hate violence and in far worse health outcomes for people of color, this pandemic is no different.

This pandemic calls for the enactment of policies and sufficient funding to protect low- and moderate-income people from economic disaster and to meet the urgent needs of the most vulnerable people in our nation. Communities that have already been marginalized by structural barriers to equal opportunities and who have low levels of wealth are particularly vulnerable during this current emergency. While many working people have been sidelined, many others are still providing essential services during the crisis—working at our grocery stores, delivering mail and packages, and providing care to vulnerable people—putting their lives at risk, often at reduced hours and wages, to keep our country running. The ongoing crisis has laid bare the structural racism and barriers to opportunity that are entrenched in our society, and our collective actions now must not worsen them.

STATEMENT FOR THE RECORD: NATIONAL INDIAN HEALTH BOARD

On behalf of the National Indian Health Board (NIHB) and the 574 sovereign Tribal Nations we serve, I submit this testimony for the record.

American Indian and Alaska Native (AI/AN) Tribal communities have been disproportionately impacted by the COVID–19 pandemic. No sector of Tribal economies or health systems have been spared from the devastation this crisis has unleashed. We are now, as of this writing, seven months in the throes of an unparalleled pandemic. While we may not have been able to prevent the outbreak of COVID–19, we absolutely could have mitigated the worst of its impacts—especially in Indian Country. But unfortunately, our Tribes are, once again, battling a catastrophic, unprecedented, once-in-a-lifetime disease without the necessary federal relief funds and resources to protect and preserve life.

Since June of this year alone, NIHB has submitted seventeen letters to Congress urging immediate action and passage of emergency stimulus funds for the Indian health system to better respond to COVID–19. We solemnly await congressional action. We have consistently urged long-term reauthorization of the Special Diabetes Program for Indians (SDPI), vital to Tribal efforts to mitigate the spread of COVID–19 by preventing, treating, and managing one of the strongest risk factors for a more serious COVID–19 illness: type II diabetes. We solemnly await congressional action. We have demanded that Congress work to fulfill Treaty obligations to Tribal Nations and Native people by ensuring congressional COVID–19 relief funds are on par with the recommendations outlined by Tribal leaders and health experts. We solemnly await congressional action. We have urged that burdensome administrative requirements for accessing federal grants and programs be eliminated to ensure expeditious delivery of relief resources. We solemnly await congressional action. We have urged that Congress not subject the Indian health system to a destabilizing continuing resolution (CR) as it continues to combat against an unparalleled pandemic; or to, at the least, attach emergency COVID–19 appropriations for IHS to the CR to mitigate the pain and disruption. Again, we solemnly await congressional action.

To be clear, we continue to appreciate the commitment and leadership of members of Congress in working to advance Tribal health priorities in response to COVID–19. But the Tribes require action from all of Congress on those commitments. On September 10, NIHB was joined by the National

Congress of American Indians and the National Council of Urban Indian Health in a letter to congressional leadership urging immediate action on the priorities listed below. These priorities have remained intact since early summer, as Indian Country continues to bear the brunt of this extraordinary crisis. In short, these priorities have not changed because the situation in Indian Country remains just as dire. Once again, we solemnly await congressional action.

TRIBAL COVID–19 PRIORITIES

Minimum $2 billion in emergency funds to IHS for immediate distribution to I/T/U system.

$1.7 billion to replenish lost 3rd party reimbursements across the I/T/U system.

Prioritize equitable distribution of a safe and effective COVID–19 vaccine across Indian Country, including a minimum 5 percent set-aside in vaccine funds for the I/T/U system.

Minimum $1 billion for water and sanitation systems across IHS and Tribal communities.

Long-term reauthorization (5 years), higher funding, and expansion of self-determination and self-governance for the Special Diabetes Program for Indians.

COVID–19 UPDATES

The last time NIHB appeared before this Subcommittee was June 10, 2020. Since that time, the number of AI/AN COVID–19 case infections reported by IHS have nearly quadrupled. Similarly, the Centers for Disease Control and Prevention (CDC) reported a roughly 22 percent increase in COVID–19 hospitalization rates among AI/ANs—increasing from a rate of 272 per 100,000 in mid-July to 347.7 per 100,000 as of September 12, 2020. Rates of death from COVID–19 among AI/ANs have more than doubled since the last time NIHB testified before the Subcommittee—from a rate of 36 per 100,000 on June 9 to 81.9 per 100,000 as of September 15.

In August, the Centers for Disease Control and Prevention (CDC) reported that across 23 states, cumulative incidence rates of lab-confirmed COVID–19 cases among AI/ANs are 3.5 times higher than for non-Hispanic Whites. Also, according to CDC, age-adjusted rates of COVID–19 hospitalization among AI/ANs from March 1, 2020, through August 22, 2020, were 4.7 times higher than for non-Hispanic Whites. Without sufficient additional congressional relief sent directly to I/T/U systems, these shocking upward trends will more than likely continue as COVID–19 restrictions are eased, schools and businesses reopen, and the potential threat of a more severe flu season coincides with this pandemic. State-specific data further demonstrate the vast inequities in COVID–19 deaths between AI/ANs and the general population. Below are a few examples of these state-specific disparities based on NIHB's analysis of state-specific data.

In Arizona, AI/ANs account for 5.5 percent of the population, but 13.4 percent of COVID–19 deaths.

In New Mexico, AI/ANs account for 10.7 percent of the population, but nearly 57 percent of COVID–19 deaths.

In Montana, AI/ANs account for 8.2 percent of the population, but 27 percent of COVID–19 deaths.

In South Dakota, AI/ANs account for 10.4 percent of the population, but nearly 23 percent of COVID–19 deaths.

In North Dakota, AI/ANs account for 6.5 percent of the population, but 13.3 percent of COVID–19 deaths.

In Mississippi, AI/ANs account for less than 1 percent of the population, but 3 percent of COVID–19 deaths.

Even more alarming is the lack of complete data on COVID–19 outcomes among AI/ANs. Available COVID–19 data already highlight significant disparities between AI/ANs and the general population; shockingly, true estimates of disease burden and death resulting from COVID–19 in Indian Country are likely much higher. In CDC's own August 2020 report on COVID–19 in Indian Country, the authors noted the following:

This analysis represents an underestimate of the actual COVID–19 incidence among AI/AN persons for several reasons. Reporting of detailed case data to CDC by states is known to be incomplete; therefore, this analysis was restricted to 23 states with more complete reporting of race and ethnicity. As a result, the analysis included only one half of reported laboratory-confirmed COVID–19 cases among AI/AN persons nationwide, and the examined states represent approximately one third of the national AI/AN population. In addition, AI/AN persons are commonly misclassified as non-AI/AN races and ethnicities in epidemiologic and administrative data sets, leading to an underestimation of AI/AN morbidity and mortality.

Indeed, there are multiple states that still have a significant percentage of COVID–19 cases missing critical demographic data. In California for instance, a whopping 31 percent of cases are still missing race and ethnicity. The State of New York has failed to report AI/AN data altogether—listing only Hispanic, Black, White, Asian, or Other on their COVID–19 data dashboards.

Meanwhile, the Special Diabetes Program for Indians (SDPI)—instrumental for COVID–19 response efforts in Indian Country because it is focused on prevention, treatment, and management of diabetes, one of the most significant risk factors for a more serious COVID–19 illness—has endured four short-term extensions since last September, placing immense and undue strain on program operations. Under the House-passed CR for FY 2021 H.R. 8337, SDPI is extended for a mere eleven days—its shortest reauthorization on record. A national survey of SDPI grantees conducted by NIHB found that nearly 1 in 5 Tribal SDPI grantees reported employee furloughs, including for healthcare providers, with 81 percent of SDPI furloughs directly linked to the economic impacts of COVID–19 in Tribal communities. Roughly 1 in 4 programs have reported delaying essential purchases of medical equipment to treat and monitor diabetes due to funding uncertainty, and nearly half of all programs are experiencing or anticipating cutbacks in the availability of diabetes program services—all under the backdrop of a pandemic that continues to overwhelm the Indian health system.

Now, with the inevitability of a continuing resolution (CR) through at least December 11, 2020—and the possibility of another CR thereafter—it is even more imperative that Congress provide emergency appropriations to better stabilize the Indian health system. This Subcommittee knows full well that IHS is the only federal healthcare system that is subject to government shutdowns and CRs. This Subcommittee is also acutely aware of the devastating impacts that endless CRs have had, and will continue to have, on the Indian health system. We commend Chair McCollum's leadership in introducing H.R. 1128 and Ranking Member Joyce's strong support for H.R. 1135—both of which would authorize advance appropriations for IHS and permanently insulate it from the volatility of the annual appropriations process. But in the interim, Congress must ensure a funding fix that protects and preserves life in Indian Country and delivers critical pandemic relief in recognition of federal Treaty obligations. If Congress fails to provide sufficient emergency appropriations for the Indian health system, a stopgap measure will force a healthcare system serving roughly 2.6 million AI/ANs to operate during a pandemic without an enacted budget or even adjustments for rising medical and non-medical inflation. In short, that is a recipe for even more disaster, death, and despair.

We patiently remind you that federal Treaty obligations for healthcare to Tribal Nations and AI/AN Peoples exist in perpetuity and must be fully honored, especially in light of the current pandemic and its unparalleled toll in Indian Country. While we appreciate the roughly $1 billion to IHS under the CARES Act and the $750 million testing set-aside under the Paycheck Protection Program and Health Care Enhancement Act; these investments have been necessary but woefully insufficient to stem the tide of the pandemic in Tribal communities.

We thank you for your continued commitment to Indian Country, and as always, stand ready to work with you in a bipartisan fashion to advance the health of all AI/AN people.

Sincerely,

NATIONAL INDIAN HEALTH BOARD.

STATEMENT FOR THE RECORD: ASIAN HEALTH SERVICES

On behalf of the One Nation Commission, Co-Chairs Sherry Hirota, CEO of Asian Health Services, and former Congressman Mike Honda, I submit this testimony for the record.

The information shared, is documented in the One Nation Commission 2020 Report: One Nation AAPIs Rising to Fight Dual Pandemics COVID–19 and Racism, which was delivered to every member of Congress and the Senate in October 2020.

The COVID–19 pandemic has hit communities of color, including AAPIs, the hardest. In the 13th Congressional District, Alameda County in California, AAPIs are the largest population subgroup, comprising a diverse and varied population, spanning every economic stratum; essential workers and corporate CEOs, Nobel Laureates and students on the broken side of the digital divide, researchers and doctors, janitors and food servers, and new immigrants all contributing to society in this time of crisis.

By the time COVID–19 was declared a global pandemic and national emergency, the Asian American and Pacific Islander (AAPI) Community had already gone underground. Fear of the virus was compounded by a sudden and virulent rise in hate and violence against Asians. Racist taunting by our country's top leader calling Covid–19 ''Kung Flu,'' and ''China Virus,'' used the pandemic and its economic destruction to scapegoat Asian Americans across the country. Congresswoman Lee's own staffer was called, ''COVID'' and pelted with rocks while riding his bike through Rock Creek Park in D.C. Despite calls from every sector of the AAPI Community for the president to retract his dangerous words, the hate speak continued. The result was a tsunami of attacks on Asian Americans.

As COVID–19 cases spiked around the country, AAPIs were not only blamed but appeared missing from the news coverage, data, and charts. The twenty-five-year-old health advocacy battle to ''disaggregate data'' reared its ugly head again and was now a matter of life and death. Lumping together information about ethnic and language groups obstructs effective epidemiology and care. In the big picture, the absence of data ensures invisibility for AAPIs as a whole, and each subpopulation within that designation. Missing are the number of AAPIs who have been tested, how many tested positive, how many are sick, or hospitalized, or have died. We must expand the frame—to ask, what is the impact of COVID–19 on AAPI communities? To fill the gap a self-organized

work group of nationally renowned AAPI researchers pulled data from multiple cities and states revealing higher death rates among Asian Americans who were Covid positive.

Nine months into the dual pandemic of COVID–19 and racism, the AAPI community is fighting back against being both blamed and ignored. The One Nation Commission is honored to join forces with Congresswoman Barbara Lee, Congresswoman Karen Bass, and the Congressional Black Caucus, Congressional Asian Pacific Islander American Caucus, and individuals and organizations to defeat COVID–19, bring back our communities stronger and healthier, combat hate crimes against AAPIs, and work in solidarity with the Black, Latinx and Indigenous People to fight systemic racism.

Hidden disparities undermine effective and just health policy and outcomes. COVID vaccine allocation, for example, based prioritization in part on inaccurate information of disparities and vulnerabilities. Recently the National Academy of Sciences released recommendations on vaccine allocation but did not name Asian Americans as a vulnerable group. This must be immediately rectified.

Critical to health, justice, equity, and the opportunity for our communities to emerge stronger than before from these dual pandemics:

(1) Mandate disaggregated data collection and reporting;

(2) Require linguistically and culturally competent outreach and care;

(3) Strengthen and resource the community health center and nonprofit safety net; and

(4) Reverse unfair and un-American anti-immigrant policies that endanger the public health and public good, including Public Charge.

Immediate next steps:

(1) Protecting and further investing in trusted community-based organizations to implement new programs and preserve proven programs,

COVID community testing,

COVID contact tracing,

Cultural and linguistic competency,

Addressing misinformation that creates fear and chilling effects (e.g., public charge rule change).

(2) Expanding beyond COVID–19 outcomes (cases and deaths) to understand full impacts

Anti-Asian hate crimes à physical and mental health,

Mental health,

Immigration status affecting access and utilization of services (e.g., public charge rule change),

Other social determinants of health (occupation/essential workers, living conditions, language barriers).

(3) Data disaggregation is paramount to identifying and addressing hidden disparities. Encourage immediate disaggregated data collection at the local levels—testing, cases, comorbidities, deaths,

Do not let the perfect be the enemy of the good: Reinforce disaggregated data reporting in public communications to create this paradigm shift, even with small numbers,

An example of hidden disparities: Filipinos having even more striking death rates. In the U.S., Filipino nurses make up 4 percent of workforce but nearly 31.5 percent of deaths among registered nurses.

STATEMENT FOR THE RECORD: UNIDOSUS

On behalf of UnidosUS, I submit this testimony for the record.

Communities of color are putting life and limb on the line every day to help our nation through the COVID–19 crisis yet continue to be overwhelmingly and disproportionately impacted by the dire health and economic repercussions of this pandemic.

These unprecedented and devastating times continue to expose the appalling and deeply unjust fault lines in our nation's health care system and labor force. Despite the fact that Latinos are overrepresented in ''essential'' occupations where they are most at risk of exposure to the coronavirus infection and are also bearing the brunt of the economic fallout from the pandemic, they have been consistently excluded from much needed COVID–19 relief legislation.

Any further delay in COVID–19 relief legislation will be particularly devastating to the health and well-being of our nation's 58 million Latinos, far too many of whom have been left out of the four coronavirus relief packages enacted so far. Failure to respond urgently to the human suffering we are witnessing is deeply objectionable and, from a public health and economic perspective, wholly indefensible.

Latinos have long suffered from health disparities—being more likely to develop chronic health conditions such as diabetes, heart disease, and obesity. Another disparity is emerging, Latinos are contracting and dying from COVID–19 disproportionately and are nearly three times more likely to die compared to non-Hispanic Whites.

These disparities are a result of multiple preexisting structural and societal factors, including a health care system that leaves coverage out of reach of millions of Latinos. Before the pandemic, more than 10 million Latinos (including 1.6 million Latino children) were uninsured, and preliminary data now show that the Latino uninsured rate increased over the course of 2020. Latinos have also long struggled with food insecurity and increased stressors and mental health issues, and the pandemic has only exacerbated these challenges.

Ms. LEE of California. Mr. Speaker, let me take a moment to thank all of our colleagues who joined us this evening laying out the pandemic upon pandemic upon pandemic in communities of color.

In all past public health crises one recurring lesson stands out: That is, success depends on the willingness of people to trust the health information that they are getting. We learned this from the HIV and AIDS pandemic, Ebola, H1N1, and now we are learning it again during COVID. So this is especially true for communities of color.

This year millions of Americans have taken to the streets to demand racial justice. This is because the system that exists today has failed them. We must acknowledge the centuries old racial and ethnic disparities, and intentionally build culturally and community-minded policies to move forward for a stronger and unified country.

We must act swiftly. The longer communities suffer from COVID–19, the greater the long-term impact and disparities. States project that their shortfall for 2021-fiscal year will be much deeper than the shortfalls faced in any year of the Great Recession.

Federal Reserve economists project that unemployment will be at 6.5 percent at the end of 2021. Of course, it is higher in communities of color. The Congressional Budget Office projects an even higher rate at 6.7 percent; again, for communities of color more than likely it is double that.

Our Nation's workforce is disproportionately composed of communities of color and some of the most marginalized communities and groups. Many are essential workers. These workers and their families are being put at greater risk during the coronavirus pandemic due to the conditions of their jobs and their socioeconomic realities and, mind you, the lack of Federal response. We must pass a COVID relief bill.

I am proud to stand before you joined by my colleagues because I know that this change is on the horizon. From the sidewalks to the ballot boxes, people are fully engaged and are courageously advocating to be heard. It is our job that every community is ensured coronavirus relief and that we negotiate what is needed, including funding to provide relief for every community and with community stakeholders.

Our bill, H.R. 8192, the COVID Community Care Act, does just that. We cannot afford to leave anyone behind.

Mr. Speaker, once again, I thank our Speaker; Chairwoman BASS, for sharing this CBC Special Order hour; and I thank our Tri-Caucus chairs, Congresswoman CHU and Representative CASTRO, Representatives HAALAND, DAVIDS, of course, Representative GARCÍA. And I thank all of our colleagues for being here tonight to really sound the alarm.

This is an emergency in the entire country. It is a deep and broad emergency pandemic as it relates to COVID–19, and we need relief right away.

Mr. Speaker, I yield back the balance of my time.

Ms. JOHNSON of Texas. Mr. Speaker, I rise today to speak on the impact of the coronavirus (COVID–19) pandemic on our communities of color across this nation. This virus has deeply impacted every segment of our society, but the harms that have befallen certain populations have been disproportionate and devastating.

For our Black, Latino, Indigenous, Asian, and immigrant families, COVID–19 has exacerbated longstanding inequities in our health care and economic systems, and our communities of color have been burdened with higher rates of comorbidities, more barriers in accessing medical care, and worse health outcomes due to this virus. This has been devastating to observe, as many of these same communities have also been dealing with significant economic turmoil in these recent months.

Never has our society faced a challenge such as this. These are truly unprecedented times, and it merits our relentless efforts to lessen the damages of this pandemic, which is expected to worsen during this upcoming winter season. It is our responsibility as members of this chamber to prevent the imminent disparate harms of COVID–19 on communities of color. We must also address the systematic issues of structural racism in our society, which affects the health and economic wellbeing of our families.

Everyday, our nation sees the need for further action to combat this public

health crisis. I urge my colleagues to join me in supporting additional federal assistance to fight this pandemic and protecting our communities of color.

Mr. CARSON of Indiana. Mr. Speaker, I rise today in support of the Tri-Caucus' Special Order to highlight the disproportionate impact of COVID–19 on communities of color. Our nation is currently overwhelmed by unprecedented numbers of COVID–19 cases, hospitalizations and deaths. After more than eight months of suffering, the COVID–19 pandemic continues to ravage our communities, creating incalculable pain, massive economic disruption, and immense strain on our public health system. As of this moment, more than 246,000 Americans have lost their lives from this deadly disease. More than eleven million have been infected, and nearly 70,000 are currently hospitalized with severe cases of COVID–19. While all Americans are suffering from this pandemic, communities of color are experiencing acute and disproportionate pain.

From the beginning of this pandemic, it was clear that the phrase ''when white America catches a cold, Black America gets pneumonia'' would be particularly true with COVID–19's devastating consequences. In fact, the COVID–19 pandemic disproportionately harms Black and Brown communities with dramatically unequal infection rates, hospitalizations, and deaths. Specifically, Black people are three times more likely to become infected with COVID–19 than whites. Moreover, Black people die from COVID–19 at around twice the rate of white people. These aren't just statistics. They represent our friends, neighbors, and loved ones. They are people like my cousin who died from COVID–19 earlier this year, and so many others who are no longer with us.

Like past disease outbreaks and natural disasters, the COVID–19 pandemic lays bare the consequences of systemic injustices suffered by communities of color. Institutional racism, compounded by environmental and economic injustices, have resulted in severe health disparities for communities of color which make the COVID–19 pandemic so uniquely devastating. Despite the disproportionate harm the COVID–19 pandemic has caused among communities of color, many states still do not provide transparency regarding racial and ethnic demographic data for COVID–19 cases and deaths. For example, in my state of Indiana, the State only provides an aggregate breakdown of the racial and ethnic demographics for cases and deaths during the entire pandemic. This results in a profoundly incomplete picture of the disproportionate sickness, death, fear and tragedy this virus is inflicting on communities of color.

As Congress considers much-needed, additional measures to combat COVID–19 and provide relief for businesses, hospitals and workers, one thing is clear: Communities of color must receive substantial relief and support that matches the devastation they've suffered from this pandemic. In addition, states and public health departments must provide updated and daily demographic information, including a racial and ethnic breakdown, for the daily numbers of COVID–19 cases and deaths. This data transparency is essential to fully understand how the pandemic is affecting different communities and how we can best respond. With this data, we can better target our COVID–19 relief funds and support to ensure that communities of color get all the help we need to weather the storm of this pandemic and combat the underlying inequities in our health care system that this pandemic has exacerbated.

I am committed to work with my colleagues on both sides of the aisle to act now and to act boldly to implement a national plan that will save lives from this terrible disease.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ADERHOLT (at the request of Mr. MCCARTHY) for today and the balance of the week on account of quarantining as precautionary measure as recommended by the Office of Attending Physician.

CERTIFICATION SUBMITTED PURSUANT TO SECTION 5(a) OF HOUSE RESOLUTION 965, 116TH CONGRESS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, November 10, 2020.

Hon. NANCY PELOSI,
Speaker, of the House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to section 5(a) of House Resolution 965, following consultation with the Ranking Minority Member, I write to notify you that that operable and secure technology exists to conduct remote voting in the House of Representatives.

Sincerely,

ZOE LOFGREN,
Chairperson.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS,
Washington, DC, November 16, 2020.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Section 202(d) of the Congressional Accountability Act (CAA), 2 U.S.C. 1312(d), requires the Board of Directors of the Office of Congressional Workplace Rights (''the Board'') to issue regulations implementing Section 202 of the CAA relating to sections 101 through 105 of the Family and Medical Leave Act of 1993 (''FMLA''), 29 U.S.C. 2611 through 2615, made applicable to the legislative branch by the CAA. 2 U.S.C. 1312(a)(1).

Section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), requires that the Board issue a general notice of proposed rulemaking by transmitting ''such notice to the Speaker of the House of Representatives and the President Pro Tempore of the Senate for publication in the Congressional Record on the first day of which both Houses are in session following such transmittal.''

On behalf of the Board, I am hereby transmitting the attached notice of proposed rulemaking to the Speaker of the House of Representatives. I request that this notice be published in the House section of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal. In compliance with Section 304(b)(2) of the CAA, a comment period of 30 days after the publication of this notice of proposed rulemaking is being provided before adoption of the rules.

Any inquiries regarding this notice should be addressed to Susan Tsui Grundmann, Executive Director of the Office of Congressional Workplace Rights, Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; 202–724–9250.

Sincerely,

BARBARA CHILDS WALLACE,
Chair of the Board of Directors,
Office of Congressional Workplace Rights.

Attachment.

NOTICE OF PROPOSED RULEMAKING FROM THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS AND REQUEST FOR COMMENTS FROM INTERESTED PARTIES.

MODIFICATIONS TO THE RIGHTS AND PROTECTIONS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA), NOTICE OF PROPOSED RULEMAKING, AS REQUIRED BY 2 U.S.C. 1312, CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED (CAA).

Background:

The purpose of this Notice is to propose modifications to the existing legislative branch FMLA substantive regulations under section 202 of the CAA (2 U.S.C. 1302 et seq.), which applies the rights and protections of sections 101 through 105 of the FMLA to covered employees. On December 20, 2019, Congress enacted the Federal Employee Paid Leave Act (subtitle A of title LXXVI of division F of the National Defense Authorization Act for Fiscal Year 2020, Public Law 116–92, December 20, 2019) (FEPLA). FEPLA amended the FMLA to allow most civilian Federal employees, including eligible employees in the legislative branch, to substitute up to 12 weeks of paid parental leave (PPL) for unpaid FMLA leave granted in connection with the birth of an employee's son or daughter or for the placement of a son or daughter with an employee for adoption or foster care. These modifications are necessary in order to bring existing legislative branch FMLA regulations (issued April 19, 1996) in line with these recent statutory changes.

What is the authority under the CAA for these proposed substantive regulations?

Section 202(a) of the CAA provides that the rights and protections established by sections 101 through 105 of the FMLA (29 U.S.C. 2611–2615) shall apply to covered employees in the legislative branch. Section 202(d)(1) and (2) of the CAA require that the Office of Congressional Workplace Rights Board of Directors (the Board), pursuant to section 304 of the CAA, issue regulations implementing the rights and protections of the FMLA and that those regulations shall be ''the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in the subsection (a) [of section 202 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' The modifications to the regulations proposed by the Board herein are on all matters for which section 202 of the CAA requires regulations to be issued.

Are there currently FMLA regulations in effect?

Yes. On January 22, 1996, the OCWR Board adopted and submitted for publication in the Congressional Record the original FMLA final regulations implementing section 202 of the CAA, which applies certain rights and protections of the FMLA. On April 15, 1996, pursuant to section 304(c) of the CAA, the House and the Senate passed resolutions approving the final regulations. Specifically,

the Senate passed S. Res. 242, providing for approval of the final regulations applicable to the Senate and the employees of the Senate; the House passed H. Res. 400 providing for approval of the final regulations applicable to the House and the employees of the House; and the House and the Senate passed S. Con. Res. 51, providing for approval of the final regulations applicable to employing offices and employees other than those offices and employees of the House and the Senate. After the Senate and the House passed these resolutions, the OCWR Board formally issued the FMLA regulations on April 19, 1996.

Note: On June 22, 2016, the Board adopted and submitted for publication in the Congressional Record additional amendments to its substantive regulations regarding the FMLA. 162 Cong. Rec. H4128–H4168, S4475–S4516 (daily ed. June 22, 2016). The 2016 amendments provide needed clarity on certain aspects of the FMLA. First, they add the military leave provisions of the FMLA, enacted under the National Defense Authorization Acts for Fiscal Years 2008 and 2010, Pub. L. 110–181, Div. A, Title V 585(a)(2), (3)(A)–(D) and Pub. L. 111–84, Div. A, Title V 565(a)(1)(B) and (4), which extend the availability of FMLA leave to family members of the Regular Armed Forces for qualifying exigencies arising out of a service member's deployment. They also define those deployments covered under these provisions, extend FMLA military caregiver leave for family members of current service members to include an injury or illness that existed prior to service and was aggravated in the line of duty on active duty, and extend FMLA military caregiver leave to family members of certain veterans with serious injuries or illnesses. Second, the amendments set forth the revised definition of ''spouse'' under the FMLA in light of the Department of Labor's February 25, 2015 Final Rule on the definition of spouse, and the United States Supreme Court's decision in *Obergefell, et al., v. Hodges*, 135 S. Ct. 2584 (2015), which requires a state to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state. Because Congress has not acted on the Board's request for approval of these amendments, the Board will resubmit them for congressional approval when it submits its request for approval of its FEPLA amendments to its substantive FMLA regulations.

What does the FMLA provide?

In general, the FMLA provides eligible employees the right to take a total of 12 workweeks of unpaid leave during any 12–month period for specified family and medical reasons and for specified circumstances relating to a family member's military service. Employing offices in the legislative branch covered by FMLA provisions of the CAA must provide unpaid leave to eligible employees: (1) for the birth of a son or daughter and to care for the newborn son or daughter; or (2) for placement with the employee of a son or daughter for adoption or foster care; (3) to care for the employee's spouse, son, daughter, or parent with a serious health condition; (4) because of a serious health condition that makes the employee unable to perform the functions of the employee's job; (5) because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty status; and (6) to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.

How do the FEPLA amendments affect the FMLA as applied to the legislative branch?

The FEPLA amendments to the FMLA include provisions expressly applicable to the legislative branch that both: (1) change the eligibility rules for employees to take protected leave for births or placements under the FMLA; and (2) permit employees to substitute PPL and other paid accrued leave for unpaid FMLA leave for such births or placements. The FEPLA amendments are summarized below.

For purposes of FMLA leave with respect to any birth or placement, all covered employees in the legislative branch are eligible for job-protected leave under the FMLA immediately upon commencement of employment. ''Covered employee'' means any employee of: (1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Congressional Workplace Rights; (9) the Office of Technology Assessment; (10) the Library of Congress; (11) the Stennis Center for Public Service; (12) the China Review Commission; (13) the Congressional Executive China Commission; or (14) the Helsinki Commission. *See* 2 U.S.C. 1301(a)(3).

Generally, FMLA leave is unpaid leave. However, under certain circumstances, the FEPLA amendments to the FMLA, as made applicable by the CAA, permit an eligible employee to choose to substitute PPL and accrued paid leave (such as paid annual, vacation, personal, family, medical, or sick leave) for unpaid FMLA leave. The term ''substitute'' means that paid leave will run concurrently with the unpaid FMLA leave. Accordingly, the employee receives pay during the period of otherwise unpaid FMLA leave. For leave taken for a birth or placement, an employee may elect to substitute for unpaid FMLA leave—(1) up to 12 workweeks of PPL in connection with the occurrence of a birth or placement; and (2) any additional paid annual, vacation, personal, family, medical, or sick leave provided by the employing office to such employee. Paid parental leave may be used only ''in connection with the birth or placement involved.'' *See* 2 U.S.C. 1312(d)(2)(A).

By law, unpaid FMLA leave is generally limited to a total of 12 weeks in any 12-month period. Accordingly, any use of unpaid FMLA leave for a purpose other than birth or placement may reduce an employee's ability to substitute PPL for a birth or placement. Thus, for example, if an employee has used 3 weeks of unpaid FMLA leave before the birth or placement, that employee's entitlement to 12 weeks of PPL may be reduced to 9 weeks.

Paid parental leave may be used no later than the end of the 12-month period beginning on the date of the birth or placement involved. There are no carryover provisions for unused PPL. An employee may not be paid for unused or expired PPL. Paid parental leave may not be considered annual leave for purposes of making a lump-sum payment for annual leave or for any other purpose.

FEPLA expressly provides that legislative branch employees using parental leave under the FMLA are not subject to the limitations that apply in the executive branch whereby employees may be required to agree in writing to work for the executive branch agency for at least 12 weeks after returning from leave. FEPLA also expressly provides that PPL applies to covered employees in the legislative branch without regard to the limitations that may apply in the executive branch, state and local governments, and private sector, whereby an employer may recover the premiums for maintaining coverage under a group health plan if the employee fails to return from PPL.

When are the Paid Parental Leave provisions of FEPLA effective?

FEPLA provides that the amendments to the CAA concerning PPL are not effective with respect to any birth or placement for adoption or foster care occurring before October 1, 2020. Thus, by law, PPL will be available to covered employees only in connection with a birth or placement that occurs on or after October 1, 2020.

How does FEPLA address active duty service in the National Guard or Reserves?

Effective December 20, 2019, FEPLA amended the general eligibility provisions of the FMLA (as applied by the CAA) to provide that, for purposes of determining whether a covered employee has been employed by any employing office for at least 12 months and for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave, any service on active duty (as defined in 29 U.S.C. 2611(14)) by a member of the National Guard or Reserves shall be counted as time during which such employee has been employed by an employing office.

Why are these changes to the FMLA regulations necessary?

The CAA requires that the FMLA regulations applicable to the legislative branch and promulgated by the OCWR be the same as substantive regulations promulgated by the Secretary of Labor to implement FMLA title I, except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under the CAA. 2 U.S.C. 1312(e). FMLA title I covers employees of most private sector employers, state and local governments, and certain quasi-governmental entities, such as the U.S. Postal Service. These employees are governed by Department of Labor regulations at 29 C.F.R. 601 and part 825. The Secretary of Labor will not be promulgating FEPLA regulations because FEPLA does not extend PPL to private sector employees or other employees directly covered by FMLA title I. The Board has determined that these circumstances constitute good cause for modification of its substantive FMLA regulations in order to effectively implement FEPLA's rights and protections to Federal civilian employees in the legislative branch.

Procedural Summary:

How are substantive regulations proposed and approved under the CAA?

Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for proposing and approving substantive regulations provides that:

(1) the Board of Directors proposes substantive regulations and publishes a general notice of proposed rulemaking in the Congressional Record;

(2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking;

(3) after consideration of comments by the Board of Directors, the Board adopts regulations and transmits notice of such action (together with the regulations and a recommendation regarding the method for congressional approval of the regulations) to the Speaker of the House and President Pro Tempore of the Senate for publication in the Congressional Record;

(4) there be committee referral and action on the proposed regulations by resolution in each House, concurrent resolution, or by joint resolution; and

(5) there be final publication of the approved regulations in the Congressional Record, with an effective date prescribed in the final publication. For more detail, please reference the text of 2 U.S.C. 1384.

What is the approach taken by these proposed substantive regulations?

The Board will follow the procedures as enumerated above and as required by statute. This Notice of Proposed Rulemaking is step (1) of the outline set forth above. The Board will review and respond to any comments received under step (2) of the outline above, and make any changes necessary to ensure that the regulations fully implement section 202 of the CAA and reflect the practices and policies particular to the legislative branch.

Are there substantive differences in the proposed regulations for the House of Representatives, the Senate and other employing offices?

No. The Board of Directors has identified no ''good cause'' for varying the text of these regulations. Therefore, if these regulations are approved as proposed, there will be one text applicable to all employing offices and covered employees. *See* 2 U.S.C. 1312(e)(2).

Are these proposed regulations also recommended by the OCWR's Executive Director, the Deputy Executive Director for the Senate, and the Deputy Executive Director for the House of Representatives?

As required by section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), these proposed regulations are also recommended by the Executive Director, the Deputy Executive Director for the Senate and the Deputy Executive Director for the House of Representatives.

Are these proposed substantive regulations available to persons with disabilities in an alternate format?

In addition to being posted on the OCWR's website (www.ocwr.gov), this Notice is also available in alternative formats. Requests for this Notice in an alternative format should be made to the Office of Congressional Workplace Rights, at 202–724–9250 (voice).

How long do I have to submit comments regarding the proposed regulations?

Comments regarding the OCWR's proposed regulations set forth in this Notice are invited for a period of thirty (30) days following the date of the appearance of this Notice in the Congressional Record.

How do I submit comments?

Submission of comments must be made in writing to the Executive Director, Office of Congressional Workplace Rights, 110 Second Street, S.E., Room LA–200, Washington, D.C. 20540–1999. It is requested, but not required, that an electronic version of any comments be provided via e-mail to: Alexander Ruvinsky, Alexander.Ruvinsky@ocwr.gov. Comments may also be submitted by facsimile to the Executive Director at 202–426–1913 (a non toll-free number). Those wishing to receive confirmation of the receipt of their comments are requested to provide a self-addressed, stamped post card with their submission.

Am I allowed to view copies of comments submitted by others?

Yes. Copies of submitted comments will be available for review on the OCWR's public website at www.ocwr.gov.

Summary:

The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA, as amended, applies the rights and protections of 13 federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Section 202 of the CAA applies to employees covered by the CAA, the rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. 2611–2615. The above provisions of section 202 became effective on January 1, 1997. 2 U.S.C. 1312. The Board of Directors of the Office of Congressional Workplace Rights (OCWR) is now publishing proposed amended regulations to implement section 202 of the CAA, 2 U.S.C. 1301–1438, as applied to covered employees of the House of Representatives, the Senate, and certain congressional instrumentalities listed below.

The purpose of these amended regulations is to implement section 202 of the CAA. In this Notice of Proposed Rulemaking the Board proposes that virtually identical regulations be adopted for the Senate, the House of Representatives, and certain congressional instrumentalities. Accordingly:

(1) *Senate*. It is proposed that the amended regulations as described in this Notice be included in the body of regulations that shall apply to entities within the Senate, and this proposal regarding the Senate entities is recommended by the OCWR's Deputy Executive Director for the Senate.

(2) *House of Representatives*. It is further proposed that the amended regulations as described in this Notice be included in the body of regulations that shall apply to entities within the House of Representatives, and this proposal regarding the House of Representatives entities is recommended by the OCWR's Deputy Executive Director for the House of Representatives.

(3) *Certain congressional instrumentalities*. It is further proposed that the amended regulations as described in this Notice be included in the body of regulations that shall apply to the Office of Congressional Accessibility Services; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Congressional Workplace Rights; the Office of Technology Assessment; the Library of Congress; the Stennis Center for Public Service; the China Review Commission; the Congressional Executive China Commission; and the Helsinki Commission; and this proposal regarding these congressional instrumentalities is recommended by the OCWR Executive Director.

Dates: Comments are due within 30 days after the date of publication of this Notice in the Congressional Record.

Section-by-Section Discussion of Proposed Changes to the FMLA Regulations

The following is a section-by-section discussion of the proposed revisions to the Board's substantive FMLA regulations that it adopted and submitted for publication in the Congressional Record on June 22, 2016. 162 Cong. Rec. H4128–H4168, S4475–4516 (daily ed. June 22, 2016). As noted above, because Congress has not acted on the Board's request for approval of its 2016 amendments, the Board will resubmit them for congressional approval when it submits its request for approval of its FEPLA amendments to its substantive FMLA regulations. Because the Board's 2016 amendments were adopted pursuant to the procedures for proposing and approving substantive regulations in section 304 of the CAA, 2 U.S.C. 1384, including providing a comment period of 60 days after publication of the proposed amendments in the Congressional Record, the Board is not soliciting additional comments on those adopted amendments, except as indicated below.

The Board's proposed amendments to its substantive FMLA regulations will provide more detail regarding the implementation of the statutory provisions summarized above. In order to implement FEPLA, the Board proposes to amend part 825 of its substantive regulations (Family and Medical Leave) by amending subparts A–C and adding a new subpart E (Paid Parental Leave). The Board is making changes in subparts A–C to establish how the FMLA provisions will now operate, since the appropriate substitution of paid parental leave for unpaid FMLA leave hinges on the standards for granting unpaid FMLA leave. Below we provide a section-by-section explanation of the proposed changes in subparts A–C and the proposed provisions in the new subpart E.

Part 825—Family and Medical Leave

825.1 Purpose and Scope.

The Board proposes to amend 825.1 to insert a new paragraph (c), which describes the FEPLA amendments to the FMLA provisions of the CAA; states that the Board is amending its substantive FMLA regulations pursuant to the CAA rulemaking procedures set forth at sections 202(d) and 304 of the CAA; and further states that because the Secretary of Labor has not promulgated FEPLA regulations under FMLA title I, the Board has determined that these circumstances constitute good cause for modification of its substantive FMLA regulations in order to effectively implement FEPLA's rights and protections to Federal civilian employees in the legislative branch.

SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT

825.100 The Family and Medical Leave Act.

The Board proposes to amend paragraph (b) of 825.100 to clarify that the authority of an employing office, disbursing or other financial office to recover the premiums for maintaining coverage under a group health plan is subject to 825.504, which provides that paid parental leave applies to covered employees in the legislative branch without regard to such limitations.

825.102 Definitions.

The Board proposes to amend 825.102 to: (1) add definitions of *birth*, *family and medical leave*, and *placement*; and (2) amend the definitions of *covered employee* and *eligible employee*. The new definition of *placement* clarifies that it refers to a *new* placement. Thus, the term excludes the adoption of a stepchild or a foster child who has already been a member of the employee's household and has an existing parent-child relationship with an adopting parent. This definition of *placement* is consistent with Department of Labor FMLA guidance at https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/2005_08_26_1A_FMLA.pdf. If a foster child is later adopted, the placement has already occurred; there is no new placement with a family that would warrant another use of FMLA leave for the same child. The proposed definitions of *birth* and *placement* clarify that the terms may refer to an anticipated birth or placement. This aligns with 825.120 and 825.121, which provide that unpaid FMLA leave based on birth or placement of a child may be used prior to the actual birth or placement. The revised definition of *family and medical leave* includes new language addressing leave to care for covered servicemembers.

The amended definition of *covered employee* includes any employee of the Library of Congress; the Stennis Center for Public Service; the China Review Commission; the Congressional Executive China Commission; or the Helsinki Commission. The amended definition of *eligible employee* adds a new paragraph (1), which clarifies that for purposes of births or placements, an eligible employee is any covered employee as defined in the CAA, irrespective of whether the employee meets the length of service requirements in paragraph (2). Paragraph (3) of that definition,

which concerns eligibility for unpaid FMLA leave for reasons other than births or placements, is amended to clarify that, for purposes of determining whether a covered employee has been employed by any employing office for at least 12 months and for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave, any service on active duty by a member of the National Guard or Reserves shall be counted as time during which such employee has been employed by an employing office.

825.104 Covered employing offices.

The Board proposes to amend 825.104 to: (1) designate paragraphs (1)–(4) as paragraphs (a)–(d); and (2) amend paragraph (d) to include the Library of Congress; the Stennis Center for Public Service; the China Review Commission; the Congressional Executive China Commission; or the Helsinki Commission.

825.110 Eligible employee, general rule.
825.111 Eligible employee, birth or placement.

The Board proposes to: (1) amend 825.110 to create a general rule for eligibility for unpaid FMLA leave for reasons other than births or placements; and (2) add a new 825.111 to create a rule for eligibility for unpaid FMLA leave for births or placements. The amendments to 825.110 clarify that its provisions are subject to the exceptions set forth at 825.111; and they provide that for purposes of determining whether a covered employee has been employed by any employing office for at least 12 months and for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave, any service on active duty by a member of the National Guard or Reserves shall be counted as time during which such employee has been employed by an employing office.

The new 825.111 clarifies that, for purposes of births or placements, an eligible employee is any covered employee as defined in the CAA, irrespective of whether the employee meets the length or hours of service requirements in the general rule at 825.110.

825.112 Qualifying reasons for leave, general rule.

The Board proposes to amend subparagraph (a)(2) of 825.112 to clarify that employing offices are required to grant leave to eligible employees for the placement of a son or daughter with the employee for adoption or foster care, including the care of such son or daughter.

825.120 Leave for pregnancy or birth.

The Board proposes to amend subparagraph (a)(1) of 825.120 to clarify that FMLA leave for pregnancy or the birth of a son or daughter includes leave for the care of the newborn child. The Board proposes to amend subparagraph (a)(2) to add a sentence stating that leave for a birth or placement must be concluded by the expiration of the 12-month period beginning on the date of birth. Finally, the Board proposes to add a new subparagraph (7) stating that leave taken because of a birth includes leave necessary for an employee who is the birth mother to recover from giving birth, or for an employee who is the other parent to care for the birth mother during her recovery period, even if the employee is not involved in caring for the son or daughter during portions of that recovery period.

825.121 Leave for adoption or foster care.

The Board proposes to amend paragraph (a) of 825.121 to clarify that FMLA leave for placement with the employee of a son or daughter for adoption or foster care includes leave to care for the newly placed child.

SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.207 Substitution of paid leave, generally.
825.208 Substitution of paid leave—special rule for paid parental leave.

The Board proposes to: (1) amend 825.207 to create a general rule for substitution of paid leave for unpaid FMLA leave for reasons other than births or placements; and (2) add a new 825.208 to create a rule for substitution of paid leave for unpaid FMLA leave for births or placements. The amendments to 825.207 clarify that its provisions are subject to the exceptions set forth at 825.208.

The new paid leave substitution rules, which concern birth events and the placement of a child for adoption or foster care, are now addressed in a new 825.208. 825.208 provides that paid parental leave may be substituted for unpaid FMLA leave based on a birth or placement event as provided in the new subpart E.

Paragraph (b) of 825.208 addresses the possibility of substituting paid annual, vacation, personal, family, medical, or sick leave for unpaid FMLA leave based on a birth or placement. If an employee has not already (before birth or placement) begun a 12-month FMLA period (as established under 825.200), the employee could have no more than 12 weeks of unpaid FMLA leave between the date of birth or placement and the date that is 12 months after the date of birth or placement. Thus, using the 12 weeks of paid parental leave would completely replace any unpaid FMLA leave for birth or placement purposes, and there would be no opportunity to substitute paid annual, vacation, personal, family, medical, or sick leave. However, if an employee has a 12-month FMLA period in progress at the time of birth or placement, that 12-month FMLA period would end after birth or placement but before the date that is 12 months after the birth or placement. When that 12-month FMLA period ends, the employee will be eligible to start a new 12-month FMLA period, and the employee will be able to use up to 12 weeks of unpaid FMLA leave during that period. If that new FMLA period begins during the 12-month period following the birth or placement, it would be possible for the employee to use more than 12 weeks of unpaid FMLA leave for birth or placement purposes before the date that is 12 months after the date of birth or placement. In that case, a maximum of 12 weeks of paid parental leave may be substituted for unpaid FMLA leave taken in either FMLA period, since FEPLA provides for only 12 weeks of paid parental leave in connection with any given birth or placement. However, an employee would be able to substitute available paid annual, vacation, personal, family, medical, or sick leave, as appropriate, for any remaining unpaid FMLA leave.

Paragraph (c) of 825.208 sets forth various general rules related to an employee's entitlement to substitute paid leave. An employee is entitled to elect whether or not to substitute paid leave for unpaid FMLA leave, subject to applicable law and regulation. Thus, an employing office may not deny an employee's election to make a substitution permitted under this section. Nor may an employing office require an employee to substitute paid leave for FMLA leave without pay. Subparagraph (c)(4) adds a statement, not previously included in the FMLA regulations, indicating that an employee may request to use annual leave or sick leave without invoking family and medical leave, and, in that case, the agency exercises its normal authority with respect to approving or disapproving the timing of when the leave may be used. In general, an employing office has the right to deny the scheduling of an employee's leave requested outside of an FMLA request, but if the employee's scheduling of FMLA leave is approved, the employee's request to substitute annual leave for FMLA leave without pay may not be denied.

Paragraph (d) of 825.208 addresses an employee's obligation to generally give advance notice of the employee's election to substitute paid leave for unpaid FMLA leave. The general rule is that retroactive substitution is not allowed. However, subparagraphs (d)(2) through (d)(4) set forth limited exceptions. Paragraph (d)(4) addresses the retroactive substitution of paid parental leave and links to 825.505, which allows retroactive substitution only if an employee is physically or mentally incapacitated.

825.213 Employing office recovery of benefit costs.

The Board proposes to amend paragraph (a) of 825.213 to clarify that the authority of an employing office, disbursing or other financial office to recover the premiums for maintaining coverage under a group health plan is subject to 825.504, which provides that paid parental leave applies to covered employees in the legislative branch without regard to such limitations.

SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA

825.300 Employing office notice requirements.

The Board proposes to amend subparagraph (c)(iii) of 825.300 to add a requirement that the employing office's rights and responsibilities notice to the employee include, where applicable, notice of the employee's right to substitute paid parental leave for unpaid FMLA leave for a birth or placement.

The Board also proposes to amend subparagraph (d)(6) of 825.300 to clarify that the employing office must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement, and, if applicable, the employee's paid parental leave entitlement.

SUBPART D—ADMINISTRATIVE PROCESS

825.400 Administrative process, general rules.

The Board proposes to amend 825.400 to omit obsolete references to the OCWR's administrative dispute resolution procedures, which were significantly amended by the CAA of 1995 Reform Act of 2018, Pub. L. No. 115–397. The revised 825.400 refers to the Board's revised Procedural Rules, which apply to matters filed with the OCWR on or after June 19, 2019.

SUBPART E—PAID PARENTAL LEAVE

The Board proposes to amend part 825 of its substantive FMLA regulations to add a new subpart E.

825.500 Purpose, applicability, and employing office responsibilities.

Paragraph (a) of 825.500 addresses the purpose of the new subpart E.

Subparagraph (b)(1) of 825.500 provides that subpart E applies to employees to whom subpart B (Employee Leave Entitlements under the Family and Medical Leave Act, as made Applicable By The Congressional Accountability Act) applies. Subparagraph (b)(2) provides that the OCWR will defer to supplemental regulations on PPL issued by the Library of Congress pursuant to the authority in 29 USC 2617, provided those supplemental regulations are consistent with the regulations herein. Subparagraph (b)(3) clarifies that the PPL provisions of the FMLA apply to births or placements occurring on or after October 1, 2020.

Paragraph (c) of 825.500 clarifies that the head of an employing office is responsible for the proper administration of subpart E, including the responsibility of informing employees of their entitlements and obligations.

825.501 Definitions.

Paragraph (a) of 825.501 provides that the definitions in the FMLA regulations in subpart B are applicable in subpart E, except that, to the extent any definitions of terms have been further revised in paragraph (b), the provisions of that paragraph shall apply for purposes of subpart E.

Paragraph (b) provides definitions of additional terms used in subpart E—*employing office, child, paid parental leave*, and *unpaid FMLA leave*. The definition of *paid parental leave* makes clear that paid parental leave is a type of leave that is used when an employee has a ''parental'' role. A parent who does not maintain a continuing parental role with respect to a newly born or placed child would not be eligible for paid parental leave once the parental role has ended.

825.502 Leave entitlement.

825.502 sets forth various rules related to the entitlement to paid parental leave. Paragraph (a) provides that an employee may elect to substitute available paid parental leave for any unpaid FMLA leave granted based on the occurrence of a birth or placement.

Paragraph (b) of 825.502 states that the paid parental leave that is available for substitution is 12 administrative workweeks in connection with the birth or placement involved. In other words, an employee can receive up to 12 administrative workweeks of paid parental leave for each birth or placement event. Paid parental leave continues to be available only as long as the employee has a continuing parental role with respect to the newly born or placed child. Because paid parental leave is substituting for unpaid FMLA leave, use of paid parental leave is constrained by the use of unpaid FMLA leave, which is limited to 12 weeks in any 12-month FMLA period (as established under 825.200). Paragraph (b) explains that, with respect to FMLA leave under 825.200(a) that is limited to a total of 12 weeks in any 12-month period, any use of unpaid FMLA leave for a purpose other than birth or placement may affect an employee's ability to use the full 12 weeks of paid parental leave during the 12-month period following a birth or placement. In other words, an employee will be able to use the full amount of paid parental leave only to the extent that there are 12 weeks of available unpaid FMLA leave granted based on birth or placement. For example, if an employee uses 6 consecutive weeks of unpaid FMLA leave based on the employee's own serious health condition, the employee could only use 6 weeks of unpaid FMLA leave based on birth or placement (for which paid parental leave could be substituted) during the 12-month period that began when the employee commenced using unpaid FMLA leave based on the employee's serious health condition.

We note that the 12-week entitlement to paid parental leave under FEPLA is applied on a per-employee basis without regard to movements between different employing offices during the 12-month period following a birth or placement. As long as the employee is covered by the FMLA provisions of the CAA while serving in different employing offices, the employee would be limited to a total of 12 weeks of paid parental leave per qualifying birth or placement. However, if an employee has received paid parental leave benefits in connection with a given birth or placement under a different paid parental leave authority applicable to Federal employees (e.g., the paid parental leave benefit for executive branch employees in 5 USC 6382) and moves to a position covered by the title II paid parental leave authority during the 12-month period following birth or placement, there is no basis for limiting or offsetting title II paid parental leave benefits based on receipt of leave benefits under another authority.

Subparagraph (c)(1) of 825.502 provides that an employing office may not require an employee to use annual leave or sick leave for a birth or placement before allowing the employee to use paid parental leave. Subparagraph (c)(1) also clarifies that an employee may request to use annual leave or sick leave without invoking unpaid FMLA leave for a birth or placement under subpart B. As discussed earlier in connection with 825.208, if a request to use paid annual, vacation, personal, family, medical, or sick leave without invoking FMLA leave is granted by the employing office, an employee can preserve entitlement to use unpaid FMLA leave at another time and to substitute paid parental leave for that unpaid FMLA leave. If the request is granted, the employing office exercises its normal authority with respect to approving or disapproving the timing of when the leave may be used. Subparagraph (c)(2) clarifies that an employee with a seasonal work schedule may not use PPL during the off-season period designated by the employing office—the period during which the employee is scheduled to be released from work and placed in nonpay status. In other words, paid parental leave cannot be used as a basis for extending a seasonal employee's work season.

Paragraph (d) of 825.502 provides that, if an employee has any unused balance of paid parental leave remaining at the end of the 12-month period following the birth or placement involved, the entitlement to the unused leave expires at that time. The unused leave may not be rolled over for use in a future period, nor may a payment be made to the employee for unused paid parental leave that has expired. Paid parental leave may not be considered annual leave for purposes of making a lump-sum payment for annual leave or for any other purpose.

825.503 Pay during leave.

Paragraph (a) of 825.503 provides that the pay an employee receives when using paid parental leave shall be the same pay the employee would receive if the employee were using annual leave. In other words, agency payroll systems will apply the same rules they apply in determining what pay continues during annual leave.

Paragraph (b) provides that the pay received during paid parental leave may not include Sunday premium pay. This is consistent with the statutory bar in section 624 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277, div. A, §101(h), October 21, 1998).

825.504 Work obligation.

Paragraph (a) of 825.504 clarifies that under FEPLA, legislative branch employees using PPL are not subject to the limitations that apply in the executive branch whereby employees may be required to agree in writing to work for the executive branch agency for at least 12 weeks after returning from leave.

Paragraph (b) clarifies that under FEPLA, PPL applies to covered employees in the legislative branch without regard to the limitations that may apply in the executive branch, state and local governments, and private sector, whereby an employer may recover the premiums for maintaining coverage under a group health plan if the employee fails to return from PPL.

825.505 Cases of employee incapacitation.

825.505 provides that the application of paid parental leave in cases where an employee is incapacitated at the time the use of paid parental leave would be permissible. Paragraph (a) allows the employee to retroactively use paid parental leave. This provision allows for the retroactive election to use paid parental leave under the FMLA if the employing office determines that an otherwise eligible employee who could have made an election during a past period to substitute paid parental leave was physically or mentally incapable of doing so during that past period. Upon this determination, the employing office must allow the employee, when no longer incapacitated, to make an election to substitute paid parental leave for applicable unpaid FMLA leave. The employee must make this election within 5 workdays of returning to work.

Paragraph (b) allows an employee's personal representative to elect, on behalf of the employee, to substitute paid parental leave for applicable unpaid FMLA leave (i.e., approved FMLA leave based on birth or placement of a child). If an employing office determines that an otherwise eligible employee is physically or mentally incapable of making an election to substitute paid parental leave, the employing office must, upon the request of the employee's personal representative, provide conditional approval of substitution of paid parental leave for applicable unpaid FMLA leave on a prospective basis.

825.506 Cases of multiple children born or placed in the same time period.

825.506 addresses the application of paid parental leave in cases in which an employee has multiple children newly born or placed in the same time period. Paragraph (a) provides that if an employee has multiple children born or placed on the same day, that event will be treated as a single event triggering a single entitlement of up to 12 weeks of paid parental leave during the 12-month period following the event.

Paragraph (b) provides that, if an employee has one or more births or placements during the 12-month period following the date of an earlier birth or placement, each subsequent birth or placement event will result in a 12-month period commencing on the date of birth or placement with its own 12-week limit. Any use of paid parental leave during a given 12-month period will count toward that period's 12-week limit. Thus, when such 12-month periods overlap, any use of paid parental leave during the overlap will count toward each affected 12-month period's 12-week limit. For example, if an employee has a child born on June 1 and another child placed for adoption on October 1 of the same year, each event would generate entitlement to substitute up to 12 weeks of paid parental leave during the separate 12-month periods beginning on the date of the birth and on the date of the placement. Those two 12-month periods would be June 1–May 31 and October 1–September 30, respectively. The overlap period for these two 12-month periods would be October 1–May 31. If the employee substitutes paid parental leave during that overlap period, that amount of paid parental leave would count towards both the 12-week limit associated with the birth event and the 12-week limit associated with the placement event.

825.507 Records and reports.

825.507 provides that an employing office must maintain an accurate record of an employee's usage of paid parental leave.

SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA.

825.702 Interaction with anti-discrimination laws, as applied by section 201 of the CAA.

The Board proposes to amend paragraph (f) of 825.702 to delete the parenthetical phrase ''(and, therefore, not an ''eligible'' employee under FMLA, as made applicable by the CAA).'' It remains the case that under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, and as made applicable by the CAA, an employing office should provide the same benefits for women who are pregnant as the employing office provides to other employees with short-term disabilities, as stated in paragraph (f). However, as a result of FEPLA, an employee employed for less than 12 months is now an ''eligible'' employee for purposes of unpaid FMLA leave for births and placements. *See* 825.111.

REGULATIONS PROPOSED BY THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE EXTENDING RIGHTS AND PROTECTIONS UNDER THE FAMILY AND MEDICAL ACT OF 1996, AS AMENDED

Part 825—Family and Medical Leave

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Form A: Certification of Health Care Provider for Employee's Serious Health Condition;
Form B: Certification of Health Care Provider for Family Member's Serious Health Condition;
Form C: Notice of Eligibility and Rights & Responsibilities;
Form D: Designation Notice to Employee of FMLA Leave;
Form E: Certification of Qualifying Exigency for Military Family Leave;
Form F: Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave;
Form G: Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave.

825.1 Purpose and scope.

(a) Section 202 of the Congressional Accountability Act (CAA) (2 U.S.C. 1312) applies the rights and protections of sections 101 through 105 of the Family and Medical Leave Act of 1993 (FMLA) (29 U.S.C. 2611–2615) to covered employees. (The term ''covered employee'' is defined in section 101(3) of the CAA (2 U.S.C. 1301(3)). *See* 825.102 of these regulations for that definition.) The purpose of this part is to set forth the regulations to carry out the provisions of section 202 of the CAA.

(b) These regulations are issued by the Board of Directors (Board) of the Office of Congressional Workplace Rights, pursuant to sections 202(d) and 304 of the CAA, which direct the Board to promulgate regulations implementing section 202 that are ''the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' The regulations issued by the Board herein are on all matters for which section 202 of the CAA requires regulations to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of the promulgation of these regulations, that, with the exception of regulations adopted and set forth herein, there are no other ''substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA].''

(c) On December 20, 2019, Congress enacted the Federal Employee Paid Leave Act (subtitle A of title LXXVI of division F of the National Defense Authorization Act for Fiscal Year 2020, Public Law 116–92, December 20, 2019) (FEPLA). FEPLA amended the FMLA to allow most civilian Federal employees, including eligible employees in the legislative branch, to substitute up to 12 weeks of paid parental leave (PPL) for unpaid FMLA leave granted in connection with the birth of an employee's son or daughter or for the placement of a son or daughter with an employee for adoption or foster care.

In order to implement FEPLA in the legislative branch, the Board is amending its substantive FMLA regulations pursuant to the CAA rulemaking procedures set forth at sections 202(d) and 304 of the CAA. The Secretary of Labor has not promulgated FEPLA regulations, however, because FEPLA does not extend PPL to private sector employees or other employees directly covered by FMLA title I. The Board has determined that these circumstances constitute good cause for modification of its substantive FMLA regulations in order to effectively implement FEPLA's rights and protections to Federal civilian employees in the legislative branch.

(d) In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the legislative branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Secretary from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulation or of the statutory provisions of the CAA upon which they are based.

(e) Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to recommend to Congress a method of approval for these regulations. As the Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, it therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.100 The Family and Medical Leave Act.

(a) The Family and Medical Leave Act of 1993 (FMLA), as made applicable by the Congressional Accountability Act (CAA), allows eligible employees of an employing office to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 12 months (*See* 825.200(b)) because of the birth of a child and to care for the newborn child, because of the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, because the employee's own serious health condition makes the employee unable to perform the functions of his or her job, or because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty). In addition, eligible employees of a covered employing office may take job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 26 workweeks in a single 12-month period to care for a covered servicemember with a serious injury or illness. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

(b) An employee on FMLA leave is also entitled to have health benefits maintained while on leave as if the employee had continued to work instead of taking the leave. If an employee was paying all or part of the premium payments prior to leave, the employee would continue to pay his or her share during the leave period. Subject to 825.504, the employing office or a disbursing or other financial office may recover its share only if the employee does not return to work for a reason other than the serious health condition of the employee or the employee's covered family member, the serious injury or illness of a covered servicemember, or another reason beyond the employee's control.

(c) An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits, and working conditions at the conclusion of the leave. The taking of FMLA leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

(d) The employing office generally has a right to advance notice from the employee. In addition, the employing office may require an employee to submit certification to substantiate that the leave is due to the serious health condition of the employee or the employee's covered family member, due to the serious injury or illness of a covered servicemember, or because of a qualifying exigency. Failure to comply with these requirements may result in a delay in the start of FMLA leave. Pursuant to a uniformly applied policy, the employing office may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition (*See* 825.312 and 825.313)). The employing office may delay restoring the employee to employment without such certificate relating to the health condition which caused the employee's absence.

825.101 Purpose of the FMLA.

(a) FMLA is intended to allow employees to balance their work and family life by taking reasonable unpaid leave for medical reasons, for the birth or adoption of a child, for the care of a child, spouse, or parent who has a serious health condition, for the care of a covered servicemember with a serious injury or illness, or because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status. The FMLA is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. It was intended that the FMLA accomplish these purposes in a manner that accommodates the legitimate interests of employing offices, and in a manner consistent with the Equal Protection Clause of the Fourteenth Amendment in minimizing the potential for employment discrimination on the basis of sex, while promoting equal employment opportunity for men and women.

(b) The FMLA was predicated on two fundamental concerns—the needs of the American workforce, and the development of high-performance organizations. Increasingly, America's children and elderly are dependent upon family members who must spend long hours at work. When a family emergency arises, requiring workers to attend to seriously-ill children or parents, or to newly-born or adopted infants, or even to their own serious illness, workers need reassurance that they will not be asked to choose between continuing their employment, and meeting their personal and family obligations or tending to vital needs at home.

(c) The FMLA is both intended and expected to benefit employing offices as well as their employees. A direct correlation exists between stability in the family and productivity in the workplace. FMLA will encourage the development of high-performance organizations. When workers can count on durable links to their workplace they are able to make their own full commitments to their jobs. The record of hearings on family and medical leave indicate the powerful productive advantages of stable workplace relationships, and the comparatively small costs of guaranteeing that those relationships will not be dissolved while workers attend to pressing family health obligations or their own serious illness.

825.102 Definitions.

For purposes of this part:

ADA means the Americans with Disabilities Act (42 U.S.C. 12101 et seq., as amended), as made applicable by the Congressional Accountability Act.

Birth means the delivery of a child. When the term ''birth'' under this subpart is used in connection with the use of leave before birth, it refers to an anticipated birth.

CAA means the Congressional Accountability Act of 1995 (Pub. Law 104–1, 109 Stat. 3, 2 U.S.C. 1301 et seq., as amended).

COBRA means the continuation coverage requirements of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1986 (Pub. Law 99–272, title X, section 10002; 100 Stat. 227; 29 U.S.C. 1161–1168).

Contingency operation means a military operation that:

(1) Is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress. *See also* 825.126(a)(2).

Continuing treatment by a health care provider means any one of the following:

(1) *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(i) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical

therapist) under orders of, or on referral by, a health care provider; or

(ii) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(iii) The requirement in paragraphs (i) and (ii) of this definition for treatment by a health care provider means an in-person visit to a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity.

(iv) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

(v) The term ''extenuating circumstances'' in paragraph (i) means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. *See also* 825.115(a)(5).

(2) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. 825.120.

(3) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(i) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(4) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(5) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(i) Restorative surgery after an accident or other injury; or

(ii) A condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

(6) Absences attributable to incapacity under paragraphs (2) or (3) of this definition qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Covered active duty or call to covered active duty status means:

(1) In the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and,

(2) In the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the United States Code, which authorizes calling the National Guard and state military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. *See* 10 U.S.C. 101(a)(13)(B). *See also* 825.126(a).

Covered employee as defined in the CAA, means any employee of—(1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Congressional Workplace Rights; (9) the Library of Congress; (10) the Stennis Center for Public Service; (11) the Office of Technology Assessment; (12) the China Review Commission; (13) the Congressional Executive China Commission; or (14) the Helsinki Commission.

Covered servicemember means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or

(2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. *See* 825.127(b)(2).

Eligible employee as defined in the CAA, means:

(1) For purposes of leave under subparagraphs (a)(1) or (a)(2) of section 85.112 [or subsections (A) or (B) of section 102(a)(1) of the FMLA], a covered employee as defined in the CAA.

(2) For purposes of leave under subparagraphs (a)(3)–(6) of section 825.112 [or subsections (C)–(F) of section 102(a)(1) of the FMLA], a covered employee who has been employed for a total of at least 12 months in any employing office on the date on which any FMLA leave is to commence, except that an employing office need not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring of the employee, unless:

(i) The break in service is occasioned by the fulfillment of the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., covered service obligation (the period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office, but this section does not provide any greater entitlement to the employee than would be available under the USERRA, as made applicable by the CAA); or

(ii) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (e.g., for purposes of the employee furthering his or her education or for childrearing purposes); and

(3) Who, on the date on which any FMLA leave is to commence, has met the hours of service requirement by having been employed for at least 1,250 hours of service with an employing office during the previous 12-month period, *except that*:

(i) An employee returning from fulfilling his or her USERRA-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining whether the employee met the hours of service requirement (accordingly, a person reemployed following absence from work due to or necessitated by USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12-month period to meet the hours of service requirement);

(ii) To determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations; and

(iii) Any service on active duty (as defined in 29 U.S.C. 2611(14)) by a covered employee who is a member of the National Guard or Reserves shall be counted as time during which such employee has been employed in an employing office for purposes of paragraph (3) of this section.

Employ means to suffer or permit to work.

Employee means an employee as defined by the CAA and includes an applicant for employment and a former employee.

Employee employed in an instructional capacity. See the definition of *Teacher* in this section.

Employee of the Capitol Police means any member or officer of the Capitol Police.

Employee of the House of Representatives means an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (9) under the definition of covered employee above.

Employee of the Office of the Architect of the Capitol means any employee of the Office of the Architect of the Capitol or the Botanic Garden.

Employee of the Senate means any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs

(3) through (9) under the definition of covered employee above.

Employing Office, as defined by the CAA, means:

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Workplace Rights, the Library of Congress, the Stennis Center for Public Service, the Office of Technology Assessment, the China Review Commission, the Congressional Executive China Commission, and the Helsinki Commission.

Employment benefits means all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office or through an employee benefit plan. The term does not include non-employment related obligations paid by employees through voluntary deductions such as supplemental insurance coverage. *See also* 825.209(a).

Family and medical leave means an employee's entitlement to 12 workweeks (or 26 workweeks in the case of leave under 825.127) of unpaid leave for certain family and medical needs, as prescribed under the FMLA, as made applicable by the CAA.

FLSA means the Fair Labor Standards Act (29 U.S.C. 201 et seq.), as made applicable by the CAA.

FMLA means the Family and Medical Leave Act of 1993, Public Law 103–3 (February 5, 1993), 107 Stat. 6 (29 U.S.C. 2601 et seq., as amended), as made applicable by the CAA.

Group health plan means the Federal Employees Health Benefits Program and any other plan of, or contributed to by, an employing office (including a self-insured plan) to provide health care (directly or otherwise) to the employing office's employees, former employees, or the families of such employees or former employees. For purposes of FMLA, as made applicable by the CAA, the term group health plan shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

(1) No contributions are made by the employing office;

(2) Participation in the program is completely voluntary for employees;

(3) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and,

(5) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

Health care provider means:

(1) The FMLA, as made applicable by the CAA, defines health care provider as:

(i) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) Any other person determined by the Department of Labor to be capable of providing health care services.

(2) Others ''capable of providing health care services'' include only:

(i) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(ii) Nurse practitioners, nurse-midwives and clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(iii) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

(iv) Any health care provider from whom an employing office or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

(v) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(3) The phrase ''authorized to practice in the State'' as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

Incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in several of the ''activities of daily living'' (ADLs) or ''instrumental activities of daily living'' (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee: See the definition of *Teacher* in this section.

Intermittent leave means leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy.

Invitational travel authorization (ITA) or *Invitational travel order* (ITO) mean orders issued by the Armed Forces to a family member to join an injured or ill servicemember at his or her bedside. *See also* 825.310(e).

Key employee means a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite. *See also* 825.217.

Mental disability: See the definition of *Physical or mental disability* in this section.

Military caregiver leave means leave taken to care for a covered servicemember with a serious injury or illness under the Family and Medical Leave Act of 1993. *See also* 825.127.

Next of kin of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. *See also* 825.127(d)(3).

Office of Congressional Workplace Rights means the independent office established in the legislative branch under section 301 of the CAA (2 U.S.C. 1381).

Outpatient status means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. *See also* 825.127(b)(1).

Parent means a biological, adoptive, step or foster father or mother or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents ''in law.''

Parent of a covered servicemember means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.'' *See also* 825.127(d)(2).

Physical or mental disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR part 1630, issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., as amended, provide guidance for these terms.

Placement means a new placement of a son or daughter with an employee for adoption or foster care. For example, this excludes the adoption of a stepchild or a foster child who has already been a member of the employee's household and has an existing parent-child relationship with an adopting parent. When the term ''placement'' is used under this subpart in connection with the use of leave before placement has occurred, it refers to a planned or anticipated placement.

Reduced leave schedule means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Reserve components of the Armed Forces, for purposes of qualifying exigency leave, include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, and

Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation. *See also* 825.126(a)(2)(i).

Secretary means the Secretary of Labor or authorized representative.

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in 825.114 or continuing treatment by a health care provider as defined in 825.115. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of 825.113 are met.

Serious injury or illness means:

(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(2) In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. *See also* 825.127(c).

Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and ''incapable of self-care because of a mental or physical disability'' at the time that FMLA leave is to commence.

Son or daughter of a covered servicemember means a covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. *See also* 825.127(d)(1).

Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. *See also* 825.126(a)(5).

Spouse means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

Teacher (or employee employed in an instructional capacity, or instructional employee) means an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

TRICARE is the health care program serving active duty servicemembers, National Guard and Reserve members, retirees, their families, survivors, and certain former spouses worldwide.

825.103 [Reserved]

825.104 Covered employing offices.

The FMLA, as made applicable by the CAA, covers all employing offices. As used in the CAA, the term employing office means:

(a) The personal office of a Member of the House of Representatives or of a Senator;

(b) A committee of the House of Representatives or the Senate or a joint committee;

(c) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(d) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Workplace Rights, the Library of Congress, the Stennis Center for Public Service, the China Review Commission, the Congressional Executive China Commission, the Helsinki Commission, and the Office of Technology Assessment.

825.105 [Reserved].

825.106 Joint employer coverage.

(a) Where two or more employing offices exercise some control over the work or working conditions of the employee, the employing offices may be joint employers under FMLA, as made applicable by the CAA. Where the employee performs work which simultaneously benefits two or more employing offices, or works for two or more employing offices at different times during the workweek, a joint employment relationship generally will be considered to exist in situations such as:

(1) Where there is an arrangement between employing offices to share an employee's services or to interchange employees;

(2) Where one employing office acts directly or indirectly in the interest of the other employing office in relation to the employee; or

(3) Where the employing offices are not completely disassociated with respect to the employee's employment and may be deemed to share control of the employee, directly or indirectly, because one employing office controls, is controlled by, or is under common control with the other employing office.

(b) A determination of whether or not a joint employment relationship exists is not determined by the application of any single criterion, but rather the entire relationship is to be viewed in its totality. For example, joint employment will ordinarily be found to exist when:

(1) An employee, who is employed by an employing office other than the personal office of a Member of the House of Representatives or of a Senator, is under the actual direction and control of the Member of the House of Representatives or Senator; or

(2) Two or more employing offices employ an individual to work on common issues or other matters for both or all of them.

(c) When employing offices employ a covered employee jointly, they may designate one of themselves to be the primary employing office, and the other or others to be the secondary employing office(s). Such a designation shall be made by written notice to the covered employee.

(d) If an employing office is designated a primary employing office pursuant to paragraph (c) of this section, only that employing office is responsible for giving required notices to the covered employee, providing FMLA leave, and maintenance of health benefits. Job restoration is the primary responsibility of the primary employing office, and the secondary employing office(s) may, subject to the limitations in 825.216, be responsible for accepting the employee returning from FMLA leave.

(e) If employing offices employ an employee jointly, but fail to designate a primary employing office pursuant to paragraph (c) of this section, then all of these employing offices shall be jointly and severally liable for giving required notices to the employee, for providing FMLA leave, for assuring that health benefits are maintained, and for job restoration. The employee may give notice of need for FMLA leave, as described in 825.302 and 825.303, to whichever of these employing offices the employee chooses. If the employee makes a written request for restoration to one of these employing offices, that employing office shall be primarily responsible for job restoration, and the other employing office(s) may, subject to the limitations in 825.216, be responsible for accepting the employee returning from FMLA leave.

825.107 [Reserved]

825.108 [Reserved]

825.109 [Reserved]

825.110 Eligible employee, general rule.

(a) Subject to the exceptions provided in 825.111, an eligible employee is a covered employee of an employing office who:

(1) Has been employed by any employing office for at least 12 months, and

(2) Has been employed for at least 1,250 hours of service during the 12–month period immediately preceding the commencement of the leave.

(b) Any service on active duty (as defined in 29 U.S.C. 2611(14)) by a covered employee who is a member of the National Guard or Reserves shall be counted as time during which such employee has been employed in

an employing office for purposes of paragraph (a)(1) and (2) of this section.

(c) The 12 months an employee must have been employed by any employing office need not be consecutive months, provided:

(1) Subject to the exceptions provided in paragraph (c)(2) of this section, employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by any employing office for at least 12 months.

(2) Employment periods preceding a break in service of more than seven years must be counted in determining whether the employee has been employed by any employing office for at least 12 months where:

(i) The employee's break in service is occasioned by the fulfillment of his or her Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., covered service obligation. The period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office. However, this section does not provide any greater entitlement to the employee than would be available under the USERRA; or

(ii) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (e.g., for purposes of the employee furthering his or her education or for childrearing purposes).

(3) If an employee worked for two or more employing offices sequentially, the time worked will be aggregated to determine whether it equals 12 months.

(4) If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the employing office (e.g., Federal Employees' Compensation, group health plan benefits, etc.), the week counts as a week of employment. For purposes of determining whether intermittent/occasional/casual employment qualifies as at least 12 months, 52 weeks is deemed to be equal to 12 months.

(5) Nothing in this section prevents employing offices from considering employment prior to a continuous break in service of more than seven years when determining whether an employee has met the 12-month employment requirement. However, if an employing office chooses to recognize such prior employment, the employing office must do so uniformly, with respect to all employees with similar breaks in service.

(d)(1) If an employee was employed by two or more employing offices, either sequentially or concurrently, the hours of service will be aggregated to determine whether the minimum of 1,250 hours has been reached.

(2) Except as provided in paragraph (c)(3) of this section, whether an employee has worked the minimum 1,250 hours of service is determined according to the principles established under the Fair Labor Standards Act (FLSA), as applied by section 203 of the CAA (2 U.S.C. 1313), for determining compensable hours of work. The determining factor is the number of hours an employee has worked for one or more employing offices as defined by the CAA. The determination is not limited by methods of recordkeeping, or by compensation agreements that do not accurately reflect all of the hours an employee has worked for or been in service to the employing office. Any accurate accounting of actual hours worked under the FLSA's principles, as made applicable by the CAA (2 U.S.C. 1313), may be used.

(3) An employee returning from USERRA-covered service shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining the employee's eligibility for FMLA-qualifying leave. Accordingly, a person reemployed following USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12 month period to meet the hours of service requirement. In order to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations.

(4) In the event an employing office does not maintain an accurate record of hours worked by an employee, including for employees who are exempt from the overtime requirements of the FLSA, as made applicable by the CAA and its regulations, the employing office has the burden of showing that the employee has not worked the requisite hours. An employing office must be able to clearly demonstrate, for example, that full time teachers (*See* 825.102 for definition) of an elementary or secondary school system, or institution of higher education, or other educational establishment or institution (who often work outside the classroom or at their homes) did not work 1,250 hours during the previous 12 months in order to claim that the teachers are not covered or eligible for FMLA leave.

(e) The determination of whether an employee meets the hours of service requirement for any employing office and has been employed by any employing office for a total of at least 12 months, must be made as of the date the FMLA leave is to start. An employee may be on non-FMLA leave at the time he or she meets the 12-month eligibility requirement, and in that event, any portion of the leave taken for an FMLA-qualifying reason after the employee meets the eligibility requirement would be FMLA leave. See 825.300(b) for rules governing the content of the eligibility notice given to employees.

(f) If, before beginning employment with an employing office, an employee had been employed by another employing office, the subsequent employing office may count against the employee's FMLA leave entitlement FMLA leave taken from the prior employing office, so long as the prior employing office properly designated the leave as FMLA under these regulations or other applicable requirements.

825.111 Eligible employee, birth or placement.

For purposes of leave under subparagraphs (a)(1) or (a)(2) of 825.112 [or subsections (A) or (B) of section 102(a)(1) of the FMLA]:

(a) an eligible employee is a covered employee of an employing office; and

(b) the eligibility requirements of section 825.110 shall not apply. *See also* 825.120–21.

825.112 Qualifying reasons for leave, general rule.

(a) Circumstances qualifying for leave. Employing offices covered by FMLA as made applicable by the CAA are required to grant leave to eligible employees:

(1) For birth of a son or daughter, and to care for the newborn child (*See* 825.120);

(2) For the placement of a son or daughter with the employee for adoption or foster care and the care of such son or daughter (*See* 825.121);

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition (*See* 825.113 and 825.122);

(4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job (*See* 825.113 and 825.123);

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status) (*See* 825.122 and 825.126); and

(6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember (*See* 825.122 and 825.127).

(b) *Equal Application*. The right to take leave under FMLA, as made applicable by the CAA, applies equally to male and female employees. A father, as well as a mother, can take family leave for the birth, placement for adoption, or foster care of a child.

(c) *Active employee*. In situations where the employing office/employee relationship has been interrupted, such as an employee who has been on layoff, the employee must be recalled or otherwise be re-employed before being eligible for FMLA leave. Under such circumstances, an eligible employee is immediately entitled to further FMLA leave for a qualifying reason.

825.113 Serious health condition.

(a) For purposes of FMLA, *serious health condition entitling an employee to FMLA leave* means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in 825.114 or continuing treatment by a health care provider as defined in 825.115.

(b) The term incapacity means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

(c) The term treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bedrest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

(d) Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of this section are met.

825.114 Inpatient care.

Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity as defined in 825.113(b), or any subsequent treatment in connection with such inpatient care.

825.115 Continuing treatment.

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(a) *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(3) The requirement in paragraphs (a)(1) and (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

(4) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

(5) The term *extenuating circumstances* in paragraph (a)(1) of this section means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-day period, but the health care provider does not have any available appointments during that time period.

(b) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. See also 825.120.

(c) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(d) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(e) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(1) Restorative surgery after an accident or other injury; or

(2) A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

(f) Absences attributable to incapacity under paragraphs (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

825.116 [Reserved]
825.117 [Reserved]
825.118 [Reserved]

825.119 Leave for treatment of substance abuse.

(a) Substance abuse may be a serious health condition if the conditions of 825.113 through 825.115 are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

(b) Treatment for substance abuse does not prevent an employing office from taking employment action against an employee. The employing office may not take action against the employee because the employee has exercised his or her right to take FMLA leave for treatment. However, if the employing office has an established policy, applied in a non-discriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking FMLA leave. An employee may also take FMLA leave to care for a covered family member who is receiving treatment for substance abuse. The employing office may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

825.120 Leave for pregnancy or birth.

(a) *General rules.* Eligible employees are entitled to FMLA leave for pregnancy or birth of a son or daughter and to care for the newborn child as follows:

(1) Both parents are entitled to FMLA leave for the birth of their child.

(2) Both parents are entitled to FMLA leave to be with the healthy newborn child (i.e., bonding time) during the 12-month period beginning on the date of birth. An employee's entitlement to FMLA leave for a birth expires at the end of the 12-month period beginning on the date of the birth. Leave for a birth must be concluded within this 12-month period. If the employing office permits bonding leave to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, both parents are entitled to FMLA leave even if the newborn does not have a serious health condition.

(3) Spouses who are eligible for FMLA leave and are employed by the same employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newborn child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

(4) The expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. An expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three consecutive calendar days.

(5) A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for her following the birth of a child if she has a serious health condition. *See* 825.124.

(6) Both parents are entitled to FMLA leave if needed to care for a child with a serious health condition if the requirements of 825.113 through 825.115 and 825.122 (d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for their newborn child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

(7) Leave taken because of the birth of a son or daughter of the employee includes leave necessary for an employee who is the birth mother to recover from giving birth, or for an employee who is the other parent to care for the birth mother during her recovery period, even if the employee is not involved in caring for the son or daughter during portions of that recovery period.

(b) *Intermittent and reduced schedule leave.* An eligible employee may use intermittent or reduced schedule leave after the birth to be with a healthy newborn child only if the employing office agrees. For example, an employing office and employee may agree to a part-time work schedule after the birth. If the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced

leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the expectant mother or newborn child. *See* 825.202–825.205 for general rules governing the use of intermittent and reduced schedule leave. *See* 825.121 for rules governing leave for adoption or foster care. *See* 825.601 for special rules applicable to instructional employees of schools.

825.121 Leave for adoption or foster care.

(a) *General rules.* Eligible employees are entitled to FMLA leave for placement with the employee of a son or daughter for adoption or foster care and to care for the newly placed child as follows as follows:

(1) Employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave for this purpose.

(2) An employee's entitlement to leave for adoption or foster care expires at the end of the 12-month period beginning on the date of the placement. If the employing office permits leave for adoption or foster care to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, the employee is entitled to FMLA leave even if the adopted or foster child does not have a serious health condition.

(3) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the placement of the employee's son or daughter or to care for the child after placement, for the birth of the employee's son or daughter or to care for the child after birth, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newly placed child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

(4) An eligible employee is entitled to FMLA leave in order to care for an adopted or foster child with a serious health condition if the requirements of 825.113 through 825.115 and 825.122(d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for an adopted or foster child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

(b) *Use of intermittent and reduced schedule leave.* An eligible employee may use intermittent or reduced schedule leave after the placement of a healthy child for adoption or foster care only if the employing office agrees. Thus, for example, the employing office and employee may agree to a part-time work schedule after the placement for bonding purposes. If the employing office agrees to permit intermittent or reduced schedule leave for the placement for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the adopted or foster child. See 825.202—825.205 for general rules governing the use of intermittent and reduced schedule leave. *See* 825.120 for general rules governing leave for pregnancy and birth of a child. *See* 825.601 for special rules applicable to instructional employees of schools.

825.122 Definitions of covered service member, spouse, parent, son or daughter, next of kin of a covered service member, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered service member, and parent of a covered service member.

(a) *Covered service member* means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. *See* 825.127(b)(2).

(b) *Spouse* means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

(c) *Parent.* Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in paragraph (d) of this section. This term does not include parents ''in law.''

(d) *Son or daughter.* For purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and ''incapable of self-care because of a mental or physical disability'' at the time that FMLA leave is to commence.

(1) *Incapable of self-care* means that the individual requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (ADLs) or instrumental activities of daily living (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(2) *Physical or mental disability* means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., provide guidance for these terms.

(3) Persons who are ''in loco parentis'' include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

(e) *Next of kin* of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. *See* 825.127(d)(3).

(f) *Adoption* means legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for FMLA leave. *See* 825.121 for rules governing leave for adoption.

(g) *Foster care* means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody. *See* 825.121 for rules governing leave for foster care.

(h) Son or daughter on covered active duty or call to covered active duty status means

the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. *See* 825.126(a)(5).

(i) Son or daughter of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. *See* 825.127(d)(1).

(j) *Parent of a covered servicemember* means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.'' *See* 825.127(d)(2).

(k) *Documenting relationships.* For purposes of confirmation of family relationship, the employing office may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, etc. The employing office is entitled to examine documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

825.123 Unable to perform the functions of the position.

(a) *Definition.* An employee is unable to perform the functions of the position where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act (ADA), as amended and made applicable by Section 201(a) of the CAA (2 U.S.C. 1311(a)(3)). An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

(b) *Statement of functions.* An employing office has the option, in requiring certification from a health care provider, to provide a statement of the essential functions of the employee's position for the health care provider to review. A sufficient medical certification must specify what functions of the employee's position the employee is unable to perform so that the employing office can then determine whether the employee is unable to perform one or more essential functions of the employee's position. For purposes of the FMLA, the essential functions of the employee's position are to be determined with reference to the position the employee held at the time notice is given or leave commenced, whichever is earlier. *See* 825.306.

825.124 Needed to care for a family member or covered servicemember.

(a) The medical certification provision that an employee is needed to care for a family member or covered servicemember encompasses both physical and psychological care. It includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor. The term also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse or parent with a serious health condition who is receiving inpatient or home care.

(b) The term also includes situations where the employee may be needed to substitute for others who normally care for the family member or covered servicemember, or to make arrangements for changes in care, such as transfer to a nursing home. The employee need not be the only individual or family member available to care for the family member or covered servicemember.

(c) An employee's intermittent leave or a reduced leave schedule necessary to care for a family member or covered servicemember includes not only a situation where the condition of the family member or covered servicemember itself is intermittent, but also where the employee is only needed intermittently—such as where other care is normally available, or care responsibilities are shared with another member of the family or a third party. *See* 825.202–825.205 for rules governing the use of intermittent or reduced schedule leave.

825.125 Definition of health care provider.

(a) The FMLA, as made applicable by the CAA, defines *health care provider* as:

(1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(2) Any other person determined by the Office of Congressional Workplace Rights to be capable of providing health care services.

(3) In making a determination referred to in subparagraph (a)(2), and absent good cause shown to do otherwise, the Office of Congressional Workplace Rights will follow any determination made by the Department of Labor (under section 101(6)(B) of FMLA (29 U.S.C. 2611(6)(B))) that a person is capable of providing health care services, provided the determination by the Department of Labor was not made at the request of a person who was then a covered employee.

(b) Others capable of providing health care services include only:

(1) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(2) Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(3) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

(4) Any health care provider from whom an employing office or the employing office's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

(5) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(c) The phrase authorized to practice in the State as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

825.126 Leave because of a qualifying exigency.

(a) Eligible employees may take FMLA leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

(1) *Covered active duty or call to covered active duty status* in the case of a member of the Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. The active duty orders of a member of the Regular components of the Armed Forces will generally specify if the member is deployed to a foreign country.

(2) *Covered active duty or call to covered active duty status* in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the United States Code, which authorizes calling the National Guard and state military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. *See* 10 U.S.C. 101(a)(13)(B).

(i) For purposes of covered active duty or call to covered active duty status, the Reserve components of the Armed Forces include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation pursuant to one of the provisions of law identified in paragraph (a)(2).

(ii) The active duty orders of a member of the Reserve components will generally specify if the military member is serving in support of a contingency operation by citation to the relevant section of Title 10 of the United States Code and/or by reference to the specific name of the contingency operation and will specify that the deployment is to a foreign country.

(3) *Deployment of the member with the Armed Forces to a foreign country* means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States, including international waters.

(4) A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to active duty. State calls to active duty are not covered unless under order of the President of

the United States pursuant to one of the provisions of law identified in paragraph (a)(2) of this section.

(5) *Son or daughter on covered active duty or call to covered active duty status* means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.

(b) An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

(1) *Short-notice deployment.* (i) To address any issue that arises from the fact that the military member is notified of an impending call or order to covered active duty seven or less calendar days prior to the date of deployment;

(ii) Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the military member is notified of an impending call or order to covered active duty;

(2) *Military events and related activities.* (i) To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the military member; and

(ii) To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the military member;

(3) *Childcare and school activities.* For the purposes of leave for childcare and school activities listed in (i) through (iv) of this paragraph, a child of the military member must be the military member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the military member stands in loco parentis, who is either under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

(i) To arrange for alternative childcare for a child of the military member when the covered active duty or call to covered active duty status of the military member necessitates a change in the existing childcare arrangement;

(ii) To provide childcare for a child of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;

(iii) To enroll in or transfer to a new school or day care facility a child of the military member when enrollment or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

(iv) To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a child of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member;

(4) *Financial and legal arrangements.* (i) To make or update financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust; and

(ii) To act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of 90 days following the termination of the military member's covered active duty status;

(5) *Counseling.* To attend counseling provided by someone other than a health care provider, for oneself, for the military member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the military member, or a child for whom the military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of the military member;

(6) *Rest and Recuperation.* (i) To spend time with the military member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment;

(ii) Leave taken for this purpose can be used for a period of 15 calendar days beginning on the date the military member commences each instance of Rest and Recuperation leave;

(7) *Post-deployment activities.* (i) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status; and

(ii) To address issues that arise from the death of the military member while on covered active duty status, such as meeting and recovering the body of the military member, making funeral arrangements, and attending funeral services;

(8) *Parental care.* For purposes of leave for parental care listed in (i) through (iv) of this paragraph, the parent of the military member must be incapable of self-care and must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age. A parent who is incapable of self-care means that the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living. Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc. As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

(i) To arrange for alternative care for a parent of the military member when the parent is incapable of self-care and the covered active duty or call to covered active duty status of the military member necessitates a change in the existing care arrangement for the parent;

(ii) To provide care for a parent of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;

(iii) To admit to or transfer to a care facility a parent of the military member when admittance or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

(iv) To attend meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member but not for routine or regular meetings;

(9) *Additional activities.* To address other events which arise out of the military member's covered active duty or call to covered active duty status provided that the employing office and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave).

(a) Eligible employees are entitled to FMLA leave to care for a covered servicemember with a serious illness or injury.

(b) Covered servicemember means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness. Outpatient status means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

(2) A covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. An eligible employee must commence leave to care for a covered veteran within five years of the veteran's active duty service, but the single 12-month period described in paragraph (e)(1) of this section may extend beyond the five-year period.

(i) For an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to the effective date of this Final Rule, the period between October 28, 2009 and the effective date of this Final Rule shall not count towards the determination of the five-year period for covered veteran status.

(c) A serious injury or illness means:

(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,

(2) In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces), and manifested itself before or after the member became a veteran, and is:

(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(d) In order to care for a covered servicemember, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered servicemember.

(1) Son or daughter of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

(2) Parent of a covered servicemember means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.''

(3) Next of kin of a covered servicemember means the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employing office is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to 825.122(k).

(e) An eligible employee is entitled to 26 workweeks of leave to care for a covered servicemember with a serious injury or illness during a single 12-month period.

(1) The single 12-month period described in paragraph (e) of this section begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date, regardless of the method used by the employing office to determine the employee's 12 workweeks of leave entitlement for other FMLA-qualifying reasons. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this single 12-month period, the remaining part of his or her 26 workweeks of leave entitlement to care for the covered servicemember is forfeited.

(2) The leave entitlement described in paragraph (e) of this section is to be applied on a per-covered-servicemember, per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period. An eligible employee may take more than one period of 26 workweeks of leave to care for a covered servicemember with more than one serious injury or illness only when the serious injury or illness is a subsequent serious injury or illness. When an eligible employee takes leave to care for more than one covered servicemember or for a subsequent serious injury or illness of the same covered servicemember, and the single 12-month periods corresponding to the different military caregiver leave entitlements overlap, the employee is limited to taking no more than 26 workweeks of leave in each single 12-month period.

(3) An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period described in paragraph (e) of this section, provided that the employee is entitled to no more than 12 workweeks of leave for one or more of the following: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency. Thus, for example, an eligible employee may, during the single 12-month period, take 16 workweeks of FMLA leave to care for a covered servicemember and 10 workweeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12-month period, even if the employee takes fewer than 14 workweeks of FMLA leave to care for a covered servicemember.

(4) In all circumstances, including for leave taken to care for a covered servicemember, the employing office is responsible for designating leave, paid or unpaid, as FMLA-qualifying, and for giving notice of the designation to the employee as provided in 825.300. In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the single 12-month period described in paragraph (e) of this section, the employing office must designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the single 12-month period described in paragraph (e) of this section must not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition. As is the case with leave taken for other qualifying reasons, employing offices may retroactively designate leave as leave to care for a covered servicemember pursuant to 825.301(d).

(f) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 26 workweeks of leave during the single 12-month period described in paragraph (e) of this section if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 26 workweeks of FMLA leave.

SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.200 Amount of Leave.

(a) Except in the case of leave to care for a covered servicemember with a serious injury or illness, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during any 12-month period for any one, or more, of the following reasons:

(1) The birth of the employee's son or daughter, and to care for the newborn child;

(2) The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition;

(4) Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job; and

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty).

(b) An employing office is permitted to choose any one of the following methods for determining the 12–month period in which the 12 weeks of leave entitlement described in paragraph (a) of this section occurs:

(1) The calendar year;

(2) Any fixed 12-month leave year, such as a fiscal year or a year starting on an employee's anniversary date;

(3) The 12-month period measured forward from the date any employee's first FMLA leave under paragraph (a) begins; or

(4) A ''rolling'' 12-month period measured backward from the date an employee uses any FMLA leave as described in paragraph (a).

(c) Under methods in paragraphs (b)(1) and (b)(2) of this section an employee would be entitled to up to 12 weeks of FMLA leave at any time in the fixed 12-month period selected. An employee could, therefore, take 12 weeks of leave at the end of the year and 12

weeks at the beginning of the following year. Under the method in paragraph (b)(3) of this section, an employee would be entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period. Under the method in paragraph (b)(4) of this section, the ''rolling'' 12-month period, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. However, beginning on February 1, 2009, the employee would again be eligible to take FMLA leave, recouping the right to take the leave in the same manner and amounts in which it was used in the previous year. Thus, the employee would recoup (and be entitled to use) one additional day of FMLA leave each day for four weeks, commencing February 1, 2009. The employee would also begin to recoup additional days beginning on June 1, 2009, and additional days beginning on December 1, 2009. Accordingly, employing offices using the rolling 12-month period may need to calculate whether the employee is entitled to take FMLA leave each time that leave is requested, and employees taking FMLA leave on such a basis may fall in and out of FMLA protection based on their FMLA usage in the prior 12 months. For example, in the example above, if the employee needs six weeks of leave for a serious health condition commencing February 1, 2009, only the first four weeks of the leave would be FMLA-protected.

(d)(1) Employing offices will be allowed to choose any one of the alternatives in paragraph (b) of this section for the leave entitlements described in paragraph (a) of this section provided the alternative chosen is applied consistently and uniformly to all employees. An employing office wishing to change to another alternative is required to give at least 60 days' notice to all employees, and the transition must take place in such a way that the employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee. Under no circumstances may a new method be implemented in order to avoid the CAA's FMLA leave requirements.

(2) [Reserved]

(e) If an employing office fails to select one of the options in paragraph (b) of this section for measuring the 12-month period for the leave entitlements described in paragraph (a), the option that provides the most beneficial outcome for the employee will be used. The employing office may subsequently select an option only by providing the 60-day notice to all employees of the option the employing office intends to implement. During the running of the 60-day period any other employee who needs FMLA leave may use the option providing the most beneficial outcome to that employee. At the conclusion of the 60-day period the employing office may implement the selected option.

(f) An eligible employee's FMLA leave entitlement is limited to a total of 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness. An employing office shall determine the single 12-month period in which the 26 weeks of leave entitlement described in this paragraph occurs using the 12-month period measured forward from the date an employee's first FMLA leave to care for the covered servicemember begins. *See* 825.127(e)(1).

(g) During the single 12-month period described in paragraph (f), an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. *See* 825.127(e)(3).

(h) For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, if for some reason the employing office's business activity has temporarily ceased and employees generally are not expected to report for work for one or more weeks (e.g., a school closing two weeks for the Christmas/New Year holiday or the summer vacation or an employing office closing the office for repairs), the days the employing office's activities have ceased do not count against the employee's FMLA leave entitlement. Methods for determining an employee's 12-week leave entitlement are also described in 825.205.

(i)(1) If employing offices jointly employ an employee, and if they designate a primary employing office pursuant to 825.106(c), the primary employing office may choose any one of the alternatives in paragraph (b) of this section for measuring the 12-month period, provided that the alternative chosen is applied consistently and uniformly to all employees of the primary employing office including the jointly employed employee.

(2) If employing offices fail to designate a primary employing office pursuant to 825.106(c), an employee jointly employed by the employing offices may, by so notifying one of the employing offices, select that employing office to be the primary employing office of the employee for purposes of the application of paragraphs (d) and (e) of this section.

825.201 Leave to care for a parent.

(a) *General rule*. An eligible employee is entitled to FMLA leave if needed to care for the employee's parent with a serious health condition. Care for parents-in-law is not covered by the FMLA. *See* 825.122(c) for definition of parent.

(b) *Same employing office limitation*. Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where the spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a parent, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition. *See* also 825.127(d).

825.202 Intermittent leave or reduced leave schedule.

(a) *Definition*. FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

(b) *Medical necessity*. For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or to care for a covered servicemember with a serious injury or illness, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition and in the certification of a serious injury or illness, if required by the employing office, addresses the medical necessity of intermittent leave or leave on a reduced leave schedule. *See* 825.306, 825.310. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a serious health condition or of a covered servicemember's serious injury or illness, or for recovery from treatment or recovery from a serious health condition or a covered servicemember's serious injury or illness. It may also be taken to provide care or psychological comfort to a covered family member with a serious health condition or a covered servicemember with a serious injury or illness.

(1) Intermittent leave may be taken for a serious health condition of a spouse, parent, son, or daughter, for the employee's own serious health condition, or a serious injury or illness of a covered servicemember which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave schedule is an employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule.

(2) Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition or a serious injury or illness of a covered servicemember, even if he or she does not receive treatment by a health care provider. *See* 825.113 and 825.127.

(c) *Birth or placement*. When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule

only if the employing office agrees. Such a schedule reduction might occur, for example, where an employee, with the employing office's agreement, works part-time after the birth of a child, or takes leave in several segments. The employing office's agreement is not required, however, for leave during which the expectant mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition. *See* 825.204 for rules governing transfer to an alternative position that better accommodates intermittent leave. *See* also 825.120 (pregnancy) and 825.121 (adoption and foster care).

(d) *Qualifying exigency.* Leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis.

825.203 Scheduling of intermittent or reduced schedule leave.

Eligible employees may take FMLA leave on an intermittent or reduced schedule basis when medically necessary due to the serious health condition of a covered family member or the employee or the serious injury or illness of a covered servicemember. *See* 825.202. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employing office's operations.

825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave.

(a) *Transfer or reassignment.* If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, a family member, or a covered servicemember, including during a period of recovery from one's own serious health condition, a serious health condition of a spouse, parent, son, or daughter, or a serious injury or illness of a covered servicemember, or if the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. *See* 825.601 for special rules applicable to instructional employees of schools.

(b) *Compliance.* Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and Federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced scheduled leave.

(c) *Equivalent pay and benefits.* The alternative position must have equivalent pay and benefits. An alternative position for these purposes does not have to have equivalent duties. The employing office may increase the pay and benefits of an existing alternative position, so as to make them equivalent to the pay and benefits of the employee's regular job. The employing office may also transfer the employee to a part-time job with the same hourly rate of pay and benefits, provided the employee is not required to take more leave than is medically necessary. For example, an employee desiring to take leave in increments of four hours per day could be transferred to a half-time job, or could remain in the employee's same job on a part-time schedule, paying the same hourly rate as the employee's previous job and enjoying the same benefits. The employing office may not eliminate benefits which otherwise would not be provided to part-time employees; however, an employing office may proportionately reduce benefits such as vacation leave where an employing office's normal practice is to base such benefits on the number of hours worked.

(d) *Employing office limitations.* An employing office may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee. For example, a white collar employee may not be assigned to perform laborer's work; an employee working the day shift may not be reassigned to the graveyard shift; an employee working in the headquarters facility may not be reassigned to a branch a significant distance away from the employee's normal job location. Any such attempt on the part of the employing office to make such a transfer will be held to be contrary to the prohibited acts provisions of the FMLA, as made applicable by the CAA.

(e) *Reinstatement of employee.* When an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee must be placed in the same or equivalent job as the job he or she left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

825.205 Increments of FMLA leave for intermittent or reduced schedule leave.

(a) *Minimum increment.* (1) When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the employing office must account for the leave using an increment no greater than the shortest period of time that the employing office uses to account for use of other forms of leave provided that it is not greater than one hour and provided further that an employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken. An employing office may not require an employee to take more leave than is necessary to address the circumstances that precipitated the need for the leave, provided that the leave is counted using the shortest increment of leave used to account for any other type of leave. *See also* 825.205(a)(2) for the physical impossibility exception, and 825.600 and 825.601 for special rules applicable to employees of schools. If an employing office uses different increments to account for different types of leave, the employing office must account for FMLA leave in the smallest increment used to account for any other type of leave. For example, if an employing office accounts for the use of annual leave in increments of one hour and the use of sick leave in increments of one-half hour, then FMLA leave use must be accounted for using increments no larger than one-half hour. If an employing office accounts for use of leave in varying increments at different times of the day or shift, the employing office may also account for FMLA leave in varying increments, provided that the increment used for FMLA leave is no greater than the smallest increment used for any other type of leave during the period in which the FMLA leave is taken. If an employing office accounts for other forms of leave use in increments greater than one hour, the employing office must account for FMLA leave use in increments no greater than one hour. An employing office may account for FMLA leave in shorter increments than used for other forms of leave. For example, an employing office that accounts for other forms of leave in one hour increments may account for FMLA leave in a shorter increment when the employee arrives at work several minutes late, and the employing office wants the employee to begin work immediately. Such accounting for FMLA leave will not alter the increment considered to be the shortest period used to account for other forms of leave or the use of FMLA leave in other circumstances. In all cases, employees may not be charged FMLA leave for periods during which they are working.

(2) Where it is physically impossible for an employee using intermittent leave or working a reduced leave schedule to commence or end work mid-way through a shift, such as where a flight attendant or a railroad conductor is scheduled to work aboard an airplane or train, or a laboratory employee is unable to enter or leave a sealed ''clean room'' during a certain period of time and no equivalent position is available, the entire period that the employee is forced to be absent is designated as FMLA leave and counts against the employee's FMLA entitlement. The period of the physical impossibility is limited to the period during which the employing office is unable to permit the employee to work prior to a period of FMLA leave or return the employee to the same or equivalent position due to the physical impossibility after a period of FMLA leave. *See* 825.214.

(b) *Calculation of leave.* (1) When an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. The actual workweek is the basis of leave entitlement. Therefore, if an employee who would otherwise work 40 hours a week takes off eight hours, the employee would use one-fifth (1/5) of a week of FMLA leave. Similarly, if a full-time employee who would otherwise work eight hour days works four-hour days under a reduced leave schedule, the employee would use one half (1/2) week of FMLA leave each week. Where an employee works a part-time schedule or variable hours, the amount of FMLA leave that an employee uses is determined on a pro rata or proportional basis. If an employee who would otherwise work 30 hours per week, but works only 20 hours a week under a reduced leave schedule, the employee's 10 hours of leave would constitute one-third (1/3) of a week of FMLA leave for each week the employee works the reduced leave schedule. An employing office may convert these fractions to their hourly equivalent so long as the conversion equitably reflects the employee's total normally scheduled hours. An employee does not accrue FMLA-protected leave at any particular hourly rate. An eligible employee is entitled to up to a total of 12 workweeks of leave, or 26 workweeks in the case of military caregiver leave, and the total number of hours contained in those workweeks is necessarily dependent on the specific hours the employee would have worked but for the use of leave. *See also* 825.601 and 825.602 on special rules for schools.

(2) If an employing office has made a permanent or long-term change in the employee's schedule (for reasons other than FMLA, and prior to the notice of need for FMLA leave), the hours worked under the new schedule are to be used for making this calculation.

(3) If an employee's schedule varies from week to week to such an extent that an employing office is unable to determine with any certainty how many hours the employee would otherwise have worked (but for the taking of FMLA leave), a weekly average of the hours worked over the 12 months prior to

the beginning of the leave period (including any hours for which the employee took leave of any type) would be used for calculating the employee's leave entitlement.

(c) *Overtime.* If an employee would normally be required to work overtime, but is unable to do so because of a FMLA-qualifying reason that limits the employee's ability to work overtime, the hours which the employee would have been required to work may be counted against the employee's FMLA entitlement. In such a case, the employee is using intermittent or reduced schedule leave. For example, if an employee would normally be required to work for 48 hours in a particular week, but due to a serious health condition the employee is unable to work more than 40 hours that week, the employee would utilize eight hours of FMLA-protected leave out of the 48–hour workweek, or one-sixth (1/6) of a week of FMLA leave. Voluntary overtime hours that an employee does not work due to an FMLA-qualifying reason may not be counted against the employee's FMLA leave entitlement.

825.206 Interaction with the FLSA, as made applicable by the Congressional Accountability Act.

(a) Leave taken under FMLA, as made applicable by the CAA, may be unpaid. If an employee is otherwise exempt from minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), as made applicable by the CAA, and as exempt under regulations issued by the Board, at part 541, providing unpaid FMLA-qualifying leave to such an employee will not cause the employee to lose the FLSA exemption. This means that under regulations currently in effect, where an employee meets the specified duties test, is paid on a salary basis, and is paid a salary of at least the amount specified in the regulations, the employing office may make deductions from the employee's salary for any hours taken as intermittent or reduced FMLA leave within a workweek, without affecting the exempt status of the employee.

(b) For an employee paid in accordance with a fluctuating workweek method of payment for overtime, where permitted by section 203 of the CAA (2 U.S.C. 1313), the employing office, during the period in which intermittent or reduced schedule FMLA leave is scheduled to be taken, may compensate an employee on an hourly basis and pay only for the hours the employee works, including time and one-half the employee's regular rate for overtime hours. The change to payment on an hourly basis would include the entire period during which the employee is taking intermittent leave, including weeks in which no leave is taken. The hourly rate shall be determined by dividing the employee's weekly salary by the employee's normal or average schedule of hours worked during weeks in which FMLA leave is not being taken. If an employing office chooses to follow this exception from the fluctuating workweek method of payment, the employing office must do so uniformly, with respect to all employees paid on a fluctuating workweek basis for whom FMLA leave is taken on an intermittent or reduced leave schedule basis. If an employing office does not elect to convert the employee's compensation to hourly pay, no deduction may be taken for FMLA leave absences. Once the need for intermittent or reduced scheduled leave is over, the employee may be restored to payment on a fluctuating workweek basis.

(c) This special exception to the salary basis requirements of the FLSA exemption or fluctuating workweek payment requirements applies only to employees of covered employing offices who are eligible for FMLA leave, and to leave which qualifies as FMLA leave. Hourly or other deductions which are not in accordance with the Board's FLSA regulations at part 541 or with a permissible fluctuating workweek method of payment for overtime may not be taken, for example, where the employee has not worked long enough to be eligible for FMLA leave without potentially affecting the employee's eligibility for exemption. Nor may deductions which are not permitted by the Board's FLSA regulations at part 541 or by a permissible fluctuating workweek method of payment for overtime be taken from such an employee's salary for any leave which does not qualify as FMLA leave, for example, deductions from an employee's pay for leave required under an employing office's policy or practice for a reason which does not qualify as FMLA leave, e.g., leave to care for a grandparent or for a medical condition which does not qualify as a serious health condition or serious injury or illness; or for leave which is more generous than provided by the FMLA, as made applicable by the CAA. Employing offices may comply with the employing office's own policy/practice under these circumstances and maintain the employee's eligibility for exemption or for the fluctuating workweek method of pay by not taking hourly deductions from the employee's pay, in accordance with FLSA requirements, as made applicable by the CAA, or may take such deductions, treating the employee as an hourly employee and pay overtime premium pay for hours worked over 40 in a workweek.

825.207 Substitution of paid leave, generally.

(a) Generally, FMLA leave is unpaid leave. However, under the circumstances described in this section, the FMLA, as made applicable by the CAA, permits an eligible employee to choose to substitute accrued paid leave for unpaid FMLA leave. Subject to 825.208, if an employee does not choose to substitute accrued paid leave, the employing office may require the employee to substitute accrued paid leave for unpaid FMLA leave. The term substitute means that the paid leave provided by the employing office, and accrued pursuant to established policies of the employing office, will run concurrently with the unpaid FMLA leave. Accordingly, the employee receives pay pursuant to the employing office's applicable paid leave policy during the period of otherwise unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employing office's normal leave policy. When an employee chooses, or an employing office requires, substitution of accrued paid leave, the employing office must inform the employee that the employee must satisfy any procedural requirements of the paid leave policy only in connection with the receipt of such payment. *See* 825.300(c). If an employee does not comply with the additional requirements in an employing office's paid leave policy, the employee is not entitled to substitute accrued paid leave, but the employee remains entitled to take unpaid FMLA leave. Employing offices may not discriminate against employees on FMLA leave in the administration of their paid leave policies.

(b) If neither the employee nor the employing office elects to substitute paid leave for unpaid FMLA leave under the above conditions and circumstances, the employee will remain entitled to all the paid leave which is earned or accrued under the terms of the employing office's plan.

(c) If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the employee's FMLA leave entitlement. For example, paid sick leave used for a medical condition which is not a serious health condition or serious injury or illness does not count against the employee's FMLA leave entitlement.

(d) Leave taken pursuant to a disability leave plan would be considered FMLA leave for a serious health condition and counted in the leave entitlement permitted under FMLA if it meets the criteria set forth above in 825.112 through 825.115. In such cases, the employing office may designate the leave as FMLA leave and count the leave against the employee's FMLA leave entitlement. Because leave pursuant to a disability benefit plan is not unpaid, the provision for substitution of the employee's accrued paid leave is inapplicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree to have paid leave supplement the disability plan benefits, such as in the case where a plan only provides replacement income for two-thirds of an employee's salary.

(e) The FMLA, as made applicable by the CAA, provides that a serious health condition may result from injury to the employee on or off the job. If the employing office designates the leave as FMLA leave in accordance with 825.300(d), the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, the provision for substitution of the employee's accrued paid leave is not applicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree, to have paid leave supplement workers' compensation benefits, such as in the case where workers' compensation only provides replacement income for two-thirds of an employee's salary. If the health care provider treating the employee for the workers' compensation injury certifies the employee is able to return to a light duty job but is unable to return to the same or equivalent job, the employee may decline the employing office's offer of a light duty job. As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the employing office may require the use of accrued paid leave. *See also* 825.210(f), 825.216(d), 825.220(d), 825.307(a) and 825.702 (d)(1) and (2) regarding the relationship between workers' compensation absences and FMLA leave.

(f) Under the FLSA, as made applicable by the CAA, an employing office always has the right to cash out an employee's compensatory time or to require the employee to use the time. Therefore, if an employee requests and is permitted to use accrued compensatory time to receive pay for time taken off for an FMLA reason, or if the employing office requires such use pursuant to the FLSA, the time taken may be counted against the employee's FMLA leave entitlement.

825.208 Substitution of paid leave—special rule for paid parental leave.

(a) This section provides the basis for determining the periods of unpaid leave for which paid parental leave may be substituted under subpart E of this part, which must be read with this subpart to establish eligibility. This section addresses substitution of accrued paid leave for unpaid FMLA leave:

(1) For birth of a son or daughter, and to care for the newborn child (*See* 825.120);

(2) For the placement of a son or daughter with the employee for adoption or foster care and the care of such son or daughter (*See* 825.121);

(b) *Leave connected to birth or placement.* (1) For unpaid family and medical leave taken under 825.120 or 825.121 (which correspond to 29 U.S.C. 2612(A) or (B), respectively) an employee may elect to substitute—

(i) Up to 12 workweeks of paid parental leave in connection with the occurrence of a birth or placement, as provided in subpart E of this part; and

(ii) Any additional paid annual, vacation, personal, family, medical, or sick leave provided by the employing office to such employee.

(c) *Employee entitlement to substitute.* (1) An employee is entitled substitute paid leave for leave without pay under this subpart, as permitted in this section.

(2) An employing office may not require that an employee first use all or any portion of the leave described in paragraph (b)(1)(ii) of this section before being allowed to use the leave described in paragraph (b)(1)(i) of this section.

(3) An employing office may not require an employee to substitute paid leave for leave without pay.

(4) An employee may request to use annual leave or sick leave without invoking family and medical leave, and, in that case, the employing office exercises its normal authority with respect to approving or disapproving the timing of when the leave may be used.

(d) *Notification by employee and retroactive substitution.* (1) An employee must notify the employing office of the employee's election to substitute paid leave for leave without pay under this section prior to the date such paid leave commences (i.e., no retroactive substitution), except as provided in paragraphs (d)(2) through (d)(4) of this section.

(2) An employee may retroactively substitute annual leave or sick leave for leave without pay granted under this subpart covering a past period of time, if the substitution is made in conjunction with the retroactive granting of leave without pay.

(3) An employee may retroactively substitute transferred (donated) annual leave for leave without pay granted under this subpart.

(4) An employee may retroactively substitute paid parental leave for applicable leave without pay granted under this subpart, as provided in 825.505 and subject to the requirements governing paid parental leave in subpart E of this part. If the employee's leave without pay was not granted on a prospective basis under this subpart, the retroactive substitution of paid parental leave may not be made unless the leave without pay period has been retroactively designated as leave under this subpart.

825.209 Maintenance of employee benefits.

(a) During any FMLA leave, an employing office must maintain the employee's coverage under the Federal Employees Health Benefits Program or any group health plan (as defined in the Internal Revenue Code of 1986 at 26 U.S.C. 5000(b)(1)) on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. All employing offices are subject to the requirements of the FMLA, as made applicable by the CAA, to maintain health coverage. The definition of group health plan is set forth in 825.102. For purposes of FMLA, the term group health plan shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

(1) No contributions are made by the employing office;

(2) Participation in the program is completely voluntary for employees;

(3) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and

(5) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

(b) The same group health plan benefits provided to an employee prior to taking FMLA leave must be maintained during the FMLA leave. For example, if family member coverage is provided to an employee, family member coverage must be maintained during the FMLA leave. Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., must be maintained during leave if provided in an employing office's group health plan, including a supplement to a group health plan, whether or not provided through a flexible spending account or other component of a cafeteria plan.

(c) If an employing office provides a new health plan or benefits or changes health benefits or plans while an employee is on FMLA leave, the employee is entitled to the new or changed plan/benefits to the same extent as if the employee were not on leave. For example, if an employing office changes a group health plan so that dental care becomes covered under the plan, an employee on FMLA leave must be given the same opportunity as other employees to receive (or obtain) the dental care coverage. Any other plan changes (e.g., in coverage, premiums, deductibles, etc.) which apply to all employees of the workforce would also apply to an employee on FMLA leave.

(d) Notice of any opportunity to change plans or benefits must also be given to an employee on FMLA leave. If the group health plan permits an employee to change from single to family coverage upon the birth of a child or otherwise add new family members, such a change in benefits must be made available while an employee is on FMLA leave. If the employee requests the changed coverage it must be provided by the employing office.

(e) An employee may choose not to retain group health plan coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc. *See* 825.212(c).

(f) Except as required by the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) or 5 U.S.C. 8905a, whichever is applicable, and for key employees (as discussed below), an employing office's obligation to maintain health benefits during leave (and to restore the employee to the same or equivalent employment) under FMLA ceases if and when the employment relationship would have terminated if the employee had not taken FMLA leave (e.g., if the employee's position is eliminated as part of a nondiscriminatory reduction in force and the employee would not have been transferred to another position); an employee informs the employing office of his or her intent not to return from leave (including before starting the leave if the employing office is so informed before the leave starts); or the employee fails to return from leave or continues on leave after exhausting his or her FMLA leave entitlement in the 12–month period.

(g) If a key employee (*See* 825.218) does not return from leave when notified by the employing office that substantial or grievous economic injury will result from his or her reinstatement, the employee's entitlement to group health plan benefits continues unless and until the employee advises the employing office that the employee does not desire restoration to employment at the end of the leave period, or the FMLA leave entitlement is exhausted, or reinstatement is actually denied.

(h) An employee's entitlement to benefits other than group health benefits during a period of FMLA leave (e.g., holiday pay) is to be determined by the employing office's established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate).

825.210 Employee payment of group health benefit premiums.

(a) Group health plan benefits must be maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period. Therefore, any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If premiums are raised or lowered, the employee would be required to pay the new premium rates. Maintenance of health insurance policies which are not a part of the employing office's group health plan, as described in 825.209(a), are the sole responsibility of the employee. The employee and the insurer should make necessary arrangements for payment of premiums during periods of unpaid FMLA leave.

(b) If the FMLA leave is substituted paid leave, the employee's share of premiums must be paid by the method normally used during any paid leave, presumably as a payroll deduction.

(c) If FMLA leave is unpaid, the employing office has a number of options for obtaining payment from the employee. The employing office may require that payment be made to the employing office or to the insurance carrier, but no additional charge may be added to the employee's premium payment for administrative expenses. The employing office may require employees to pay their share of premium payments in any of the following ways:

(1) Payment would be due at the same time as it would be made if by payroll deduction;

(2) Payment would be due on the same schedule as payments are made under COBRA or 5 U.S.C. 8905a, whichever is applicable;

(3) Payment would be prepaid pursuant to a cafeteria plan at the employee's option;

(4) The employing office's existing rules for payment by employees on leave without pay would be followed, provided that such rules do not require prepayment (i.e., prior to the commencement of the leave) of the premiums that will become due during a period of unpaid FMLA leave or payment of higher premiums than if the employee had continued to work instead of taking leave; or

(5) Another system voluntarily agreed to between the employing office and the employee, which may include prepayment of premiums (e.g., through increased payroll deductions when the need for the FMLA leave is foreseeable).

(d) The employing office must provide the employee with advance written notice of the terms and conditions under which these payments must be made. *See* 825. 300(c).

(e) An employing office may not require more of an employee using unpaid FMLA leave than the employing office requires of other employees on leave without pay.

(f) An employee who is receiving payments as a result of a workers' compensation injury must make arrangements with the employing office for payment of group health plan benefits when simultaneously taking FMLA leave. *See* 825.207(e).

825.211 Maintenance of benefits under multi-employer health plans.

(a) A multi-employer health plan is a plan to which more than one employing office is required to contribute, and which is maintained pursuant to one or more collective bargaining agreements between employee organization(s) and the employing offices.

(b) An employing office under a multi-employer plan must continue to make contributions on behalf of an employee using FMLA leave as though the employee had been continuously employed, unless the plan contains an explicit FMLA provision for maintaining coverage such as through pooled contributions by all employing offices party to the plan.

(c) During the duration of an employee's FMLA leave, coverage by the group health plan, and benefits provided pursuant to the plan, must be maintained at the level of coverage and benefits which were applicable to the employee at the time FMLA leave commenced.

(d) An employee using FMLA leave cannot be required to use banked hours or pay a greater premium than the employee would have been required to pay if the employee had been continuously employed.

(e) As provided in 825.209(f) of this part, group health plan coverage must be maintained for an employee on FMLA leave until:

(1) The employee's FMLA leave entitlement is exhausted;

(2) The employing office can show that the employee would have been laid off and the employment relationship terminated; or

(3) The employee provides unequivocal notice of intent not to return to work.

825.212 Employee failure to pay health plan premium payments.

(a)(1) In the absence of an established employing office policy providing a longer grace period, an employing office's obligations to maintain health insurance coverage cease under FMLA if an employee's premium payment is more than 30 days late. In order to drop the coverage for an employee whose premium payment is late, the employing office must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. If the employing office has established policies regarding other forms of unpaid leave that provide for the employing office to cease coverage retroactively to the date the unpaid premium payment was due, the employing office may drop the employee from coverage retroactively in accordance with that policy, provided the 15-day notice was given. In the absence of such a policy, coverage for the employee may be terminated at the end of the 30-day grace period, where the required 15-day notice has been provided.

(2) An employing office has no obligation regarding the maintenance of a health insurance policy which is not a group health plan. *See* 825.209(a).

(3) All other obligations of an employing office under FMLA would continue; for example, the employing office continues to have an obligation to reinstate an employee upon return from leave.

(b) The employing office may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the employing office maintains health coverage by paying the employee's share after the premium payment is missed.

(c) If coverage lapses because an employee has not made required premium payments, upon the employee's return from FMLA leave the employing office must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed, including family or dependent coverage. *See* 825.215(d)(1)(5). In such case, an employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage. If an employing office terminates an employee's insurance in accordance with this section and fails to restore the employee's health insurance as required by this section upon the employee's return, the employing office may be liable for benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable relief tailored to the harm suffered.

825.213 Employing office recovery of benefit costs.

(a) In addition to the circumstances discussed in 825.212(b), and subject to the exceptions provided in 825.504, an employing office may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to:

(1) The continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or

(2) Other circumstances beyond the employee's control. Examples of other circumstances beyond the employee's control are necessarily broad. They include such situations as where a parent chooses to stay home with a newborn child who has a serious health condition; an employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's worksite; a relative or individual other than a covered family member has a serious health condition and the employee is needed to provide care; the employee is laid off while on leave; or, the employee is a key employee who decides not to return to work upon being notified of the employing office's intention to deny restoration because of substantial and grievous economic injury to the employing office's operations and is not reinstated by the employing office. Other circumstances beyond the employee's control would not include a situation where an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care, or a parent chooses not to return to work to stay home with a well, newborn child.

(3) When an employee fails to return to work because of the continuation, recurrence, or onset of either a serious health condition of the employee or employee's family member, or a serious injury or illness of a covered servicemember, thereby precluding the employing office from recovering its (share of) health benefit premium payments made on the employee's behalf during a period of unpaid FMLA leave, the employing office may require medical certification of the employee's or the family member's serious health condition or the covered servicemember's serious injury or illness. Such certification is not required unless requested by the employing office. The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification. The employee is required to provide medical certification in a timely manner which, for purposes of this section, is within 30 days from the date of the employing office's request. For purposes of medical certification, the employee may use the optional forms developed for this purpose. *See* 825.306(b), 825.310(c)–(d) and Forms A, B, and F. If the employing office requests medical certification and the employee does not provide such certification in a timely manner (within 30 days), or the reason for not returning to work does not meet the test of other circumstances beyond the employee's control, the employing office may recover 100 percent of the health benefit premiums it paid during the period of unpaid FMLA leave.

(b) Under some circumstances an employing office may elect to maintain other benefits, e.g., life insurance, disability insurance, etc., by paying the employee's (share of) premiums during periods of unpaid FMLA leave. For example, to ensure the employing office can meet its responsibilities to provide equivalent benefits to the employee upon return from unpaid FMLA leave, it may be necessary that premiums be paid continuously to avoid a lapse of coverage. If the employing office elects to maintain such benefits during the leave, at the conclusion of leave, the employing office is entitled to recover only the costs incurred for paying the employee's share of any premiums whether or not the employee returns to work.

(c) An employee who returns to work for at least 30 calendar days is considered to have returned to work. An employee who transfers directly from taking FMLA leave to retirement, or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.

(d) When an employee elects or an employing office requires paid leave to be substituted for FMLA leave, the employing office may not recover its (share of) health insurance or other non-health benefit premiums for any period of FMLA leave covered by paid leave. Because paid leave provided under a plan covering temporary disabilities (including workers' compensation) is not unpaid, recovery of health insurance premiums does not apply to such paid leave.

(e) The amount that self-insured employing offices may recover is limited to only the employing office's share of allowable premiums as would be calculated under COBRA, excluding the two percent fee for administrative costs.

(f) When an employee fails to return to work, any health and non-health benefit premiums which this section of the regulations permits an employing office to recover are a debt owed by the non-returning employee to the employing office. The existence of this debt caused by the employee's failure to return to work does not alter the employing office's responsibilities for health benefit coverage and, under a self-insurance plan, payment of claims incurred during the period of FMLA leave. To the extent recovery is allowed, the employing office may recover the costs through deduction from any sums due to the employee (e.g., unpaid wages, vacation pay, etc.), provided such deductions do not otherwise violate applicable wage payment or other laws. Alternatively, the employing office may initiate legal action against the employee to recover such costs.

825.214 Employee right to reinstatement.

General Rule. On return from FMLA leave, an employee is entitled to be returned to the

same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. *See also* 825.106(e) for the obligations of employing offices that are joint employers.

825.215 Equivalent position.

(a) *Equivalent position.* An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits and working conditions, including privileges, prerequisites and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

(b) *Conditions to qualify.* If an employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, etc., as a result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon return to work.

(c) *Equivalent Pay.* (1) An employee is entitled to any unconditional pay increases which may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted in accordance with the employing office's policy or practice with respect to other employees on an equivalent leave status for a reason that does not qualify as FMLA leave. An employee is entitled to be restored to a position with the same or equivalent pay premiums, such as a shift differential. If an employee departed from a position averaging ten hours of overtime (and corresponding overtime pay) each week, an employee is ordinarily entitled to such a position on return from FMLA leave.

(2) Equivalent pay includes any bonus or payment, whether it is discretionary or nondiscretionary, made to employees consistent with the provisions of paragraph (c)(1) of this section. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then the employee who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

(d) *Equivalent benefits.* Benefits include all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office through an employee benefit plan.

(1) At the end of an employee's FMLA leave, benefits must be resumed in the same manner and at the same levels as provided when the leave began, and subject to any changes in benefit levels that may have taken place during the period of FMLA leave affecting the entire work force, unless otherwise elected by the employee. Upon return from FMLA leave, an employee cannot be required to requalify for any benefits the employee enjoyed before FMLA leave began (including family or dependent coverages). For example, if an employee was covered by a life insurance policy before taking leave but is not covered or coverage lapses during the period of unpaid FMLA leave, the employee cannot be required to meet any qualifications, such as taking a physical examination, in order to requalify for life insurance upon return from leave. Accordingly, some employing offices may find it necessary to modify life insurance and other benefits programs in order to restore employees to equivalent benefits upon return from FMLA leave, make arrangements for continued payment of costs to maintain such benefits during unpaid FMLA leave, or pay these costs subject to recovery from the employee on return from leave. *See* 825.213(b).

(2) An employee may, but is not entitled to, accrue any additional benefits or seniority during unpaid FMLA leave. Benefits accrued at the time leave began, however, (e.g., paid vacation, sick or personal leave to the extent not substituted for FMLA leave) must be available to an employee upon return from leave.

(3) If, while on unpaid FMLA leave, an employee desires to continue life insurance, disability insurance, or other types of benefits for which he or she typically pays, the employing office is required to follow established policies or practices for continuing such benefits for other instances of leave without pay. If the employing office has no established policy, the employee and the employing office are encouraged to agree upon arrangements before FMLA leave begins.

(4) With respect to pension and other retirement plans, any period of unpaid FMLA leave shall not be treated as or counted toward a break in service for purposes of vesting and eligibility to participate. Also, if the plan requires an employee to be employed on a specific date in order to be credited with a year of service for vesting, contributions or participation purposes, an employee on unpaid FMLA leave on that date shall be deemed to have been employed on that date. However, unpaid FMLA leave periods need not be treated as credited service for purposes of benefit accrual, vesting and eligibility to participate.

(5) Employees on unpaid FMLA leave are to be treated as if they continued to work for purposes of changes to benefit plans. They are entitled to changes in benefits plans, except those which may be dependent upon seniority or accrual during the leave period, immediately upon return from leave or to the same extent they would have qualified if no leave had been taken. For example if the benefit plan is predicated on a pre-established number of hours worked each year and the employee does not have sufficient hours as a result of taking unpaid FMLA leave, the benefit is lost. (In this regard, 825.209 addresses health benefits.)

(e) *Equivalent terms and conditions of employment.* An equivalent position must have substantially similar duties, conditions, responsibilities, privileges and status as the employee's original position.

(1) The employee must be reinstated to the same or a geographically proximate worksite (i.e., one that does not involve a significant increase in commuting time or distance) from where the employee had previously been employed. If the employee's original worksite has been closed, the employee is entitled to the same rights as if the employee had not been on leave when the worksite closed. For example, if an employing office transfers all employees from a closed worksite to a new worksite in a different city, the employee on leave is also entitled to transfer under the same conditions as if he or she had continued to be employed.

(2) The employee is ordinarily entitled to return to the same shift or the same or an equivalent work schedule.

(3) The employee must have the same or an equivalent opportunity for bonuses, and other similar discretionary and non-discretionary payments.

(4) FMLA does not prohibit an employing office from accommodating an employee's request to be restored to a different shift, schedule, or position which better suits the employee's personal needs on return from leave, or to offer a promotion to a better position. However, an employee cannot be induced by the employing office to accept a different position against the employee's wishes.

(f) *De minimis exception.* The requirement that an employee be restored to the same or equivalent job with the same or equivalent pay, benefits, and terms and conditions of employment does not extend to de minimis, intangible, or unmeasurable aspects of the job.

825.216 Limitations on an employee's right to reinstatement.

(a) An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. An employing office must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment. For example:

(1) If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employing office's responsibility to continue FMLA leave, maintain group health plan benefits and restore the employee ceases at the time the employee is laid off, provided the employing office has no continuing obligations under a collective bargaining agreement or otherwise. An employing office would have the burden of proving that an employee would have been laid off during the FMLA leave period and, therefore, would not be entitled to restoration. Restoration to a job slated for lay-off when the employee's original position is not would not meet the requirements of an equivalent position.

(2) If a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work that shift or the original overtime hours upon restoration. However, if a position on, for example, a night shift has been filled by another employee, the employee is entitled to return to the same shift on which employed before taking FMLA leave.

(3) If an employee was hired for a specific term or only to perform work on a discrete project, the employing office has no obligation to restore the employee if the employment term or project is over and the employing office would not otherwise have continued to employ the employee. On the other hand, if an employee was hired to perform work for one employing office for a specific time period, and after that time period has ended, the work was assigned to another employing office, the successor employing office may be required to restore the employee if it is a successor employing office.

(b) In addition to the circumstances explained above, an employing office may deny job restoration to salaried eligible employees (key employees, as defined in 825.217(c)), if such denial is necessary to prevent substantial and grievous economic injury to the operations of the employing office; or may delay restoration to an employee who fails to provide a fitness-for-duty certificate to return to work under the conditions described in 825.312.

(c) If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers'

compensation, the employee has no right to restoration to another position under the FMLA. The employing office's obligations may, however, be governed by the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA. *See* 825.702.

(d) An employee who fraudulently obtains FMLA leave from an employing office is not protected by the job restoration or maintenance of health benefits provisions of the FMLA, as made applicable by the CAA.

(e) If the employing office has a uniformly-applied policy governing outside or supplemental employment, such a policy may continue to apply to an employee while on FMLA leave. An employing office which does not have such a policy may not deny benefits to which an employee is entitled under FMLA, as made applicable by the CAA, on this basis unless the FMLA leave was fraudulently obtained as in paragraph (d) of this section.

825.217 Key employee, general rule.

(a) A key employee is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite.

(b) The term salaried means paid on a salary basis, within the meaning of the Board's FLSA regulations at part 541, implementing section 203 of the CAA (2 U.S.C. 1313), regarding employees who may qualify as exempt from the minimum wage and overtime requirements of the FLSA, as made applicable by the CAA.

(c) A key employee must be among the highest paid 10 percent of all the employees—both salaried and non-salaried, eligible and ineligible—who are employed by the employing office within 75 miles of the worksite.

(1) In determining which employees are among the highest paid 10 percent, year- to-date earnings are divided by weeks worked by the employee (including weeks in which paid leave was taken). Earnings include wages, premium pay, incentive pay, and non-discretionary and discretionary bonuses. Earnings do not include incentives whose value is determined at some future date, e.g., benefits or prerequisites.

(2) The determination of whether a salaried employee is among the highest paid 10 percent shall be made at the time the employee gives notice of the need for leave. No more than 10 percent of the employing office's employees within 75 miles of the worksite may be key employees.

825.218 Substantial and grievous economic injury.

(a) In order to deny restoration to a key employee, an employing office must determine that the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of the employing office, not whether the absence of the employee will cause such substantial and grievous injury.

(b) An employing office may take into account its ability to replace on a temporary basis (or temporarily do without) the employee on FMLA leave. If permanent replacement is unavoidable, the cost of then reinstating the employee can be considered in evaluating whether substantial and grievous economic injury will occur from restoration; in other words, the effect on the operations of the employing office of reinstating the employee in an equivalent position.

(c) A precise test cannot be set for the level of hardship or injury to the employing office which must be sustained. If the reinstatement of a key employee threatens the economic viability of the employing office, that would constitute substantial and grievous economic injury. A lesser injury which causes substantial, long-term economic injury would also be sufficient. Minor inconveniences and costs that the employing office would experience in the normal course would certainly not constitute substantial and grievous economic injury.

(d) FMLA's substantial and grievous economic injury standard is different from and more stringent than the undue hardship test under the ADA, as made applicable by the CAA. *See* also 825.702.

825.219 Rights of a key employee.

(a) An employing office that believes that reinstatement may be denied to a key employee, must give written notice to the employee at the time the employee gives notice of the need for FMLA leave (or when FMLA leave commences, if earlier) that he or she qualifies as a key employee. At the same time, the employing office must also fully inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the employing office should determine that substantial and grievous economic injury to the employing office's operations will result if the employee is reinstated from FMLA leave. If such notice cannot be given immediately because of the need to determine whether the employee is a key employee, it shall be given as soon as practicable after being notified of a need for leave (or the commencement of leave, if earlier). It is expected that in most circumstances there will be no desire that an employee be denied restoration after FMLA leave and, therefore, there would be no need to provide such notice. However, an employing office who fails to provide such timely notice will lose its right to deny restoration even if substantial and grievous economic injury will result from reinstatement.

(b) As soon as an employing office makes a good faith determination, based on the facts available, that substantial and grievous economic injury to its operations will result if a key employee who has given notice of the need for FMLA leave or is using FMLA leave is reinstated, the employing office shall notify the employee in writing of its determination, that it cannot deny FMLA leave, and that it intends to deny restoration to employment on completion of the FMLA leave. It is anticipated that an employing office will ordinarily be able to give such notice prior to the employee starting leave. The employing office must serve this notice either in person or by certified mail. This notice must explain the basis for the employing office's finding that substantial and grievous economic injury will result, and, if leave has commenced, must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

(c) If an employee on leave does not return to work in response to the employing office's notification of intent to deny restoration, the employee continues to be entitled to maintenance of health benefits and the employing office may not recover its cost of health benefit premiums. A key employee's rights under FMLA continue unless and until the employee either gives notice that he or she no longer wishes to return to work, or the employing office actually denies reinstatement at the conclusion of the leave period.

(d) After notice to an employee has been given that substantial and grievous economic injury will result if the employee is reinstated to employment, an employee is still entitled to request reinstatement at the end of the leave period even if the employee did not return to work in response to the employing office's notice. The employing office must then again determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the employing office shall notify the employee in writing (in person or by certified mail) of the denial of restoration.

825.220 Protection for employees who request leave or otherwise assert FMLA rights.

(a) The FMLA, as made applicable by the CAA, prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. More specifically, the law contains the following employee protections:

(1) An employing office is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA, as made applicable by the CAA.

(2) An employing office is prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) for opposing or complaining about any unlawful practice under the FMLA, as made applicable by the CAA.

(3) All employing offices are prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) because that covered employee has—

(i) Filed any charge, or has instituted (or caused to be instituted) any proceeding under or related to the FMLA, as made applicable by the CAA;

(ii) Given, or is about to give, any information in connection with an inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA;

(iii) Testified, or is about to testify, in any inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA.

(b) Any violations of the FMLA, as made applicable by the CAA, or of these regulations constitute interfering with, restraining, or denying the exercise of rights provided by the FMLA, as made applicable by the CAA. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* 825.400(c). Interfering with the exercise of an employee's rights would include, for example, not only refusing to authorize FMLA leave, but discouraging an employee from using such leave. It would also include manipulation by a covered employing office to avoid responsibilities under FMLA, for example:

(1) [Reserved]

(2) Changing the essential functions of the job in order to preclude the taking of leave; or

(3) Reducing hours available to work in order to avoid employee eligibility.

(c) The FMLA's prohibition against interference prohibits an employing office from discriminating or retaliating against an employee or prospective employee for having exercised or attempted to exercise FMLA rights. For example, if an employee on leave without pay would otherwise be entitled to full benefits (other than health benefits), the same benefits would be required to be provided to an employee on unpaid FMLA leave. By the same token, employing offices cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions; nor can FMLA leave be counted under no fault attendance policies. *See* 825.215.

(d) Employees cannot waive, nor may employing offices induce employees to waive, their rights under FMLA. For example, employees (or their collective bargaining representatives) cannot trade off the right to take FMLA leave against some other benefit offered by the employing office. Except for settlement agreements covered by 1414 and/or 1415 of the Congressional Accountability Act, this does not prevent the settlement or release of FMLA claims by employees based on past employing office conduct without the approval of the Office of Congressional Workplace Rights or a court. Nor does it prevent an employee's voluntary and uncoerced acceptance (not as a condition of employment) of a light duty assignment while recovering from a serious health condition. *See* 825.702(d). An employee's acceptance of such light duty assignment does not constitute a waiver of the employee's prospective rights, including the right to be restored to the same position the employee held at the time the employee's FMLA leave commenced or to an equivalent position. The employee's right to restoration, however, ceases at the end of the applicable 12-month FMLA leave year.

(e) Covered employees, and not merely eligible employees, are protected from retaliation for opposing (e.g., filing a complaint about) any practice which is unlawful under the FMLA, as made applicable by the CAA. They are similarly protected if they oppose any practice which they reasonably believe to be a violation of the FMLA, as made applicable by the CAA, or regulations.

SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA

825.300 Employing office notice requirements.

(a)(1) If an employing office has any eligible employees and has any written guidance to employees concerning employee benefits or leave rights, such as in an employee handbook, information concerning both entitlements and employee obligations under the FMLA, as made applicable by the CAA, must be included in the handbook or other document. For example, if an employing office provides an employee handbook to all employees that describes the employing office's policies regarding leave, wages, attendance, and similar matters, the handbook must incorporate information on FMLA rights and responsibilities and the employing office's policies regarding the FMLA, as made applicable by the CAA. Informational publications describing the provisions of the FMLA, as made applicable by the CAA, are available from the Office of Congressional Workplace Rights and may be incorporated in such employing office handbooks or written policies.

(2) If such an employing office does not have written policies, manuals, or handbooks describing employee benefits and leave provisions, the employing office shall provide written guidance to an employee concerning all the employee's rights and obligations under the FMLA, as made applicable by the CAA. This notice shall be provided to employees each time notice is given pursuant to paragraph (c), and in accordance with the provisions of that paragraph. Employing offices may duplicate and provide the employee a copy of the FMLA Fact Sheet available from the Office of Congressional Workplace Rights to provide such guidance.

(b) *Eligibility notice.* (1) When an employee requests FMLA leave, or when the employing office acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the employing office must notify the employee of the employee's eligibility to take FMLA leave within five business days, absent extenuating circumstances. See 825.110 for definition of an eligible employee. Employee eligibility is determined (and notice must be provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12-month period. See 825.127(c) and 825.200(b). All FMLA absences for the same qualifying reason are considered a single leave and employee eligibility as to that reason for leave does not change during the applicable 12-month period.

(2) The eligibility notice must state whether the employee is eligible for FMLA leave as defined in 825.110. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible, including as applicable the number of months the employee has been employed by the employing office and the hours of service with the employing office during the 12-month period. Notification of eligibility may be oral or in writing; employing offices may use Form C to provide such notification to employees.

(3) If, at the time an employee provides notice of a subsequent need for FMLA leave during the applicable 12-month period due to a different FMLA-qualifying reason, and the employee's eligibility status has not changed, no additional eligibility notice is required. If, however, the employee's eligibility status has changed (e.g., if the employee has not met the hours of service requirement in the 12 months preceding the commencement of leave for the subsequent qualifying reason), the employing office must notify the employee of the change in eligibility status within five business days, absent extenuating circumstances.

(c) *Rights and responsibilities notice.* (1) Employing offices shall provide written notice detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. This notice shall be provided to the employee each time the eligibility notice is provided pursuant to paragraph (b) of this section. If leave has already begun, the notice should be mailed to the employee's address of record. Such specific notice must include, as appropriate:

(i) That the leave may be designated and counted against the employee's annual FMLA leave entitlement if qualifying (*See* 825.300(c) and 825.301) and the applicable 12-month period for FMLA entitlement (*See* 825.127(c), 825.200(b), (f), and (g));

(ii) Any requirements for the employee to furnish certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of covered active duty or call to covered active duty status, and the consequences of failing to do so (*See* 825.305, 825.309, 825.310, 825.313);

(iii) If applicable, the employee's right to substitute paid parental leave for unpaid FMLA leave for a birth or placement (*See* 825.208) and the employee's right to substitute paid leave generally, whether the employing office will require the substitution of paid leave, the conditions related to any substitution, and the employee's entitlement to take unpaid FMLA leave if the employee does not meet the conditions for paid leave (*See* 825.207);

(iv) Any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments (*See* 825.210), and the possible consequences of failure to make such payments on a timely basis (i.e., the circumstances under which coverage may lapse);

(v) The employee's status as a key employee and the potential consequence that restoration may be denied following FMLA leave, explaining the conditions required for such denial (*See* 825.218);

(vi) The employee's right to maintenance of benefits during the FMLA leave and restoration to the same or an equivalent job upon return from FMLA leave (*See* 825.214 and 825.604); and

(vii) The employee's potential liability for payment of health insurance premiums paid by the employing office during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave (*See* 825.213, 825.504).

(2) The notice of rights and responsibilities may include other information—e.g., whether the employing office will require periodic reports of the employee's status and intent to return to work—but is not required to do so.

(3) The notice of rights and responsibilities may be accompanied by any required certification form.

(4) If the specific information provided by the notice of rights and responsibilities changes, the employing office shall, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, provide written notice referencing the prior notice and setting forth any of the information in the notice of rights and responsibilities that has changed. For example, if the initial leave period was paid leave and the subsequent leave period would be unpaid leave, the employing office may need to give notice of the arrangements for making premium payments.

(5) Employing offices are also expected to responsively answer questions from employees concerning their rights and responsibilities under the FMLA, as made applicable under the CAA.

(6) A prototype notice of rights and responsibilities may be obtained in Form C, or from the Office of Congressional Workplace Rights. Employing offices may adapt the prototype notice as appropriate to meet these notice requirements. The notice of rights and responsibilities may be distributed electronically so long as it otherwise meets the requirements of this section.

(d) *Designation notice.* (1) The employing office is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee as provided in this section. When the employing office has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the employing office must notify the employee whether the leave will be designated and will be counted as FMLA leave within five business days absent extenuating circumstances. Only one notice of designation is required for each FMLA-qualifying reason per applicable 12-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave. If the employing office determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the employing office must notify the employee of that determination. Subject to 825.208, if the employing office requires paid leave to be substituted for unpaid FMLA leave, or that paid leave taken under an existing leave plan be counted as FMLA leave, the employing office must inform the employee of this designation at the time of designating the FMLA leave.

(2) If the employing office has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the employing office may provide the employee with the designation notice at that time.

(3) If the employing office will require the employee to present a fitness-for-duty certification to be restored to employment, the

employing office must provide notice of such requirement with the designation notice. If the employing office will require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's position, the employing office must so indicate in the designation notice, and must include a list of the essential functions of the employee's position. *See* 825.312. If the employing office's handbook or other written documents (if any) describing the employing office's leave policies clearly provide that a fitness-for-duty certification will be required in specific circumstances (e.g., by stating that fitness-for-duty certification will be required in all cases of back injuries for employees in a certain occupation), the employing office is not required to provide written notice of the requirement with the designation notice, but must provide oral notice no later than with the designation notice.

(4) The designation notice must be in writing. A prototype designation notice is contained in Form D which may be obtained from the Office of Congressional Workplace Rights. If the leave is not designated as FMLA leave because it does not meet the requirements of the FMLA, as made applicable by the CAA, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement. The designation notice may be distributed electronically so long as it otherwise meets the requirements of this section and the employing office can demonstrate that the employee (who may already be on leave and who may not have access to employing office-provided computers) has access to the information electronically.

(5) If the information provided by the employing office to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), the employing office shall provide, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

(6) The employing office must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement and, if applicable, the employee's paid parental leave entitlement. If the amount of leave needed is known at the time the employing office designates the leave as FMLA-qualifying, the employing office must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the designation notice. If it is not possible to provide the hours, days, or weeks that will be counted against the employee's FMLA leave entitlement (such as in the case of unforeseeable intermittent leave), then the employing office must provide notice of the amount of leave counted against the employee's FMLA leave entitlement and, if applicable, paid parental leave entitlement, upon the request by the employee, but no more often than once in a 30-day period and only if leave was taken in that period. The notice of the amount of leave counted against the employee's FMLA entitlement and, if applicable, paid parental leave entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing no later than the following payday (unless the payday is less than one week after the oral notice, in which case the notice must be no later than the subsequent payday). Such written notice may be in any form, including a notation on the employee's pay stub.

(e) *Consequences of failing to provide notice.* Failure to follow the notice requirements set forth in this section may constitute an interference with, restraint, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* 825.400(c). 825.301 Designation of FMLA leave.

(a) *Employing office responsibilities.* The employing office's decision to designate leave as FMLA-qualifying must be based only on information received from the employee or the employee's spokesperson (e.g., if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, etc., may provide notice to the employing office of the need to take FMLA leave). In any circumstance where the employing office does not have sufficient information about the reason for an employee's use of leave, the employing office should inquire further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-qualifying. Once the employing office has acquired knowledge that the leave is being taken for a FMLA-qualifying reason, the employing office must notify the employee as provided in 825.300(d).

(b) *Employee responsibilities.* An employee giving notice of the need for FMLA leave does not need to expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA to meet his or her obligation to provide notice, though the employee would need to state a qualifying reason for the needed leave and otherwise satisfy the notice requirements set forth in 825.302 or 825.303 depending on whether the need for leave is foreseeable or unforeseeable. An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow the employing office to determine whether the leave qualifies under the FMLA, as made applicable by the CAA. If the employee fails to explain the reasons, leave may be denied. In many cases, in explaining the reasons for a request to use leave, especially when the need for the leave was unexpected or unforeseen, an employee will provide sufficient information for the employing office to designate the leave as FMLA leave. An employee using accrued paid leave may in some cases not spontaneously explain the reasons or their plans for using their accrued leave. However, if an employee requesting to use paid leave for a FMLA-qualifying reason does not explain the reason for the leave and the employing office denies the employee's request, the employee will need to provide sufficient information to establish a FMLA-qualifying reason for the needed leave so that the employing office is aware that the leave may not be denied and may designate that the paid leave be appropriately counted against (substituted for) the employee's FMLA leave entitlement. Similarly, an employee using accrued paid vacation leave who seeks an extension of unpaid leave for a FMLA-qualifying reason will need to state the reason. If this is due to an event which occurred during the period of paid leave, the employing office may count the leave used after the FMLA-qualifying reason against the employee's FMLA leave entitlement.

(c) *Disputes.* If there is a dispute between an employing office and an employee as to whether leave qualifies as FMLA leave, it should be resolved through discussions between the employee and the employing office. Such discussions and the decision must be documented.

(d) *Retroactive designation.* If an employing office does not designate leave as required by 825.300, the employing office may retroactively designate leave as FMLA leave with appropriate notice to the employee as required by 825.300 provided that the employing office's failure to timely designate leave does not cause harm or injury to the employee. In all cases where leave would qualify for FMLA protections, an employing office and an employee can mutually agree that leave be retroactively designated as FMLA leave.

(e) *Remedies.* If an employing office's failure to timely designate leave in accordance with 825.300 causes the employee to suffer harm, it may constitute an interference with, restraint of, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* 825.400(c). For example, if an employing office that was put on notice that an employee needed FMLA leave failed to designate the leave properly, but the employee's own serious health condition prevented him or her from returning to work during that time period regardless of the designation, an employee may not be able to show that the employee suffered harm as a result of the employing office's actions. However, if an employee took leave to provide care for a son or daughter with a serious health condition believing it would not count toward his or her FMLA entitlement, and the employee planned to later use that FMLA leave to provide care for a spouse who would need assistance when recovering from surgery planned for a later date, the employee may be able to show that harm has occurred as a result of the employing office's failure to designate properly. The employee might establish this by showing that he or she would have arranged for an alternative caregiver for the seriously-ill son or daughter if the leave had been designated timely.

825.302 Employee notice requirements for foreseeable FMLA leave.

(a) *Timing of notice.* An employee must provide the employing office at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. For example, an employee's health condition may require leave to commence earlier than anticipated before the birth of a child. Similarly, little opportunity for notice may be given before placement for adoption. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. Whether FMLA leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise the employing office as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. In those cases where the employee is required to provide at least 30 days' notice of foreseeable leave and does not do so, the employee shall explain the reasons why such notice was not practicable upon a request from the employing office for such information.

(b) As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in

the individual case. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. In all cases, however, the determination of when an employee could practicably provide notice must take into account the individual facts and circumstances.

(c) *Content of notice.* An employee shall provide at least verbal notice sufficient to make the employing office aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), and that the requested leave is for one of the reasons listed in 825.126(b); if the leave is for a family member, that the condition renders the family member unable to perform daily activities, or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a FMLA-qualifying reason, for which the employing office has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave. In all cases, the employing office should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought by the employee, and obtain the necessary details of the leave to be taken. In the case of medical conditions, the employing office may find it necessary to inquire further to determine if the leave is because of a serious health condition and may request medical certification to support the need for such leave. *See* 825.305. An employing office may also request certification to support the need for leave for a qualifying exigency or for military caregiver leave. See 825.309, 825.310. When an employee has been previously certified for leave due to more than one FMLA-qualifying reason, the employing office may need to inquire further to determine for which qualifying reason the leave is needed. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

(d) Complying with the employing office policy. An employing office may require an employee to comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require that written notice set forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave. An employee also may be required by an employing office's policy to contact a specific individual. Unusual circumstances would include situations such as when an employee is unable to comply with the employing office's policy that requests for leave should be made by contacting a specific number because on the day the employee needs to provide notice of his or her need for FMLA leave there is no one to answer the call-in number and the voice mail box is full. Where an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied. However, FMLA-protected leave may not be delayed or denied where the employing office's policy requires notice to be given sooner than set forth in paragraph (a) of this section and the employee provides timely notice as set forth in paragraph (a) of this section.

(e) *Scheduling planned medical treatment.* When planning medical treatment, the employee must consult with the employing office and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employing office's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their employing offices prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the employing office and the employee. For example, if an employee who provides notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglects to consult with the employing office to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the employing office's operations, the employing office may initiate discussions with the employee and require the employee to attempt to make such arrangements, subject to the approval of the health care provider. *See* 825.203 and 825.205.

(f) Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the employing office, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and employing office shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employing office's operations, subject to the approval of the health care provider.

(g) An employing office may waive employees' FMLA notice requirements. *See* 825.304.

825.303 Employee notice requirements for unforeseeable FMLA leave.

(a) *Timing of notice.* When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the employing office as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employing office's usual and customary notice requirements applicable to such leave. *See* 825.303(c). Notice may be given by the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally. For example, if an employee's child has a severe asthma attack and the employee takes the child to the emergency room, the employee would not be required to leave his or her child in order to report the absence while the child is receiving emergency treatment. However, if the child's asthma attack required only the use of an inhaler at home followed by a period of rest, the employee would be expected to call the employing office promptly after ensuring the child has used the inhaler.

(b) *Content of notice.* An employee shall provide sufficient information for an employing office to reasonably determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), that the requested leave is for one of the reasons listed in 825.126(b), and the anticipated duration of the absence; or if the leave is for a family member that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a qualifying reason, for which the employing office has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. Calling in ''sick'' without providing more information will not be considered sufficient notice to trigger an employing office's obligations under the FMLA, as made applicable by the CAA. The employing office will be expected to obtain any additional required information through informal means. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries office regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

(c) *Complying with employing office policy.* When the need for leave is not foreseeable, an employee must comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require employees to call a designated number or a specific individual to request leave. However, if an employee requires emergency medical treatment, he or she would not be required to follow the call-in procedure until his or her condition is stabilized and he or she has access to, and is able to use, a phone. Similarly, in the case of an emergency requiring leave because of a FMLA-qualifying reason, written advance notice pursuant to an employing office's internal rules and procedures may not be required when FMLA leave is involved. If an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

825.304 Employee failure to provide notice.

(a) *Proper notice required.* In all cases, in order for the onset of an employee's FMLA leave to be delayed due to lack of required notice, it must be clear that the employee had actual notice of the FMLA notice requirements. This condition would be satisfied by the employing office's proper posting, at the worksite where the employee is employed, of the information regarding the FMLA provided (pursuant to section 301(h)(2) of the CAA, 2 U.S.C. 1381(h)(2)) by the Office of Congressional Workplace Rights to the

employing office in a manner suitable for posting.

(b) *Foreseeable leave—30 days.* When the need for FMLA leave is foreseeable at least 30 days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employing office may delay FMLA coverage until 30 days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee 30 days in advance of the leave. For example, knowledge that an employee would receive a telephone call about the availability of a child for adoption at some unknown point in the future would not be sufficient to establish the leave was clearly foreseeable 30 days in advance.

(c) *Foreseeable leave—less than 30 days.* When the need for FMLA leave is foreseeable fewer than 30 days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if an employee reasonably should have given the employing office two weeks' notice but instead only provided one week's notice, then the employing office may delay FMLA-protected leave for one week (thus, if the employing office elects to delay FMLA coverage and the employee nonetheless takes leave one week after providing the notice (i.e., a week before the two week notice period has been met) the leave will not be FMLA-protected).

(d) *Unforeseeable leave.* When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with 825.303, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if it would have been practicable for an employee to have given the employing office notice of the need for leave very soon after the need arises consistent with the employing office's policy, but instead the employee provided notice two days after the leave began, then the employing office may delay FMLA coverage of the leave by two days.

(e) *Waiver of notice.* An employing office may waive employees' FMLA notice obligations or the employing office's own internal rules on leave notice requirements. If an employing office does not waive the employee's obligations under its internal leave rules, the employing office may take appropriate action under its internal rules and procedures for failure to follow its usual and customary notification rules, absent unusual circumstances, as long as the actions are taken in a manner that does not discriminate against employees taking FMLA leave and the rules are not inconsistent with 825.303(a).

825.305 Certification, general rule.

(a) *General.* An employing office may require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. An employing office may also require that an employee's leave because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness be supported by a certification, as described in 825.309 and 825.310, respectively. An employing office must give notice of a requirement for certification each time a certification is required; such notice must be written notice whenever required by 825.300(c). An employing office's oral request to an employee to furnish any subsequent certification is sufficient.

(b) *Timing.* In most cases, the employing office should request that an employee furnish certification at the time the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave commences. The employing office may request certification at some later date if the employing office later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the employing office within 15 calendar days after the employing office's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts or the employing office provides more than 15 calendar days to return the requested certification.

(c) *Complete and sufficient certification.* The employee must provide a complete and sufficient certification to the employing office if required by the employing office in accordance with 825.306, 825.309, and 825.310. The employing office shall advise an employee whenever the employing office finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if the employing office receives a certification, but one or more of the applicable entries have not been completed. A certification is considered insufficient if the employing office receives a complete certification, but the information provided is vague, ambiguous, or non-responsive. The employing office must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by the employing office are not cured in the resubmitted certification, the employing office may deny the taking of FMLA leave, in accordance with 825.313. A certification that is not returned to the employing office is not considered incomplete or insufficient, but constitutes a failure to provide certification.

(d) *Consequences.* At the time the employing office requests certification, the employing office must also advise an employee of the anticipated consequences of an employee's failure to provide adequate certification. If the employee fails to provide the employing office with a complete and sufficient certification, despite the opportunity to cure the certification as provided in paragraph (c) of this section, or fails to provide any certification, the employing office may deny the taking of FMLA leave, in accordance with 825.313. It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the employing office to support the employee's FMLA request. This provision will apply in any case where an employing office requests a certification permitted by these regulations, whether it is the initial certification, a recertification, a second or third opinion, or a fitness-for-duty certificate, including any clarifications necessary to determine if such certifications are authentic and sufficient. *See* 825.306, 825.307, 825.308, and 825.312.

(e) *Annual medical certification.* Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year (as defined in 825.200), the employing office may require the employee to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the provisions for authentication and clarification set forth in 825.307, including second and third opinions.

825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

(a) *Required information.* When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, an employing office may require an employee to obtain a medical certification from a health care provider that sets forth the following information:

(1) The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;

(2) The approximate date on which the serious health condition commenced, and its probable duration;

(3) A statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave. Such medical facts may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment (physical therapy, for example), or any other regimen of continuing treatment;

(4) If the employee is the patient, information sufficient to establish that the employee cannot perform the essential functions of the employee's job as well as the nature of any other work restrictions, and the likely duration of such inability (*See* 825.123(b));

(5) If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is in need of care, as described in 825.124, and an estimate of the frequency and duration of the leave required to care for the family member;

(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment of the employee's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery;

(7) If an employee requests leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the frequency and duration of the episodes of incapacity; and

(8) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member, as described in 825.124 and 825.203(b), which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.

(b) The Office of Congressional Workplace Rights has developed two optional forms (Form A and Form B) for use in obtaining medical certification, including second and third opinions, from health care providers that meets FMLA's certification requirements, as made applicable by the CAA. (*See* Forms A and B.) Optional Form A is for use

when the employee's need for leave is due to the employee's own serious health condition. Optional Form B is for use when the employee needs leave to care for a family member with a serious health condition. These optional forms reflect certification requirements so as to permit the health care provider to furnish appropriate medical information. Forms A and B are modeled closely on Form WH–380E and Form WH–380F, as revised, which were developed by the Department of Labor (*See* 29 C.F.R. Part 825). The employing office may use the Office of Congressional Workplace Rights's forms, or Form WH–380E and Form WH–380F, as revised, or another form containing the same basic information; however, no information may be required beyond that specified in 825.306, 825.307, and 825.308. In all instances the information on the form must relate only to the serious health condition for which the current need for leave exists.

(c) If an employee is on FMLA leave running concurrently with a workers' compensation absence, and the provisions of the workers' compensation statute permit the employing office or the employing office's representative to request additional information from the employee's workers' compensation health care provider, the FMLA does not prevent the employing office from following the applicable workers' compensation provisions and information received under those provisions may be considered in determining the employee's entitlement to FMLA-protected leave. Similarly, an employing office may request additional information in accordance with a paid leave policy or disability plan that requires greater information to qualify for payments or benefits, provided that the employing office informs the employee that the additional information only needs to be provided in connection with receipt of such payments or benefits. Any information received pursuant to such policy or plan may be considered in determining the employee's entitlement to FMLA-protected leave. If the employee fails to provide the information required for receipt of such payments or benefits, such failure will not affect the employee's entitlement to take unpaid FMLA leave. *See* 825.207(a).

(d) If an employee's serious health condition may also be a disability within the meaning of the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA. Any information received pursuant to these procedures may be considered in determining the employee's entitlement to FMLA-protected leave.

(e) While an employee may choose to comply with the certification requirement by providing the employing office with an authorization, release, or waiver allowing the employing office to communicate directly with the health care provider of the employee or his or her covered family member, the employee may not be required to provide such an authorization, release, or waiver. In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. *See* 825.305(d).

825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions.

(a) *Clarification and authentication.* If an employee submits a complete and sufficient certification signed by the health care provider, the employing office may not request additional information from the health care provider. However, the employing office may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the employing office has given the employee an opportunity to cure any deficiencies as set forth in 825.305(c). To make such contact, the employing office must use a health care provider, a human resources professional, a leave administrator, or a management official. An employee's direct supervisor may not contact the employee's health care provider, unless the direct supervisor is also the only individual in the employing office designated to process FMLA requests and the direct supervisor receives specific authorization from the employee to contact the employee's health care provider. For purposes of these regulations, authentication means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested.

Clarification means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. Employing offices may not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, (*See* 45 CFR parts 160 and 164), which governs the privacy of individually-identifiable health information created or held by HIPAA-covered entities, must be satisfied when individually-identifiable health information of an employee is shared with an employing office by a HIPAA-covered health care provider. If an employee chooses not to provide the employing office with authorization allowing the employing office to clarify the certification with the health care provider, and does not otherwise clarify the certification, the employing office may deny the taking of FMLA leave if the certification is unclear. *See* 825.305(d). It is the employee's responsibility to provide the employing office with a complete and sufficient certification and to clarify the certification if necessary.

(b) *Second Opinion.* (1) An employing office that has reason to doubt the validity of a medical certification may require the employee to obtain a second opinion at the employing office's expense. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to the benefits of the FMLA, as made applicable by the CAA, including maintenance of group health benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the employing office's established leave policies. In addition, the consequences set forth in 825.305(d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a second opinion in order to render a sufficient and complete second opinion.

(2) The employing office is permitted to designate the health care provider to furnish the second opinion, but the selected health care provider may not be employed on a regular basis by the employing office. The employing office may not regularly contract with or otherwise regularly utilize the services of the health care provider furnishing the second opinion unless the employing office is located in an area where access to health care is extremely limited (e.g., a rural area where no more than one or two doctors practice in the relevant specialty in the vicinity).

(c) *Third opinion.* If the opinions of the employee's and the employing office's designated health care providers differ, the employing office may require the employee to obtain certification from a third health care provider, again at the employing office's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by the employing office and the employee. The employing office and the employee must each act in good faith to attempt to reach agreement on whom to select for the third opinion provider. If the employing office does not attempt in good faith to reach agreement, the employing office will be bound by the first certification. If the employee does not attempt in good faith to reach agreement, the employee will be bound by the second certification. For example, an employee who refuses to agree to see a doctor in the specialty in question may be failing to act in good faith. On the other hand, an employing office that refuses to agree to any doctor on a list of specialists in the appropriate field provided by the employee and whom the employee has not previously consulted may be failing to act in good faith. In addition, the consequences set forth in 825.305(d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a third opinion in order to render a sufficient and complete third opinion.

(d) *Copies of opinions.* The employing office is required to provide the employee with a copy of the second and third medical opinions, where applicable, upon request by the employee. Requested copies are to be provided within five business days unless extenuating circumstances prevent such action.

(e) *Travel expenses.* If the employing office requires the employee to obtain either a second or third opinion the employing office must reimburse an employee or family member for any reasonable ''out of pocket'' travel expenses incurred to obtain the second and third medical opinions. The employing office may not require the employee or family member to travel outside normal commuting distance for purposes of obtaining the second or third medical opinions except in very unusual circumstances.

(f) *Medical certification abroad.* In circumstances in which the employee or a family member is visiting in another country, or a family member resides in another country, and a serious health condition develops, the employing office shall accept a medical certification as well as second and third opinions from a health care provider who practices in that country. Where a certification by a foreign health care provider is in a language other than English, the employee must provide the employing office with a written translation of the certification upon request.

825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

(a) *30-day rule.* An employing office may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless paragraphs (b) or (c) of this section apply.

(b) *More than 30 days*. If the medical certification indicates that the minimum duration of the condition is more than 30 days, an employing office must wait until that minimum duration expires before requesting a recertification, unless paragraph (c) of this section applies. For example, if the medical certification states that an employee will be unable to work, whether continuously or on an intermittent basis, for 40 days, the employing office must wait 40 days before requesting a recertification. In all cases, an employing office may request a recertification of a medical condition every six months in connection with an absence by the employee. Accordingly, even if the medical certification indicates that the employee will need intermittent or reduced schedule leave for a period in excess of six months (e.g., for a lifetime condition), the employing office would be permitted to request recertification every six months in connection with an absence.

(c) *Less than 30 days*. An employing office may request recertification in less than 30 days if:

(1) The employee requests an extension of leave;

(2) Circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications). For example, if a medical certification stated that an employee would need leave for one to two days when the employee suffered a migraine headache and the employee's absences for his or her last two migraines lasted four days each, then the increased duration of absence might constitute a significant change in circumstances allowing the employing office to request a recertification in less than 30 days. Likewise, if an employee had a pattern of using unscheduled FMLA leave for migraines in conjunction with his or her scheduled days off, then the timing of the absences also might constitute a significant change in circumstances sufficient for an employing office to request a recertification more frequently than every 30 days; or

(3) The employing office receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. For example, if an employee is on FMLA leave for four weeks due to the employee's knee surgery, including recuperation, and the employee plays in company softball league games during the employee's third week of FMLA leave, such information might be sufficient to cast doubt upon the continuing validity of the certification allowing the employing office to request a recertification in less than 30 days.

(d) *Timing*. The employee must provide the requested recertification to the employing office within the time frame requested by the employing office (which must allow at least 15 calendar days after the employing office's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

(e) *Content*. The employing office may ask for the same information when obtaining recertification as that permitted for the original certification as set forth in 825.306. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or adequate authorization to the health care provider) in the recertification process as in the initial certification process. *See* 825.305(d). As part of the information allowed to be obtained on recertification for leave taken because of a serious health condition, the employing office may provide the health care provider with a record of the employee's absence pattern and ask the health care provider if the serious health condition and need for leave is consistent with such a pattern.

(f) Any recertification requested by the employing office shall be at the employee's expense unless the employing office provides otherwise. No second or third opinion on recertification may be required.

825.309 Certification for leave taken because of a qualifying exigency.

(a) *Active Duty Orders*. The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of a military member (See 825.126(a)), an employing office may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the military member's covered active duty service. This information need only be provided to the employing office once. A copy of new active duty orders or other documentation issued by the military may be required by the employing office if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of the same or a different military member;

(b) *Required information*. An employing office may require that leave for any qualifying exigency specified in 825.126 be supported by a certification from the employee that sets forth the following information:

(1) A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave. Such facts should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the request for leave; such documentation, for example, may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs;

(2) The approximate date on which the qualifying exigency commenced or will commence;

(3) If an employee requests leave because of a qualifying exigency for a single, continuous period of time, the beginning and end dates for such absence;

(4) If an employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;

(5) If the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting (such as the name, title, organization, address, telephone number, fax number, and email address) and a brief description of the purpose of the meeting; and

(6) If the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

(c) The Office of Congressional Workplace Rights has developed an optional form (Form E) for employees' use in obtaining a certification that meets FMLA's certification requirements. This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave because of a qualifying exigency. Form E, or Form WH–384 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section. (d) Verification. If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the employing office may not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the employing office may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the employing office. An employing office also may contact an appropriate unit of the Department of Defense to request verification that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty); no additional information may be requested and the employee's permission is not required.

825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave).

(a) *Required information from health care provider*. When leave is taken to care for a covered servicemember with a serious injury or illness, an employing office may require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. For purposes of leave taken to care for a covered servicemember, any one of the following health care providers may complete such a certification:

(1) A United States Department of Defense (''DOD'') health care provider;

(2) A United States Department of Veterans Affairs (''VA'') health care provider;

(3) A DOD TRICARE network authorized private health care provider;

(4) A DOD non-network TRICARE authorized private health care provider; or

(5) Any health care provider as defined in 825.125.

(b) If the authorized health care provider is unable to make certain military-related determinations outlined below, the authorized health care provider may rely on determinations from an authorized DOD representative (such as a DOD recovery care coordinator) or an authorized VA representative. An employing office may request that the health care provider provide the following information:

(1) The name, address, and appropriate contact information (telephone number, fax number, and/or email address) of the health care provider, the type of medical practice, the medical specialty, and whether the health care provider is one of the following:

(i) A DOD health care provider;

(ii) A VA health care provider;

(iii) A DOD TRICARE network authorized private health care provider;

(iv) A DOD non-network TRICARE authorized private health care provider; or

(v) A health care provider as defined in 825.125.

(2) Whether the covered servicemember's injury or illness was incurred in the line of duty on active duty or, if not, whether the covered servicemember's injury or illness existed before the beginning of the

servicemember's active duty and was aggravated by service in the line of duty on active duty;

(3) The approximate date on which the serious injury or illness commenced, or was aggravated, and its probable duration;

(4) A statement or description of appropriate medical facts regarding the covered servicemember's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave.

(i) In the case of a current member of the Armed Forces, such medical facts must include information on whether the injury or illness may render the covered servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating and whether the member is receiving medical treatment, recuperation, or therapy;

(ii) In the case of a covered veteran, such medical facts must include:

(A) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is the continuation of an injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating; or

(B) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and that such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(C) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(D) Documentation of enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(5) Information sufficient to establish that the covered servicemember is in need of care, as described in 825.124, and whether the covered servicemember will need care for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time;

(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment appointments for the covered servicemember, whether there is a medical necessity for the covered servicemember to have such periodic care and an estimate of the treatment schedule of such appointments;

(7) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered servicemember other than for planned medical treatment (e.g., episodic flare-ups of a medical condition), whether there is a medical necessity for the covered servicemember to have such periodic care, which can include assisting in the covered servicemember's recovery, and an estimate of the frequency and duration of the periodic care.

(c) Required information from employee and/or covered servicemember. In addition to the information that may be requested under 825.310(b), an employing office may also request that such certification set forth the following information provided by an employee and/or covered servicemember:

(1) The name and address of the employing office of the employee requesting leave to care for a covered servicemember, the name of the employee requesting such leave, and the name of the covered servicemember for whom the employee is requesting leave to care;

(2) The relationship of the employee to the covered servicemember for whom the employee is requesting leave to care;

(3) Whether the covered servicemember is a current member of the Armed Forces, the National Guard or Reserves, and the covered servicemember's military branch, rank, and current unit assignment;

(4) Whether the covered servicemember is assigned to a military medical facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit), and the name of the medical treatment facility or unit;

(5) Whether the covered servicemember is on the temporary disability retired list;

(6) Whether the covered servicemember is a veteran, the date of separation from military service, and whether the separation was other than dishonorable. The employing office may require the employee to provide documentation issued by the military which indicates that the covered servicemember is a veteran, the date of separation, and that the separation is other than dishonorable. Where an employing office requires such documentation, an employee may provide a copy of the veteran's Certificate of Release or Discharge from Active Duty issued by the U.S. Department of Defense (DD Form 214) or other proof of veteran status. *See* 825.127(c)(2).

(7) A description of the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care.

(d) The Office of Congressional Workplace Rights has developed an optional form (Form F) for employees' use in obtaining certification that meets FMLA's certification requirements. (*See* Form F). This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave to care for a covered servicemember with a serious injury or illness. Form F, or Form WH–385 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section. In all instances the information on the certification must relate only to the serious injury or illness for which the current need for leave exists. An employing office may seek authentication and/or clarification of the certification under 825.307. Second and third opinions under 825.307 are not permitted for leave to care for a covered servicemember when the certification has been completed by one of the types of healthcare providers identified in section 825.310(a)(1–4). However, second and third opinions under 825.307 are permitted when the certification has been completed by a health care provider as defined in 825.125 that is not one of the types identified in 825.310(a)(1)–(4). Additionally, recertifications under 825.308 are not permitted for leave to care for a covered servicemember. An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) of the FMLA.

(e) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification, in lieu of the Office of Congressional Workplace Rights's optional certification form (Form F) or an employing office's own certification form, invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at his or her bedside. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave may not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

(1) If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, an employing office may request that the employee have one of the authorized health care providers listed under 825.310(a) complete the Office of Congressional Workplace Rights optional certification form (Form F) or an employing office's own form, as requisite certification for the remainder of the employee's necessary leave period.

(2) An employing office may seek authentication and clarification of the ITO or ITA under 825.307. An employing office may not utilize the second or third opinion process outlined in 825.307 or the recertification process under 825.308 during the period of time in which leave is supported by an ITO or ITA.

(3) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) when an employee supports his or her request for FMLA leave with a copy of an ITO or ITA.

(f) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification of the servicemember's serious injury or illness documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. Such documentation is sufficient certification of the servicemember's serious injury or illness to support the employee's request for military caregiver leave regardless of whether the employee is the named caregiver in the enrollment documentation.

(1) An employing office may seek authentication and clarification of the documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers under 825.307. An employing office may not utilize the second or third opinion process outlined in 825.307 or the recertification process under 825.308 when the servicemember's serious injury or illness is shown by documentation of enrollment in this program.

(2) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) when an employee supports his or her request for FMLA leave with a copy of such enrollment documentation. An employing office may also require an employee to provide documentation, such as a veteran's Form DD–214, showing that the discharge was other than dishonorable and the date of the veteran's discharge.

(g) Where medical certification is requested by an employing office, an employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good-faith efforts to obtain such documents. *See* 825.305(b). In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. *See* 825.305(d).

825.311 Intent to return to work.

(a) An employing office may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The employing office's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation.

(b) If an employee gives unequivocal notice of intent not to return to work, the employing office's obligations under FMLA, as made applicable by the CAA, to maintain health benefits (subject to COBRA requirements) and to restore the employee cease. However, these obligations continue if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.

(c) It may be necessary for an employee to take more leave than originally anticipated. Conversely, an employee may discover after beginning leave that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. An employee may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave. In both of these situations, the employing office may require that the employee provide the employing office reasonable notice (i.e., within two business days) of the changed circumstances where foreseeable. The employing office may also obtain information on such changed circumstances through requested status reports.

825.312 Fitness-for-duty certification.

(a) As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, an employing office may have a uniformly-applied policy or practice that requires all similarly-situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or providing sufficient authorization to the health care provider to provide the information directly to the employing office) in the fitness-for-duty certification process as in the initial certification process. *See* 825.305(d).

(b) An employing office may seek a fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. The certification from the employee's health care provider must certify that the employee is able to resume work. Additionally, an employing office may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. In order to require such a certification, an employing office must provide an employee with a list of the essential functions of the employee's job no later than with the designation notice required by 825.300(d), and must indicate in the designation notice that the certification must address the employee's ability to perform those essential functions. If the employing office satisfies these requirements, the employee's health care provider must certify that the employee can perform the identified essential functions of his or her job. Following the procedures set forth in 825.307(a), the employing office may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty certification. Clarification may be requested only for the serious health condition for which FMLA leave was taken. The employing office may not delay the employee's return to work while contact with the health care provider is being made. No second or third opinions on a fitness-for-duty certification may be required.

(c) The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

(d) The designation notice required in 825.300(d) shall advise the employee if the employing office will require a fitness-for-duty certification to return to work and whether that fitness-for-duty certification must address the employee's ability to perform the essential functions of the employee's job.

(e) An employing office may delay restoration to employment until an employee submits a required fitness-for-duty certification unless the employing office has failed to provide the notice required in paragraph (d) of this section. If an employing office provides the notice required, an employee who does not provide a fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement under the FMLA. *See* 825.313(d).

(f) An employing office is not entitled to a certification of fitness to return to duty for each absence taken on an intermittent or reduced leave schedule. However, an employing office is entitled to a certification of fitness to return to duty for such absences up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took such leave. If an employing office chooses to require a fitness-for-duty certification under such circumstances, the employing office shall inform the employee at the same time it issues the designation notice that for each subsequent instance of intermittent or reduced schedule leave, the employee will be required to submit a fitness-for-duty certification unless one has already been submitted within the past 30 days. Alternatively, an employing office can set a different interval for requiring a fitness-for-duty certification as long as it does not exceed once every 30 days and as long as the employing office advises the employee of the requirement in advance of the employee taking the intermittent or reduced schedule leave. The employing office may not terminate the employment of the employee while awaiting such a certification of fitness to return to duty for an intermittent or reduced schedule leave absence. Reasonable safety concerns means a reasonable belief of significant risk of harm to the individual employee or others. In determining whether reasonable safety concerns exist, an employing office should consider the nature and severity of the potential harm and the likelihood that potential harm will occur.

(g) If the terms of a collective bargaining agreement govern an employee's return to work, those provisions shall be applied.

(h) Requirements under the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, apply. After an employee returns from FMLA leave, the ADA requires any medical examination at an employing office's expense by the employing office's health care provider be job-related and consistent with business necessity. For example, an attorney could not be required to submit to a medical examination or inquiry just because her leg had been amputated. The essential functions of an attorney's job do not require use of both legs; therefore such an inquiry would not be job related. An employing office may require a warehouse laborer, whose back impairment affects the ability to lift, to be examined by an orthopedist, but may not require this employee to submit to an HIV test where the test is not related to either the essential functions of his or her job or to his/her impairment. If an employee's serious health condition may also be a disability within the meaning of the ADA, as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA.

825.313 Failure to provide certification.

(a) *Foreseeable leave.* In the case of foreseeable leave, if an employee fails to provide certification in a timely manner as required by 825.305, then an employing office may deny FMLA coverage until the required certification is provided. For example, if an employee has 15 days to provide a certification and does not provide the certification for 45 days without sufficient reason for the delay, the employing office can deny FMLA protections for the 30-day period following the expiration of the 15-day time period, if the employee takes leave during such period.

(b) *Unforeseeable leave.* In the case of unforeseeable leave, an employing office may deny FMLA coverage for the requested leave if the employee fails to provide a certification within 15 calendar days from receipt of the request for certification unless not practicable due to extenuating circumstances. For example, in the case of a medical emergency, it may not be practicable for an employee to provide the required certification within 15 calendar days. Absent such extenuating circumstances, if the employee fails to timely return the certification, the employing office can deny FMLA protections for the leave following the expiration of the 15-day time period until a sufficient certification is provided. If the employee never produces the certification, the leave is not FMLA leave.

(c) *Recertification.* An employee must provide recertification within the time requested by the employing office (which must allow at least 15 calendar days after the request) or as soon as practicable under the particular facts and circumstances. If an employee fails to provide a recertification within a reasonable time under the particular facts and circumstances, then the employing office may deny continuation of the FMLA leave protections until the employee produces a sufficient recertification. If the employee never produces the recertification, the leave is not FMLA leave. Recertification does not apply to leave taken for a qualifying exigency or to care for a covered servicemember.

(d) *Fitness-for-duty certification.* When requested by the employing office pursuant to a uniformly applied policy for similarly-situated employees, the employee must provide medical certification, at the time the employee seeks reinstatement at the end of FMLA leave taken for the employee's serious health condition, that the employee is fit for duty and able to return to work (*See* 825.312(a)) if the employing office has provided the required notice (*See* 825.300(e)); the employing office may delay restoration until the certification is provided. Unless the employee provides either a fitness-for-duty certification or a new medical certification for

a serious health condition at the time FMLA leave is concluded, the employee may be terminated. *See also* 825.213(a)(3).

SUBPART D—ADMINISTRATIVE PROCESS

825.400 Administrative process, general rules.

(a) The Procedural Rules of the Office of Congressional Workplace Rights set forth the procedures for considering and resolving alleged violations of the laws made applicable by the CAA, including the FMLA. The Rules include procedures for filing claims and participating in administrative dispute resolution proceedings at the Office of Congressional Workplace Rights, including procedures for the conduct of hearings and for appeals to the Board of Directors. The Procedural Rules also address other matters of general applicability to the dispute resolution process and to the operations of the Office.

(b) If an employing office has violated one or more provisions of FMLA, and if justified by the facts of a particular case, an employee may receive one or more of the following: wages, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or, where no such tangible loss has occurred, such as when FMLA leave was unlawfully denied, any actual monetary loss sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 26 weeks of wages for the employee in a case involving leave to care for a covered servicemember or 12 weeks of wages for the employee in a case involving leave for any other FMLA qualifying reason. In addition, the employee may be entitled to interest on such sum, calculated at the prevailing rate. An amount equaling the preceding sums may also be awarded as liquidated damages unless such amount is reduced by the court because the violation was in good faith and the employer had reasonable grounds for believing the employer had not violated the Act. When appropriate, the employee may also obtain appropriate equitable relief, such as employment, reinstatement and promotion. When the employer is found in violation, the employee may recover a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action from the employer in addition to any judgment awarded by the court.

(c) The Procedural Rules of the Office of Congressional Workplace Rights are found at 165 Cong. Rec. H4896 (daily ed. June 19, 2019) and 165 Cong. Rec. S4105 (daily ed. June 19, 2019), and may also be found on the Office's website at www.ocwr.gov.

825.401 [Reserved]
825.402 [Reserved]
825.403 [Reserved]
825.404 [Reserved]

SUBPART E—PAID PARENTAL LEAVE

825.500 Purpose, applicability, and employing office responsibilities.

(a) *Purpose.* This subpart provides regulations to govern the granting of paid parental leave to eligible employees. Since paid parental leave may only be substituted for unpaid leave granted following a birth or placement under specific provisions of the Family and Medical Leave Act in title 29, United States Code—specifically, section 2612(a)(1)(A) and (B) in 5 U.S.C. chapter 29—this subpart links to subpart B (Family and Medical Leave) of this part.

(b) *Applicability.* (1) Except as otherwise provided in this paragraph (b), this subpart applies to employees to whom subpart B of this part applies, as provided in 825.111.

(2) The OCWR will defer to supplemental regulations on paid parental leave issued by the Library of Congress pursuant to the authority in 29 USC 2617, provided those supplemental regulations are consistent with the regulations in this subpart.

(3) This subpart applies to a birth or placement occurring on or after October 1, 2020.

(c) *Employing office responsibilities.* The head of an employing office having employees covered by this subpart is responsible for the proper administration of this subpart, including the responsibility of informing employees of their entitlements and obligations.

825.501 Definitions.

(a) *Applicability of subpart B definitions.* The definitions of terms in 825.102 are applicable in this subpart to the extent the terms are used, except that, to the extent any definitions of terms have been further revised in 825.501(b), the provisions of that section shall apply for purposes of this subpart.

(b) Other definitions. In this subpart—

Employing Office means an employing office as defined in 2 U.S.C. 1301(a)(9). When the term ''employing office'' is used in the context of an employing office making determinations or taking actions, it means the employing office head or management officials who are authorized (including by delegation) to make the given determination or take the given action.

Child means a son or daughter as defined in 825.102 whose birth or placement is the basis for entitlement to paid parental leave.

Paid parental leave means paid time off from an employee's scheduled tour of duty that is authorized under 2 U.S.C. 1312(d)(2)(A) and this subpart and that is granted to an employee who has a current parental role in connection with the child whose birth or placement was the basis for granting unpaid FMLA leave under 825.120 or 825.121. This leave is not available to an employee who does not have a current parental role.

Unpaid FMLA leave means leave without pay granted under the Family and Medical Leave Act (FMLA) regulations in subpart B of this part.

825.502 Leave entitlement.

(a) *Election.* An employee may elect to substitute available paid parental leave for any unpaid FMLA leave granted under 825.120 or 825.121 (which correspond to 29 U.S.C. 2612(a)(1)(A) or (B), respectively) in connection with the occurrence of a birth or placement. *See* 825.208.

(b) *Available paid parental leave.* (1) The paid parental leave that is available for purposes of paragraph (a) of this section is 12 workweeks in connection with the birth or placement involved.

(2) Since an employee may use only 12 weeks of unpaid FMLA leave in any 12-month period under 825.200(a), any use of unpaid FMLA leave not associated with paid parental leave may affect an employee's ability to use the full 12 weeks of paid parental leave. Notwithstanding paragraph (b)(1) of this section, an employee will be able to use the full amount of paid parental leave only to the extent that there are 12 weeks of available unpaid FMLA leave granted under the birth or placement provisions in 825.112(a)(1); or (2) during the 12-month period referred to in section 102(a)(1) of the FMLA (29 U.S.C. 2612(a)(1)) to which it relates. The availability of paid parental leave will depend on when the employee uses various types of unpaid FMLA leave relative to any 12-month period established under 825.200(b).

(c) *Leave usage.* (1) An employing office may not require an employee to use accrued paid annual, vacation, personal, family, medical, or sick leave as a condition to be met before the employee uses paid parental leave. An employee may request to use annual leave or sick leave without invoking unpaid FMLA leave under subpart B of this part, and, if the request is granted, the employing office exercises its normal authority with respect to approving or disapproving the timing of when the leave may be used.

(2) An employee with a seasonal work schedule may not use paid parental leave during the off-season period designated by the employing office—the period during which the employee is scheduled to be released from work and placed in nonpay status.

(d) *Treatment of unused leave.* If an employee has any unused balance of paid parental leave that remains at the end of the 12-month period following the birth or placement involved, the entitlement to the unused leave elapses at that time. No payment may be made for unused paid parental leave that has expired. Paid parental leave may not be considered annual leave for purposes of making a lump-sum payment for annual leave or for any other purpose.

825.503 Pay during leave.

(a) The pay an employee receives when using paid parental leave shall be the same pay the employee would receive if the employee were using annual leave.

(b) The pay received during paid parental leave may not include Sunday premium pay. (See section 624 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, div. A, 101(h), October 21, 1998.)

825.504 Work obligation.

Paid parental leave under this subpart shall apply without regard to:

(a) the limitations in subparagraphs (E), (F), or (G) of section 6382(d)(2) of title 5, United States Code (requiring employees of executive branch agencies to agree in writing to work for the executive branch agency for at least 12 months after returning from leave); or

(b) the limitations in 825.213 (permitting employing offices to recover an amount equal to the total amount of government contributions for maintaining such employee's health coverage if the employee fails to return from leave).

825.505 Cases of employee incapacitation.

(a) If an employing office determines that an otherwise eligible employee who could have made an election during a past period to substitute paid parental leave (as provided in 825.502) was physically or mentally incapable of doing so during that past period, the employee may, within 5 workdays of the employee's return to duty status, make an election to substitute paid parental leave for applicable unpaid FMLA leave under 825.502(a) on a retroactive basis. Such a retroactive election shall be effective on the date that such an election would have been effective if the employee had not been incapacitated at the time.

(b)(1) If an employing office determines that an otherwise eligible employee is physically or mentally incapable of making an election to substitute paid parental leave (as provided in 825.207), the employing office must, upon the request of a personal representative of the employee, provide conditional approval of substitution of paid parental leave for applicable unpaid FMLA leave on a prospective basis. The conditional approval is based on the presumption that the employee would have elected to substitute paid parental leave for the applicable unpaid FMLA leave.

825.506 Cases of multiple children born or placed in the same time period.

(a) If an employee has multiple children born or placed on the same day, the multiple-child birth/placement event is considered to be a single event that triggers a single entitlement of up to 12 weeks of paid parental leave under 825.502(b).

(b) If an employee has one or more children born or placed during the 12-month period following the date of an earlier birth or placement of a child of the employee, the provisions of this subpart shall be independently administered for each birth or placement event. Any paid parental leave substituted for unpaid FMLA leave during the 12-month period beginning on the date of a child's birth or placement shall count towards the 12-week limit on paid parental leave described in 825.502(b) applicable in connection with the birth or placement involved. The substitution of paid parental leave may count toward multiple 12-week limits to the extent that there are multiple ongoing 12-month periods beginning on the date of an applicable birth or placement, each of which encompasses the day on which the leave is used. Therefore, whenever paid parental leave is substituted during periods of time when separate 12-month periods (each beginning on a date of birth or placement) overlap, the paid parental leave will count toward each affected period's 12-week limit. For example, if an employee has a child born on June 1 and another child placed for adoption on October 1 of the same year, each event would generate entitlement to substitute up to 12 weeks of paid parental leave during the separate 12-month periods beginning on the date of the birth and on the date of the placement, respectively. Those two 12-month periods would be June 1–May 31 and October 1–September 30. The overlap period for these two 12-month periods would be October 1–May 31. If the employee substitutes paid parental leave during that overlap period, that amount of paid parental leave would count towards both the 12-week limit associated with the birth event and the 12-week limit associated with the placement event.

825.507 Records.

Record of usage of paid parental leave. An employing office must maintain an accurate record of an employee's usage of paid parental leave.

825.508 [Reserved]

SUBPART F—SPECIAL RULES APPLICABLE TO EMPLOYEES OF SCHOOLS

825.600 Special rules for school employees, definitions.

(a) Certain special rules apply to employees of local educational agencies, including public school boards and elementary schools under their jurisdiction, and private elementary and secondary schools. The special rules do not apply to other kinds of educational institutions, such as colleges and universities, trade schools, and preschools.

(b) Educational institutions are covered by FMLA, as made applicable by the CAA (and these special rules). The usual requirements for employees to be eligible do apply.

(c) The special rules affect the taking of intermittent leave or leave on a reduced leave schedule, or leave near the end of an academic term (semester), by instructional employees. Instructional employees are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include, and the special rules do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

(d) Special rules which apply to restoration to an equivalent position apply to all employees of local educational agencies.

825.601 Special rules for school employees, limitations on intermittent leave.

(a) Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

(1) If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered servicemember, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the employing office may require the employee to choose either to:

(i) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

(ii) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

(2) These rules apply only to a leave involving more than 20 percent of the working days during the period over which the leave extends. For example, if an instructional employee who normally works five days each week needs to take two days of FMLA leave per week over a period of several weeks, the special rules would apply. Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position. Periods of a particular duration means a block, or blocks, of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave.

(b) If an instructional employee does not give required notice of foreseeable FMLA leave (See 825.302) to be taken intermittently or on a reduced leave schedule, the employing office may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employing office may require the employee to delay the taking of leave until the notice provision is met.

825.602 Special rules for school employees, limitations on leave near the end of an academic term.

(a) There are also different rules for instructional employees who begin leave more than five weeks before the end of a term, less than five weeks before the end of a term, and less than three weeks before the end of a term. Regular rules apply except in circumstances when:

(1) An instructional employee begins leave more than five weeks before the end of a term. The employing office may require the employee to continue taking leave until the end of the term if—

(i) The leave will last at least three weeks, and

(ii) The employee would return to work during the three-week period before the end of the term.

(2) The employee begins leave during the five-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if—

(i) The leave will last more than two weeks, and

(ii) The employee would return to work during the two-week period before the end of the term.

(3) The employee begins leave during the three-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if the leave will last more than five working days.

(b) For purposes of these provisions, academic term means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA, as made applicable by the CAA. An example of leave falling within these provisions would be where an employee plans two weeks of leave to care for a family member which will begin three weeks before the end of the term. In that situation, the employing office could require the employee to stay out on leave until the end of the term.

825.603 Special rules for school employees, duration of FMLA leave.

(a) If an employee chooses to take leave for periods of a particular duration in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

(b) In the case of an employee who is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The employing office has the option not to require the employee to stay on leave until the end of the school term. Therefore, any additional leave required by the employing office to the end of the school term is not counted as FMLA leave; however, the employing office shall be required to maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave.

825.604 Special rules for school employees, restoration to an equivalent position.

The determination of how an employee is to be restored to an equivalent position upon return from FMLA leave will be made on the basis of ''established school board policies and practices, private school policies and practices, and collective bargaining agreements.'' The ''established policies'' and collective bargaining agreements used as a basis for restoration must be in writing, must be made known to the employee prior to the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to an equivalent position must provide substantially the same protections as provided in the FMLA, as made applicable by the CAA, for reinstated employees. See 825.215. In other words, the policy or collective bargaining agreement must provide for restoration to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. For example, an employee

may not be restored to a position requiring additional licensure or certification.

SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA.

825.700 Interaction with employing office's policies.

(a) An employing office must observe any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established by the FMLA. Conversely, the rights established by the FMLA, as made applicable by the CAA, may not be diminished by any employment benefit program or plan. For example, a provision of a collective bargaining agreement (CBA) which provides for reinstatement to a position that is not equivalent because of seniority (e.g., provides lesser pay) is superseded by FMLA. If an employing office provides greater unpaid family leave rights than are afforded by FMLA, the employing office is not required to extend additional rights afforded by FMLA, such as maintenance of health benefits (other than through COBRA or 5 U.S.C. 8905a, whichever is applicable), to the additional leave period not covered by FMLA.

(b) Nothing in the FMLA, as made applicable by the CAA, prevents an employing office from amending existing leave and employee benefit programs, provided they comply with FMLA, as made applicable by the CAA. However, nothing in the FMLA, as made applicable by the CAA, is intended to discourage employing offices from adopting or retaining more generous leave policies.

825.701 [Reserved]

825.702 Interaction with anti-discrimination laws, as applied by section 201 of the CAA.

(a) Nothing in the FMLA modifies or affects any applicable law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability (e.g., Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act and as made applicable by the CAA). FMLA's legislative history explains that FMLA is ''not intended to modify or affect the Rehabilitation Act of 1973, as amended, the regulations concerning employment which have been promulgated pursuant to that statute, or the Americans with Disabilities Act of 1990 [as amended] or the regulations issued under that act. Thus, the leave provisions of the [FMLA] are wholly distinct from the reasonable accommodation obligations of employers covered under the [ADA] . . . or the Federal government itself. The purpose of the FMLA, as applied by the CAA, is to make leave available to eligible employees and [employing offices] within its coverage, and not to limit already existing rights and protection.'' S. Rep. No. 3, 103d Cong., 1st Sess. 38 (1993). An employing office must therefore provide leave under whichever statutory provision provides the greater rights to employees. When an employer violates both FMLA and a discrimination law, an employee may be able to recover under either or both statutes (double relief may not be awarded for the same loss; when remedies coincide a claimant may be allowed to utilize whichever avenue of relief is desired. *Laffey v. Northwest Airlines, Inc.*, 567 F.2d 429, 445 (D.C. Cir. 1976), *cert. denied*, 434 U.S. 1086 (1978).

(b) If an employee is a qualified individual with a disability within the meaning of the Americans with Disabilities Act (ADA), as made applicable by the CAA, the employing office must make reasonable accommodations, etc., barring undue hardship, in accordance with the ADA. At the same time, the employing office must afford an employee his or her FMLA rights, as made applicable by the CAA. ADA's ''disability'' and FMLA's ''serious health condition'' are different concepts, and must be analyzed separately. FMLA entitles eligible employees to 12 weeks of leave in any 12-month period due to their own serious health condition, whereas the ADA allows an indeterminate amount of leave, barring undue hardship, as a reasonable accommodation. FMLA requires employing offices to maintain employees' group health plan coverage during FMLA leave on the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period, whereas ADA does not require maintenance of health insurance unless other employees receive health insurance during leave under the same circumstances.

(c)(1) A reasonable accommodation under the ADA might be accomplished by providing an individual with a disability with a part-time job with no health benefits, assuming the employing office did not ordinarily provide health insurance for part-time employees. However, FMLA would permit an employee to work a reduced leave schedule until the equivalent of 12 workweeks of leave were used, with group health benefits maintained during this period. FMLA permits an employing office to temporarily transfer an employee who is taking leave intermittently or on a reduced leave schedule to an alternative position, whereas the ADA allows an accommodation of reassignment to an equivalent, vacant position only if the employee cannot perform the essential functions of the employee's present position and an accommodation is not possible in the employee's present position, or an accommodation in the employee's present position would cause an undue hardship. The examples in the following paragraphs of this section demonstrate how the two laws would interact with respect to a qualified individual with a disability.

(2) A qualified individual with a disability who is also an eligible employee entitled to FMLA leave requests 10 weeks of medical leave as a reasonable accommodation, which the employing office grants because it is not an undue hardship. The employing office advises the employee that the 10 weeks of leave is also being designated as FMLA leave and will count towards the employee's FMLA leave entitlement. This designation does not prevent the parties from also treating the leave as a reasonable accommodation and reinstating the employee into the same job, as required by the ADA, rather than an equivalent position under FMLA, if that is the greater right available to the employee. At the same time, the employee would be entitled under FMLA to have the employing office maintain group health plan coverage during the leave, as that requirement provides the greater right to the employee.

(3) If the same employee needed to work part-time (a reduced leave schedule) after returning to his or her same job, the employee would still be entitled under FMLA to have group health plan coverage maintained for the remainder of the two-week equivalent of FMLA leave entitlement, notwithstanding an employing office policy that part-time employees do not receive health insurance. This employee would be entitled under the ADA to reasonable accommodations to enable the employee to perform the essential functions of the part-time position. In addition, because the employee is working a part-time schedule as a reasonable accommodation, the FMLA's provision for temporary assignment to a different alternative position would not apply. Once the employee has exhausted his or her remaining FMLA leave entitlement while working the reduced (part-time) schedule, if the employee is a qualified individual with a disability, and if the employee is unable to return to the same full-time position at that time, the employee might continue to work part-time as a reasonable accommodation, barring undue hardship; the employee would then be entitled to only those employment benefits ordinarily provided by the employing office to part-time employees.

(4) At the end of the FMLA leave entitlement, an employing office is required under FMLA to reinstate the employee in the same or an equivalent position, with equivalent pay and benefits, to that which the employee held when leave commenced. The employing office's FMLA obligations would be satisfied if the employing office offered the employee an equivalent full-time position. If the employee were unable to perform the essential functions of that equivalent position even with reasonable accommodation, because of a disability, the ADA may require the employing office to make a reasonable accommodation at that time by allowing the employee to work part-time or by reassigning the employee to a vacant position, barring undue hardship.

(d)(1) If FMLA entitles an employee to leave, an employing office may not, in lieu of FMLA leave entitlement, require an employee to take a job with a reasonable accommodation. However, ADA may require that an employing office offer an employee the opportunity to take such a position. An employing office may not change the essential functions of the job in order to deny FMLA leave. *See* 825.220(b).

(2) An employee may be on a workers' compensation absence due to an on-the-job injury or illness which also qualifies as a serious health condition under FMLA. The workers' compensation absence and FMLA leave may run concurrently (subject to proper notice and designation by the employing office). At some point the health care provider providing medical care pursuant to the workers' compensation injury may certify the employee is able to return to work in a light duty position. If the employing office offers such a position, the employee is permitted but not required to accept the position. *See* 825.220(d). As a result, the employee may no longer qualify for payments from the workers' compensation benefit plan, but the employee is entitled to continue on unpaid FMLA leave either until the employee is able to return to the same or equivalent job the employee left or until the 12-week FMLA leave entitlement is exhausted. *See* 825.207(e). If the employee returning from the workers' compensation injury is a qualified individual with a disability, he or she will have rights under the ADA, as made applicable by the CAA.

(e) If an employing office requires certifications of an employee's fitness for duty to return to work, as permitted by FMLA under a uniform policy, it must comply with the ADA requirement that a fitness for duty physical be job-related and consistent with business necessity.

(f) Under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, and as made applicable by the CAA, an employing office should provide the same benefits for women who are pregnant as the employing office provides to other employees with short-term disabilities. Because Title VII does not require employees to be employed for a certain period of time to be protected, an employee employed for less than 12 months by the employing office may not be denied maternity

leave if the employing office normally provides short-term disability benefits to employees with the same tenure who are experiencing other short-term disabilities.

(g) Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301, *et seq.*, veterans are entitled to receive all rights and benefits of employment that they would have obtained if they had been continuously employed. Therefore, under USERRA, a returning servicemember would be eligible for FMLA leave if the months and hours that he or she would have worked for the civilian employing office during the period of absence due to or necessitated by USERRA-covered service, combined with the months employed and the hours actually worked, meet the FMLA eligibility threshold of 12 months of employment and the hours of service requirement. *See* 825.110(b)(2)(i) and (c)(2) and 825.802(c).

(h) For further information on Federal antidiscrimination laws applied by section 201 of the CAA (2 U.S.C. 1311), including Title VII, the Rehabilitation Act, and the ADA, individuals are encouraged to contact the Office of Congressional Workplace Rights.

ENROLLED BILLS SIGNED

Cheryl L. Johnson, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8247. An Act to make certain improvements relating to the transition of individuals to services from the Department of Veterans Affairs, suicide prevention for veterans, and care and services for women veterans, and for other purposes.

H.R. 8276. An Act to authorize the President to posthumously award the Medal of Honor to Alwyn C. Cashe for acts of valor during Operation Iraqi Freedom.

BILLS PRESENTED TO THE PRESIDENT

Cheryl L. Johnson, Clerk of the House, reported that on October 20, 2020, she presented to the President of the United States, for his approval, the following bills:

H.R. 561. To amend title 38, United States Code, to improve the oversight of contracts awarded by the Secretary of Veterans Affairs to small business concerns owned and controlled by veterans, and for other purposes.

H.R. 1952. To amend the Intercountry Adoption Act of 2000 to require the Secretary of State to report on intercountry adoptions from countries which have significantly reduced adoption rates involving immigration to the United States, and for other purposes.

H.R. 3399. To amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes.

H.R. 2359. To direct the Secretary of Veterans Affairs to submit to Congress a report on the Department of Veterans Affairs advancing of whole health transformation.

H.R. 4183. To direct the Comptroller General of the United States to conduct a study on disability and pension benefits provided to members of the National Guard and members of reserve components of the Armed Forces by the Department of Veterans Affairs, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 967, the House stands adjourned until 10 a.m. tomorrow for morning-hour debate and noon for legislative business.

Thereupon (at 9 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 17, 2020, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

EC-5605. A letter from the Chief, Regulatory Coordination Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, transmitting the Department's Major interim final rule — Strengthening the H-1B Nonimmigrant Visa Classification Program [CIS No. 2658-20 DHS Docket No. USCIS-2020-0018] (RIN 1615-AC13) received November 4, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

EC-5606. A letter from the President of the United States, transmitting a notification of the intention to suspend the duty-free treatment accorded to Thailand under the Generalized System of Preferences program, pursuant to 19 U.S.C. 2462(d)(3); Public Law 93-618, Sec. 502(d)(3) (as added by Public Law 104-188, Sec. 1952(a)); (110 Stat. 1917) (H. Doc. No. 116—171); to the Committee on Ways and Means and ordered to be printed.

EC-5607. A letter from the Regulations Coordinator, Center for Consumer Information and Insurance Oversight, Department of Health and Human Services, transmitting the Department's Major final rule — Transparency in Coverage [CMS-9915-F] (RIN 0938-AU04) received November 5, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and Ways and Means.

EC-5608. A letter from the Regulations Coordinator, Center for Consumer Information and Insurance Oversight, Department of Health and Human Services, transmitting the Department's Major final rule — Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency [CMS-9912- IFC] (RIN 0938-AU35) received November 5, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and Ways and Means.

EC-5609. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's Major final rule — Medicare and Medicaid Programs; CY 2021 Home Health Prospective Payment System Rate Update, Home Health Quality Reporting Program Requirements, and Home Infusion Therapy Services and Supplier Enrollment Requirements; and Home Health Value-Based Purchasing Model Data Submission Requirments [CMS-1730-F, CMS-1744-IFC, and CMS-5531- IFC] (RIN 0938-AU06, 0938-AU31, and 0938-AU32) received November 5, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and Ways and Means.

EC-5610. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's Major final rule — Medicare Program; End-Stage Renal Disease Prospective Payment System, Payment for Renal Dialysis Services Furnished to Individuals with Acute Kidney Injury, and End-Stage Renal Disease Quality Incentive Program [CMS-1732-F] (RIN 0938-AU08) received November 5, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and Ways and Means.

EC-5611. A letter from the President of the United States, transmitting an Executive Order addressing the threat from securities investments that finance communist Chinese military companies, pursuant to 50 U.S.C. 1703(b); Public Law 95-223, Sec. 204(b); (91 Stat. 1627) and 50 U.S.C. 1621(a); Public Law 94-412, Sec. 201(a); (90 Stat. 1255) (H. Doc. No. 116—170); jointly to the Committees on Foreign Affairs and Financial Services, and ordered to be printed.

EC-5612. A letter from the Chair of the Board of Directors, Office of Congressional Workplace Rights, transmitting a Notice of Proposed Rulemaking regarding modifications to the rights and protections under the Family and Medical Leave Act of 1993 (FMLA), as required by 2 U.S.C. 1312, Congressional Accountability Act of 1995, as amended (CAA), for publication in the Congressional Record, pursuant to 2 U.S.C. 1384(b)(1); Public Law 104-1, Sec. 304(b)(1); (109 Stat. 29); jointly to the Committees on House Administration and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRIJALVA: Committee on Natural Resources. H.R. 6237. A bill to amend the Indian Health Care Improvement Act to clarify the requirement of the Department of Veterans Affairs and the Department of Defense to reimburse the Indian Health Service for certain health care services (Rept. 116–569, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 5919. A bill to amend title 40, United States Code, to require the Administrator of General Services to enter into a cooperative agreement with the National Children's Museum to provide the National Children's Museum rental space without charge in the Ronald Reagan Building and International Trade Center, and for other purposes; with an amendment (Rept. 116–570). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 4499. A bill to amend the Public Health Service Act to provide that the authority of the Director of the National Institute on Minority Health and Health Disparities to make certain research endowments applies with respect to both current and former centers of excellence, and for other purposes (Rept. 116–571). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 4712. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to limitations on exclusive approval or licensure of orphan drugs, and for other purposes; with an amendment (Rept. 116–572). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 5668. A bill to amend the Federal Food, Drug, and Cosmetic Act to

modernize the labeling of certain generic drugs, and for other purposes; with an amendment (Rept. 116–573). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 2914. A bill to make available necessary disaster assistance for families affected by major disasters, and for other purposes; with an amendment (Rept. 116–574). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 4358. A bill to direct the Administrator of the Federal Emergency Management Agency to submit to Congress a report on preliminary damage assessment and to establish damage assessment teams in the Federal Emergency Management Agency, and for other purposes; with an amendment (Rept. 116–575). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 4611. A bill to modify permitting requirements with respect to the discharge of any pollutant from the Point Loma Wastewater Treatment Plant in certain circumstances, and for other purposes; with an amendment (Rept. 116–576, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 5953. A bill to amend the Disaster Recovery Reform Act of 2018 to require the Administrator of the Federal Emergency Management Agency to waive certain debts owed to the United States related to covered assistance provided to an individual or household, and for other purposes; with an amendment (Rept. 116–577). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 8326. A bill to amend the Public Works and Economic Development Act of 1965 to require eligible recipients of certain grants to develop a comprehensive economic development strategy that directly or indirectly increases the accessibility of affordable, quality child care, and for other purposes (Rept. 116–578, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 8408. A bill to direct the Administrator of the Federal Aviation Administration to require certain safety standards relating to aircraft, and for other purposes (Rept. 116–579). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 8266. A bill to modify the Federal cost share of certain emergency assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to modify the activities eligible for assistance under the emergency declaration issued by the President on March 13, 2020, relating to COVID–19, and for other purposes; with an amendment (Rept. 116–580). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 2117. A bill to improve the health and safety of Americans living with food allergies and related disorders, including potentially life-threatening anaphylaxis, food protein-induced enterocolitis syndrome, and eosinophilic gastrointestinal diseases, and for other purposes, with an amendment (Rept. 116–581). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 6096. A bill to improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems (Rept. 116–582 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 3878. A bill to amend the Controlled Substances Act to clarify the process for registrants to exercise due diligence upon discovering a suspicious order, and for other purposes, with an amendment Rept. 116–583 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 4812. A bill to amend the Controlled Substances Act to provide for the modification, transfer, and termination of a registration to manufacture, distribute, or dispense controlled substances or list I chemicals, and for other purposes(Rept. 116–584, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 4806. A bill to amend the Controlled Substances Act to authorize the debarment of certain registrants, and for other purposes; with an amendment (Rept. 116–585 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 5855. A bill to amend the Public Health Service Act to establish a grant program supporting trauma center violence intervention and violence prevention programs, and for other purposes (Rept. 116–586). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 2281. A bill to direct the Attorney General to amend certain regulations so that practitioners may administer not more than 3 days' medication to a person at one time when administering narcotic drugs for the purpose of relieving acute withdrawal symptoms, with amendments (Rept. 116–587, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 8121. A bill to require the Consumer Product Safety Commission to study the effect of the COVID–19 pandemic on injuries and deaths associated with consumer products, and for other purposes; with amendments (Rept. 116–588). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 6624. A bill to support supply chain innovation and multilateral security, and for other purposes (Rept. 116–589). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 2610. A bill to establish a Senior Scams Prevention Advisory Council to collect and disseminate model educational materials useful in identifying and preventing scams that affect seniors; with amendments (Rept. 116–590). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 6435. A bill to direct the Federal Trade Commission to develop and disseminate information to the public about scams related to COVID–19, and for other purposes (Rept. 116–591). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 2281 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 3878 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Natural Resources discharged from further consideration. H.R. 4611 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 4806 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 4812 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 6096 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 6237 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Financial Services discharged from further consideration. H.R. 8326 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HUDSON (for himself and Mr. PANETTA):

H.R. 8752. A bill to authorize the National Medal of Honor Museum Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources.

By Mr. KELLY of Pennsylvania:

H.R. 8753. A bill to amend the Help America Vote Act of 2002 to provide for the establishment of election integrity measures by States and to prohibit ballot harvesting in Federal elections; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCANLON (for herself, Ms. ESCOBAR, and Ms. GARCIA of Texas):

H.R. 8754. A bill to require States to provide a minimum number of in-person, secured drop boxes in each county in the State at which individuals may drop off voted absentee ballots in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Ms. SHERRILL (for herself, Mr. MCKINLEY, Mr. FITZPATRICK, Mr. RIGGLEMAN, Mrs. BEATTY, Mr. CARSON of Indiana, Mr. THOMPSON of Pennsylvania, Mr. KIM, Mr. MORELLE, Mr. RUSH, Mr. SIRES, Mr. KEVIN HERN of Oklahoma, Mr. TIMMONS, and Mr. TONKO):

H.R. 8755. A bill to amend title XVIII of the Social Security Act to expand the scope of

practitioners eligible for payment for telehealth services under the Medicare program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT (for himself, Ms. SHALALA, Mr. FLEISCHMANN, Mr. FITZPATRICK, Mr. KING of Iowa, Mr. WEBER of Texas, Mr. LANGEVIN, Mr. LOUDERMILK, Mr. STAUBER, Mr. BACON, Ms. SEWELL of Alabama, Mr. LOWENTHAL, Mr. LAMALFA, Mr. WELCH, Mr. MITCHELL, Mr. COMER, Mr. SEAN PATRICK MALONEY of New York, Ms. CRAIG, Mr. SCHWEIKERT, Mrs. BEATTY, Ms. SHERRILL, Mr. PERLMUTTER, Mr. BROWN of Maryland, Mr. LAMBORN, Mr. LYNCH, Mr. MCHENRY, Mr. MARSHALL, Ms. BASS, Mr. HARDER of California, Mr. HICE of Georgia, Mr. OLSON, Mr. DAVID P. ROE of Tennessee, Mr. BALDERSON, Mr. CLOUD, Mr. JOHNSON of Louisiana, Mr. DEUTCH, Mr. GOHMERT, Mr. HASTINGS, and Mr. BISHOP of Utah):

H. Res. 1220. A resolution expressing support for the goals of National Adoption Month and National Adoption Day by promoting national awareness of adoption and the children waiting for adoption, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children; to the Committee on Education and Labor.

By Ms. BASS (for herself, Ms. NORTON, Ms. WATERS, Mr. BISHOP of Georgia, Mr. CLYBURN, Mr. HASTINGS, Ms. JOHNSON of Texas, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. JACKSON LEE, Mr. DANNY K. DAVIS of Illinois, Mr. MEEKS, Ms. LEE of California, Mr. CLAY, Mr. DAVID SCOTT of Georgia, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. GREEN of Texas, Ms. MOORE, Ms. CLARKE of New York, Mr. JOHNSON of Georgia, Mr. CARSON of Indiana, Ms. FUDGE, Mr. RICHMOND, Ms. SEWELL of Alabama, Ms. WILSON of Florida, Mr. PAYNE, Mrs. BEATTY, Mr. JEFFRIES, Mr. VEASEY, Ms. KELLY of Illinois, Ms. ADAMS, Mrs. LAWRENCE, Ms. PLASKETT, Mrs. WATSON COLEMAN, Mr. EVANS, Ms. BLUNT ROCHESTER, Mr. BROWN of Maryland, Mr. LAWSON of Florida, Mr. MCEACHIN, Mr. HORSFORD, Mr. ALLRED, Mr. NEGUSE, Ms. OMAR, Ms. PRESSLEY, Mr. MFUME, Mr. MCGOVERN, Ms. SPEIER, Mr. CICILLINE, Mr. KIND, Mr. RASKIN, Mr. CASTRO of Texas, and Ms. JUDY CHU of California):

H. Res. 1221. A resolution urging the United States to uphold its commitments under international treaties related to refugees and asylum-seekers and halt deportations of Cameroonian citizens; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEYER:

H. Res. 1222. A resolution reaffirming the sense of the House of Representatives that the United States must lead the world in preventing further nuclear proliferation, while also reducing and eventually eliminating all nuclear weapons; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. GREEN of Texas, Ms. BARRAGÁN, Mrs. WATSON COLEMAN, Mr. CARSON of Indiana, Ms. SEWELL of Alabama, Mr. TRONE, Ms. WILSON of Florida, Ms. ROYBAL-ALLARD, Ms. MENG, Mr. HASTINGS, Mr. MCGOVERN, Mr. MCKINLEY, Ms. HAALAND, Mr. SMITH of Washington, Mr. SERRANO, Mr. JOHNSON of Georgia, Mr. ESPAILLAT, Mr. POCAN, Ms. BASS, and Ms. JUDY CHU of California):

H. Res. 1223. A resolution supporting the goals of World AIDS Day; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HUDSON:

H.R. 8752.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Mr. KELLY of Pennsylvania:

H.R. 8753.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 4 and Section 8

By Ms. SCANLON:

H.R. 8754.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII.

By Ms. SHERRILL:

H.R. 8755.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 or Article 1 of the Constitution of the United States of America.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 11: Mrs. MILLER.
H.R. 40: Mr. TRONE and Mrs. KIRKPATRICK.
H.R. 913: Mr. PHILLIPS and Ms. SPEIER.
H.R. 1002: Mr. LAHOOD.
H.R. 1274: Mr. SHERMAN.
H.R. 1321: Mr. WELCH.
H.R. 1573: Mr. TED LIEU of California.
H.R. 1880: Mr. SHERMAN.
H.R. 1966: Mr. RODNEY DAVIS of Illinois, Mr. MORELLE, Mr. MOOLENAAR, Mr. KEVIN HERN of Oklahoma, and Mr. GONZALEZ of Ohio.
H.R. 2117: Mr. TAYLOR.
H.R. 2235: Mr. KEVIN HERN of Oklahoma.
H.R. 2350: Mr. RODNEY DAVIS of Illinois, Mr. CUELLAR, Ms. BONAMICI, Mr. GUEST, Ms. SCHRIER, and Mr. LOWENTHAL.
H.R. 2610: Mr. TAYLOR.
H.R. 2741: Mrs. NAPOLITANO.
H.R. 2825: Mr. EVANS.
H.R. 2878: Mr. HUFFMAN.
H.R. 3229: Mr. BLUMENAUER.
H.R. 3472: Mr. SHERMAN.
H.R. 3654: Mr. BRENDAN F. BOYLE of Pennsylvania.
H.R. 3674: Ms. NORTON.
H.R. 3879: Ms. NORTON.
H.R. 4150: Mr. MCCAUL, Mr. WALBERG, and Mr. GONZALEZ of Texas.
H.R. 4499: Mr. TAYLOR.
H.R. 4681: Miss RICE of New York and Mr. GOHMERT.
H.R. 4712: Mr. TAYLOR.
H.R. 4729: Mr. SIRES.
H.R. 5212: Mr. KEVIN HERN of Oklahoma.
H.R. 5312: Mr. RESCHENTHALER.
H.R. 5343: Mr. PALLONE.
H.R. 5563: Mr. BLUMENAUER, Mr. CICILLINE, and Mr. CÁRDENAS.
H.R. 5586: Mr. TAYLOR.
H.R. 5605: Mr. BALDERSON.
H.R. 5668: Mr. TAYLOR.
H.R. 5774: Mr. JOYCE of Ohio.
H.R. 5957: Mr. FOSTER, Mr. JOHN W. ROSE of Tennessee, and Mr. POCAN.
H.R. 6104: Mr. RYAN.
H.R. 6179: Mr. BILIRAKIS.
H.R. 6239: Mrs. TRAHAN.
H.R. 6240: Mr. CARSON of Indiana and Ms. HAALAND.
H.R. 6334: Mr. COHEN and Mr. TAYLOR.
H.R. 6364: Mr. DESJARLAIS, Mr. DAVIDSON of Ohio, and Mr. ARMSTRONG.
H.R. 6495: Mr. CORREA.
H.R. 6606: Mr. TED LIEU of California.
H.R. 6644: Mr. CASTRO of Texas.
H.R. 6720: Mr. NADLER.
H.R. 6757: Mrs. NAPOLITANO.
H.R. 7029: Mr. NEGUSE.
H.R. 7066: Mrs. NAPOLITANO.
H.R. 7078: Mr. CARSON of Indiana.
H.R. 7225: Mrs. KIRKPATRICK.
H.R. 7483: Mr. LAMB and Mr. LARSEN of Washington.
H.R. 7521: Ms. SÁNCHEZ.
H.R. 7552: Mrs. LURIA.
H.R. 7566: Mr. SIRES.
H.R. 7761: Mr. NADLER.
H.R. 7854: Mr. JOYCE of Ohio and Mr. MORELLE.
H.R. 7935: Mr. PHILLIPS.
H.R. 7950: Mr. KILDEE.
H.R. 7990: Mr. TAYLOR.
H.R. 8044: Mr. DEFAZIO.
H.R. 8053: Ms. GARCIA of Texas.
H.R. 8099: Mr. SHERMAN.
H.R. 8141: Ms. SPANBERGER.
H.R. 8179: Mr. PANETTA and Mr. SEAN PATRICK MALONEY of New York.
H.R. 8242: Mr. THOMPSON of Mississippi.
H.R. 8254: Ms. STEVENS, Ms. VELÁZQUEZ, Mr. DESAULNIER, Mr. RYAN, Mr. AMODEI, Mr. KEVIN HERN of Oklahoma, Mr. DANNY K. DAVIS of Illinois, and Mr. RIGGLEMAN.
H.R. 8326: Ms. WATERS.
H.R. 8339: Ms. HOULAHAN.
H.R. 8346: Mr. BAIRD, Mr. KELLER, Mr. YOHO, Mr. FLORES, Mr. STEWART, and Mr. KEVIN HERN of Oklahoma.
H.R. 8361: Mr. FITZPATRICK.
H.R. 8363: Mr. AGUILAR, Mr. PHILLIPS, Ms. FRANKEL, and Ms. BONAMICI.
H.R. 8396: Mr. SIRES.
H.R. 8401: Ms. NORTON and Mrs. NAPOLITANO.
H.R. 8438: Ms. WATERS.
H.R. 8455: Ms. NORTON.
H.R. 8487: Mr. PENCE and Mrs. WAGNER.
H.R. 8500: Mr. MCGOVERN.
H.R. 8527: Mr. BANKS.
H.R. 8531: Ms. NORTON.
H.R. 8568: Mr. PANETTA.
H.R. 8614: Mr. BROOKS of Alabama, Mr. BANKS, Mr. GOSAR, Mr. DAVIDSON of Ohio, Mrs. WAGNER, and Mr. WESTERMAN.
H.R. 8626: Mr. MICHAEL F. DOYLE of Pennsylvania and Mr. KIM.
H.R. 8632: Mrs. NAPOLITANO, Ms. KUSTER of New Hampshire, and Mr. BROWN of Maryland.
H.R. 8633: Mr. NEAL.
H.R. 8662: Mr. PAYNE, Ms. SÁNCHEZ, Ms. SHERRILL, Mr. VAN DREW, Mr. RUPPERSBERGER, Mr. KILDEE, Mrs. MILLER, Mr. CUELLAR, Ms. STEVENS, Mr. BAIRD, Mr. POSEY, Mr. RASKIN, Mr. GALLEGO, Mr. LANGEVIN, and Mr. HILL of Arkansas.
H.R. 8675: Mr. POSEY and Mr. MOONEY of West Virginia.

H.R. 8690: Mr. MCGOVERN.

H.R. 8696: Mr. REED and Ms. JUDY CHU of California.

H.R. 8702: Mr. POSEY, Mrs. MCBATH, Mr. VAN DREW, Mr. RUPPERSBERGER, Mr. RYAN, Mr. FLEISCHMANN, Ms. ROYBAL-ALLARD, Mr. GONZALEZ of Ohio, Mrs. AXNE, Mr. BAIRD, Mrs. BEATTY, Mr. HARRIS, and Mr. YOUNG.

H.R. 8707: Mr. ALLRED.

H.R. 8712: Ms. JOHNSON of Texas.

H.R. 8744: Ms. SCHAKOWSKY, Mr. CARSON of Indiana, and Mr. RASKIN.

H.R. 8745: Ms. HAALAND.

H. Con. Res. 116: Ms. STEFANIK.

H. Res. 114: Mr. MCKINLEY.

H. Res. 256: Mr. SERRANO, Ms. LEE of California, and Mr. RUSH.

H. Res. 349: Mr. TAYLOR.

H. Res. 672: Mr. TAYLOR.

H. Res. 697: Mr. TAYLOR.

H. Res. 809: Mr. COHEN.

H. Res. 835: Mr. GOMEZ and Mr. CLEAVER.

H. Res. 1033: Mr. TAYLOR.

H. Res. 1102: Mr. SHERMAN and Mr. DOGGETT.

H. Res. 1110: Mr. LEVIN of Michigan.

H. Res. 1114: Ms. MCCOLLUM, Mr. GALLEGO, Mr. DANNY K. DAVIS of Illinois, Mr. MEEKS, Mr. LOWENTHAL, Mrs. CAROLYN B. MALONEY of New York, Mr. COSTA, Mrs. BEATTY, Mr. SAN NICOLAS, Mr. RASKIN, Mrs. LAWRENCE, Ms. SPEIER, Mr. MCGOVERN, and Ms. DELAURO.

H. Res. 1145: Mr. TAYLOR.

H. Res. 1147: Mr. CASTRO of Texas, Mr. HUFFMAN, and Mr. CORREA.

H. Res. 1165: Mr. BERA, Mr. MOOLENAAR, Mr. KELLER, and Mr. PERLMUTTER.

H. Res. 1207: Mr. TAYLOR.

H. Res. 1209: Mr. HUFFMAN and Mr. BRENDAN F. BOYLE of Pennsylvania.

H. Res. 1213: Mrs. HAYES, Ms. CASTOR of Florida, Mr. TED LIEU of California, Mrs. LURIA, Mrs. RADEWAGEN, Mr. LYNCH, Ms. HAALAND, and Ms. JUDY CHU of California.

H. Res. 1216: Mr. COOPER and Ms. OMAR.

H. Res. 1218: Ms. FINKENAUER and Mrs. AXNE.

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PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, SECOND SESSION

Vol. 166 WASHINGTON, MONDAY, NOVEMBER 16, 2020 *No. 194*

Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Redeemer, provide our lawmakers with Your grace, mercy, and peace. By Your grace, may they forget the challenges behind them. By Your mercy, may they reach for the opportunities that beckon. By Your peace, may they possess an equanimity of temperament during life's fluctuating intricacies.

Lord, give them a passion for truth and a reluctance to major in minors. Use their exemplary lives to inspire people to live with faith, purpose and power.

Remind us all that though we may plan, You determine what will finally happen.

We pray in Your Great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. HAWLEY). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for 1 minute for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORONAVIRUS

Mr. GRASSLEY. Although promising vaccines for the coronavirus are on the horizon, it is more important than ever to stop the surge. Countries across the world are seeing cases explode.

It is critical for Iowans to step up their personal responsibilities to stay safe and healthy for themselves and their loved ones. And that, of course, includes our tireless healthcare professionals—those on the frontlines, working to save lives.

This virus is hitting rural and urban areas alike. No community is immune. I ask every Iowan to continue to do their part to keep their family and neighbors safe: Wash your hands; limit your activity outside your household; social distance; wear a mask.

We are going to get through this together, but we need everyone to do their part.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

CORONAVIRUS

Mr. MCCONNELL. Mr. President, once again, this morning brought two different sets of headlines on the pandemic we have been battling for the last 9 months.

On one hand, rates of infection and hospitalization are rising rapidly nationwide. We must all continue taking smart precautions, such as wearing masks and practicing social distancing.

But at the same time, we continue to receive hopeful signs that victory may actually be on the horizon.

This morning, the American biotech firm Moderna and our National Institutes of Health announced that early trials suggest the vaccine they are jointly developing may be both safe and more than 94 percent effective.

This follows Pfizer's similar announcement last week. As former FDA Commissioner Scott Gottlieb summed it up this morning, ''when the full data comes out, we may have two highly effective vaccines against COVID.''

If these results hold, we are told the first doses of a vaccine could be administered to certain vulnerable people as soon as next month, with wider distribution by next spring. This is a remarkable testament to American ingenuity: to bright researchers and brave test participants, to bold commitments from the private sector, and historic support from smart public policy like Operation Warp Speed from the Trump administration and from this Senate.

As Moderna's CEO said this morning, ''I want to thank our partners at BARDA and Operation Warp Speed who have been instrumental in accelerating our progress to this point.''

Operation Warp Speed spent billions in funding to expedite research and development. It provided a streamlined regulatory environment and prepurchase agreements to reduce risk. It has mobilized the compilation of the basic supplies—things like needles and swabs—that need to travel with the vaccine itself.

We have every indication that this historic public-private partnership is on track to deliver a scientific miracle and help us defeat the virus in the months ahead.

Certainly there is no time to waste. Kentucky just announced our highest ever weekly count of new positive cases. The numbers are troubling in places all across our country. So, for now, our job is to continue doing all we can to stay safe and slow the spread.

MILITARY WITHDRAWAL

Mr. MCCONNELL. Mr. President, on a totally different matter, the last several days have brought renewed speculation about the prospect of rapidly withdrawing all U.S. military forces from Syria, Iraq, and Afghanistan.

Here in Congress, a small minority in both parties seem to think it is in America's power to unilaterally remove conflicts by simply walking away from them.

Let me say that again. A small minority in both parties seem to think it

is in America's power to unilaterally resolve conflicts by simply walking away from them.

Of course all wars must end. The question is now how they end and whether the terms on which they end are favorable or unfavorable to the security and interests of the United States.

And nothing about the circumstances we face today suggests that if we lose resolve, the terrorists will simply leave us alone.

Over the last 4 years, the Trump administration has made tremendous headway in creating the conditions that will secure the enduring defeat of the terrorists. This President and his policies have strengthened America's hand in multiple Middle East conflicts while reducing the risks and costs to our country. The ISIS caliphate has been shattered, and millions have been liberated from their brutal rule. We have removed master terrorists like al-Baghdadi, Soleimani, and senior al-Qaida and ISIS leaders from the battlefield.

The Trump administration has brokered diplomatic successes that should help bring long-term stability and more economic opportunity to a troubled region. The Abraham Accords are a geostrategic game changer.

The last 4 years have also brought increased skin in the game from our allies and our partners. Our friends in Europe and elsewhere have a shared interest in stopping safe havens for terror. Today, in Africa, our limited American presence supports a multinational initiative led by France to combat radical Islamic terrorists.

Likewise, in places where American forces continue to play roles in ongoing conflicts across the broader Middle East, Secretaries Mattis and Esper worked hard and successfully to secure renewed contributions from European partners and to transition our posture more and more toward a supporting role.

Our local partners are demonstrably shouldering the lion's share of the burden in the fight. In neither Afghanistan nor Iraq nor Syria are American combat forces playing a primary role.

We have scored major battlefield successes by supporting and working with and through local partners, such as the Afghan National Security Forces, the elite Iraqi Counter Terrorism Service, and the local Kurdish and Arab fighters of the Syrian Democratic Forces.

So the situation we face today is totally different than what we faced 10 years ago. We do not have hundreds of thousands of soldiers engaged in combat abroad.

We do not have hundreds of thousands of soldiers engaged in combat abroad. We are not an occupying force.

Today, our limited American military presence in the Middle East is supporting local forces and enabling multinational efforts.

We are playing a limited—limited but important role in defending American national security and American interests against terrorists who would like nothing more than for the most powerful force for good in the world to simply pick up our ball and go home.

They would love that. That is why, last year, 70 Senators—a bipartisan supermajority—voted for an amendment I authored that acknowledged the progress made in Syria and Afghanistan, identified the risks that remain, and cautioned that precipitous withdrawal would create vacuums that Iran, Russia, and the terrorists would be delighted—delighted—to fill.

There is no American who does not wish the war in Afghanistan against terrorists and their enablers had already been conclusively won. But that does not change the actual choice before us now.

A rapid withdrawal of U.S. forces from Afghanistan now would hurt our allies and delight—delight—the people who wish us harm. Violence affecting Afghans is still rampant. The Taliban is not abiding by the conditions of the so-called peace deal.

The consequences of a premature American exit would likely be even worse than President Obama's withdrawal from Iraq back in 2011, which fueled—fueled—the rise of ISIS and a new round of global terrorism. It would be reminiscent of the humiliating American departure from Saigon in 1975.

We would be abandoning our partners in Afghanistan, the brave Afghans who are fighting the terrorists and destroying the government's leverage in their talks with the Taliban that are designed to end the fighting.

Our retreat would embolden the Taliban, especially the deadly Haqqani wing, and risk plunging Afghan women and girls back into what they experienced back in the 1990s. It would hand a weakened and scattered al-Qaida a big, big propaganda victory and a renewed safe haven for plotting attacks against America. And it would be welcome news to Iran, which has long provided arms and support to the Taliban and explicitly seeks our retreat from the Middle East.

A disorganized retreat would jeopardize the track record of major successes this administration has worked hard to compile. A number of former officials and Ambassadors recently stated: ''The spectacle of U.S. troops abandoning facilities and equipment, leaving the field in Afghanistan to the Taliban and ISIS, would be broadcast around the world as a symbol of U.S. defeat and humiliation, and a victory for Islamist extremism.''

President Trump deserves major credit—major credit—for reducing U.S. forces in Afghanistan to a sustainable level, scoring major victories against terrorists across the region, and ensuring the Afghans themselves are at the front of the fight.

That same successful approach should continue until the conditions for the long-term defeat of ISIS and al-Qaida have been achieved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 505, H.R. 6395.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 6395) to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the Inhofe substitute amendment at the desk be considered and agreed to and that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2682), in the nature of a substitute, was agreed to as follows:

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 6395), as amended, was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

NOMINATION OF JUDY SHELTON

Mr. SCHUMER. Mr. President, tomorrow, the Senate will vote on the nomination of Judy Shelton to serve on the Board of Governors of the Federal Reserve. Judy Shelton's views are breathtakingly extreme and retrograde. She actually seems to prefer the economic policies that foregrounded

the Great Depression. She has openly advocated a return to the gold standard. She has long questioned the need for Federal deposit insurance, and, in March 2009, in the midst of our last economic crisis, she questioned: Why do we need a central bank?

Imagine someone like Ms. Shelton, with her retrograde views, sitting on the Federal Reserve during a time of economic crisis? Imagine someone like that making decisions about monetary policy back in April, when our economy was in free fall? We should not confirm to the Federal Reserve someone who would likely stymie efforts to dig ourselves out of this economic crisis.

I urge every one of my colleagues, Democratic and Republican, to reject this terrible, terrible nomination.

CORONAVIRUS

Mr. SCHUMER. Mr. President, COVID–19, as we know, unfortunately, has upended nearly every aspect of American life for the better part of a year. But as impatient as we all are for our lives to return to normal, the harsh truth of the matter is that the coming months may be, by far, the worst of the pandemic.

Cases have skyrocketed to well over 150,000 Americans per day. We are now recording more than 1 million new COVID cases a week. Hospital ICUs and morgues in many parts of the country are approaching or even beyond capacity.

Americans must brace themselves for a long winter. We cannot tire of the simple precautions that limit the spread of the disease and save lives. Wear a mask, social distance, avoid large indoor gatherings, and stay vigilant. We must all continue to do our part to prevent this next surge from overwhelming our health systems and endangering our fellow citizens. Congress, as well, should be doing all that is necessary to support those efforts and prevent the worst from happening.

Too many Americans have lost healthcare coverage as a result of losing their jobs this year. Medicaid has seen a huge increase in new enrollees and needs resources. As unemployment remains in the tens of millions, extending unemployment insurance is paramount, and many more things besides.

Speaker PELOSI and I have been in regular communication with President-Elect Biden and his transition team. Unlike the current administration, the incoming administration wants to move rapidly to get a handle on the virus and recover our economy. Today, President-Elect Biden urged the Senate to pass the Heroes Act—comprehensive legislation that leaves no one behind. That is just the right approach. Our country deserves a bill that meets the needs of the American people and that meets the needs of the moment.

If Leader MCCONNELL and our Republican colleagues want to sit down and negotiate a bipartisan solution with a bipartisan process, Democrats are ready and willing and able to do so, but, unfortunately, it has been 2 weeks since Leader MCCONNELL said he was in charge of negotiating the next COVID–19 relief bill, and he still hasn't spoken to Speaker PELOSI or myself.

We have 14 votes on the floor this week on nominations for a lameduck President, but we have nothing—nothing—pertaining to COVID. There is, however, a bit of good news today. A second U.S. company announced that it has discovered an effective vaccine in phase 3 trials. Early figures suggest it is close to 95 percent effective. As these two vaccines move through the final approval process, we should prepare the country to produce and distribute them to everyone in a comprehensive bill that includes robust vaccine funding.

Finally, there is light at the end of the tunnel, but we are still in that tunnel and may be so for several months. So we must pull together, once again, to do everything in our individual power to turn the tide of the virus.

2020 ELECTIONS

Mr. SCHUMER. Mr. President, instead of working to pull the country back together so we can fight our common enemy, COVID–19, the Republican majority is busy spreading conspiracy theories denying reality and poisoning the well of our democracy.

It seems like Republicans all over Washington are auditioning for ''Profiles in Cowardice,'' nudging each other aside to say who can say the most outlandish thing in support of President Trump's baseless claims of election fraud. Two Members of this Chamber went so far as to accuse their State's election result of not being delivered honestly because President Trump didn't win. They demanded their own Secretary of State, a fellow Republican, resign. The two Senators provided no evidence—not a shred—to support the claim that the election wasn't conducted honestly.

A Republican Governor this weekend supported the idea of States sending alternative slates of electors to the electoral college. He encouraged Republican State legislators and States that voted for Joe Biden to literally ignore the will of the voters to send electors who would vote for Donald Trump.

I understand my Republican colleagues dislike the results of the Presidential election, but this has gone beyond ridiculous. This is reckless. President Trump is working to convince millions of Americans that the election wasn't fair and was stolen without a scrap of evidence. Whatever fears my colleagues might have about President Trump abandoning their party if they don't show sufficient support, that is no excuse for sanctioning his efforts to discredit our democratic elections.

The percentage of Republicans who now believe that the election was not free and fair has doubled to 70 percent—7–0—in the United States of America. How much longer will Senate Republicans stand by while President Trump shreds Americans' faith in our democracy.

So I have a very simple message for my colleagues. The election is over. President Trump lost. Joe Biden will be the next President of the United States. KAMALA HARRIS will be the next Vice President of the United States. All over the country legal claims by the President are being laughed out of court. Ironically, the President's legal challenges have accomplished one thing: They have revealed just how secure our elections were. As courts from Pennsylvania to Michigan, to Arizona dismiss these claims, they are confirming there is no credible evidence of fraud or irregularities. So far, not one vote has been tossed out. These are facts, and the longer Republicans refuse to acknowledge them, the more damage is done.

In order to keep up this charade, the Trump administration is now actually denying national security briefings to President-Elect Biden. It is actively refusing to coordinate with the incoming administration on the coronavirus. How unimaginably stupid is that? We shouldn't even be discussing for 1 minute whether or not Republicans will accept the democratic results of our Presidential election or whether the next President should receive security briefings. That should be a given. But it appears, sadly, unfortunately, my Republican colleagues will follow President Trump all the way down the rabbit hole to the very bitter end of his very bitter Presidency. And every day that goes by, the more damage is done to our country, to our national security, to our ability to fight COVID, and to America's faith in our democracy.

So I plead with my Republican colleagues: Stop denying reality. Stop recklessly sowing doubt about our democratic process. Stop going down to the lowest common denominator that President Trump seems to live with all the time, and start focusing on COVID. Let's bring this country together and get some things done.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kristi Haskins Johnson, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

The PRESIDING OFFICER. The Senator from Vermont.

CORONAVIRUS

Mr. LEAHY. Mr. President, I am struck by the fact, as I call people around my State of Vermont, which, like your State and every State, has suffered from COVID—although I compliment our Republican Governor, who has kept the numbers down lower than practically any other State in the country. But we are facing winter, and even today, the outgoing President does not seem to be willing to acknowledge the huge mistake he made in not accepting the fact that we had a COVID pandemic coming to this country. We lost too much time preparing for it. We are still not adequately prepared for it. We could take some hope in the news of new vaccinations, but even that is going to take months before than can be fully implemented.

The reason I mention this is that the Senate time and again is voting on judicial nominees who have been recommended predominantly by a special interest group or a couple of different special interest groups. We have to vote on these special interest judges for lifetime appointments, but we can't do a single thing to help the average people who are suffering because of COVID. It should not be a Republican or a Democratic issue.

In my State, I hear from business people who have small B&Bs, may have a restaurant and a small business—they don't identify themselves as Republicans or Democrats; they just say: We can't open. What are we going to do?

I hear from parents who say: What is being done so our kids can go back to school? The schools say they could probably do something, but they need the money to set up various COVID protections.

Small hospitals are overwhelmed. We have seen this in States all over the country. The hospitals are being overwhelmed, and the people working there are being overwhelmed.

The U.S. Senate hasn't done a single thing. We had a bill before us from the House in June and July. We could have voted on it. The Republican leader said: No, we can't, because there are some parts we Republicans may not like. Well, that is why you vote. Bring it up. Vote it up or vote it down. Bring up amendments. Vote for them or vote against them, but do it. Instead, we spend our time day after day after day voting on special interest judges—people who have been proposed by special interests groups, who are picked because they feel they would vote with these special interests groups. What we should be doing is taking a little time off from that and voting for the American people.

In my State, we have Republicans and Democrats. We have a Republican Governor who is doing an excellent job. He has just been reelected. We have a wonderful Democratic woman who has been elected as the new Lieutenant Governor. They both want to work together to get people back to school, back to work, protect their health. They keep saying: When is the help coming from Washington?

I think that instead of spending all of this time talking about fanciful thoughts—I saw one of the Trump supporters on television saying that she was there to rally for Donald Trump, to resist those millions of votes that came in at the last minute from China, into these voting booths. She thoroughly believed it, and she seemed like a really intelligent person. But let's talk about reality.

The reality is that COVID did not go away in the spring, as the President said. The reality is that you have to wear masks. The reality is that you have to take steps to keep from getting COVID. The reality is that our schools are suffering, our families are suffering, our small businesses are suffering, our government agencies are suffering—America is suffering.

I think about a few years ago when we had the Ebola plague, and the Obama administration put in place, with strong bipartisan support, a special unit at the White House to react to plagues or serious novel diseases coming here. As a result, America was protected. But what we also did, as America does best, is we helped other countries to handle the question of Ebola.

What did we do when this administration came in? Well, because President Obama set up that infectious disease unit, they quickly disbanded it. For months, as these reports were coming in making it very clear we were facing a serious threat to the United States, they ignored it and refused to acknowledge it. Now at least they have acknowledged it somewhat but are unwilling to take the steps necessary to fight it.

So I suggest that the U.S. Senate do its job. Hold off for a while on these special interest judges and actually vote for the things that help people who don't have special interests—the vast majority of Republicans and Democrats, men and women, families throughout the United States of America. Do something to help them. Bring up the bills. Bring up the COVID bills. Bring up the appropriations bills. Certainly, Senator SHELBY and I are prepared to bring them to the floor. If people don't like a particular bill, then bring up an amendment. Vote it up or down. What are we afraid of? Why are we afraid to vote? Vote it up or down. Let the American people see what we are doing.

Certainly, I do not know a single person, Republican or Democrat, in my State who would tell me: Well, I would much rather have you vote on these special interest judges than to vote on things that might actually help us keep our businesses from closing, help us be able to afford our kids going to school, help us put food on our table.

That is what we should be doing. Let's vote on real things. Let's vote on the COVID appropriations. Let's vote on the help. Let's bring up our appropriations bills. After all, in just a few weeks, all funding for the government stops. Bring it up and vote on it. Vote up on down. If people don't want to fund the government, then vote no. If they want to fund the government, vote yes. If they don't like a particular part of the funding package, bring up an amendment and have the courage to put your name on it and then vote up or down.

I will speak further on this as we go on. I see one of my colleagues on the floor. I think he wants to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from the Kansas.

RISER ACT

Mr. MORAN. Mr. President, I am on the floor this afternoon to encourage us in the U.S. Senate to address at least some of the needs related to the consequences of COVID–19.

There is a deadline that is fast approaching. This problem was created in the statute by legislation that was passed, the CARES Act. I have introduced legislation called the RISER Act to offer a solution to the issue I am about to describe.

As COVID–19 has swept across the country, businesses and community institutions have been forced to adapt to the virus, fundamentally changing the way in which they operate. More people are working from home today than ever before, while others are being asked to dedicate increased resources for public health precautions and support management. Virtual education and healthcare have also expanded greatly as communities are forced to conduct ordinary functions from afar to prevent the spread of the disease.

Adapting to the realities of this newly virtual economy is costly. To aid in this transition, as part of the CARES Act, Congress established the Coronavirus Relief Fund, or CRF. It is a multibillion-dollar fund for State and local governments to disburse, covering a variety of expenses that have arisen due to COVID–19. Expenses that can be paid from the CRF funds include providing small businesses and other organizations with grants to reimburse them for costs associated with handling coronavirus.

This funding was partly intended to address immediate, unforeseen costs absorbed by our public emergency officials and healthcare providers. Kansas

counties' health departments have increasingly relied on this funding to ensure they are able to meet the needs of their community now and into the future as this pandemic stretches on.

Many States, including my own of Kansas, have also established forward-looking programs to distribute grants for economic development projects that respond to COVID–19, such as telemedicine, tele-education projects, and projects that would improve broadband infrastructure in rural and underserved areas. These communities already face a sharp divide in terms of broadband availability, and this pandemic has highlighted that. Unfortunately, for all the work we have accomplished in spreading the use of broadband, the availability of broadband, increasing its connectivity, there are still plenty of areas that need to be improved for access to quality internet services.

As more broadband-intensive work like video conferencing and virtual appointments now takes place at a much higher rate, the urgency to improve these services increases. Rural communities stand to lose the most without these types of projects.

Many of the projects require long lead times to wisely plan, appropriate, and expend Federal funding. However—and here is the problem—the CARES Act mandates that CRF funds be spent by the end of this year, now just a little more than a month away. This is absolutely not enough time for preparation-intensive projects to be carefully planned and executed. The current deadline puts several long-term economic development plans at risk of losing funding if they are not completed by December 31, and it also prevents new, meaningful proposals from being considered in the first place.

Many Kansans—from our county health departments to our universities, to our schools, to our cities and counties, to mayors and county commissioners whom I have visited with—have urged us to extend this looming deadline. We need to have a longer period of time so that the Federal dollars are not spent—I always try to avoid using the phrase ''Federal dollars.'' They are really taxpayer dollars or borrowed money that has to be paid back by taxpayers. It is a silly proposition that we would require the money to be spent when what it will mean is we will spend money less effectively and less efficiently than we otherwise would in the absence of this near-term deadline.

That is why Senator ROBERTS and I have introduced the Remove Impediments for a Successful Economic Recovery Act, or RISER. This bill would extend that deadline for State and local governments by 2 years for a set of currently eligible expenditures that meet criteria for qualified economic development plans.

This bill would allow funds for critical projects that require additional attention and time for a more thoughtful investment to be spent more effectively without cutting short a strategic investment that Congress made back in March to support our communities that need it the most.

I believe that State and local governments know what is best for their communities, including where and when to spend these Federal dollars.

Extending the relief for CRF payments dedicated to, particularly, job creation projects will allow Kansas and other States to strategically target areas of need over a longer period of time, making more certain that our taxpayer dollars are making the greatest impact to help our people recover from this pandemic. This will better ensure that the areas in need identified by States and localities have a stable source of investment that will aid in the ongoing economic recovery.

That said, I remain engaged with the Treasury and Senate Finance Committee to improve the RISER Act to ensure the availability of bipartisan support. This is a bill I want to pass, not a bill I just want to introduce.

While this thoughtful discussion with Treasury and the Finance Committee continues, I recognize that Congress must urgently act to extend the deadline in the meantime.

While I have a particular bill that does things that I think are hugely important in this arena, I also recognize that we don't have the time to wait. Often throughout these few days that I have been home, away from Washington, DC, I have been asked: How is your legislation coming? The answer is: There is broad bipartisan support. Most Senators—most Republican Senators and most Democratic Senators—are supportive of this measure, but the issue is: Will we be able to extend the deadline in time for our local units of government to know that they have an additional amount of time, or, in the absence of that, will we allow them or require them to spend money in ways less effective or efficient than they otherwise would?

I know that there are other pieces of legislation introduced by a few of my colleagues that would offer what we would call a clean extension of the CRF deadline, and I urge my Senate colleagues to support the immediate enactment of these legislative proposals to provide flexibility in fostering meaningful investments in our home States.

Around here, too often, it seems that if we can't do everything to solve a problem, we do nothing to solve a problem. I have never understood that attitude or approach. The things that we can agree on—and this is one, I think, on which we can, this extension of the deadline—we ought not wait for a larger package that continues to be negotiated between the White House and Speaker PELOSI or between Republican and Democratic leadership in the Senate or the Republican leadership with the Democratic leadership in the House.

Whatever the negotiations ongoing today to get us to a point in which we are addressing what we generally call phase 4, another effort to improve the opportunities for us to provide relief to our constituents due to the pandemic—whatever all those machinations are—they will not happen quickly enough, and they certainly will not happen quickly enough to make certain that our local officials and their citizens know that they no longer would need to spend the money that we have provided them in the next 5 or 6 weeks.

By including the coronavirus relief fund in the CARES Act, Congress extended a hand to States, local governments, and areas in need across the country that are looking to adapt to the new realities of the ongoing pandemic. In the absence of an extension of the deadline, money will be misspent and will certainly not be spent in the most effective and valuable way.

I urge my colleagues not only to support the legislation that I have introduced, the RISER Act, but to work with others—all of us—to come to a point in which we are capable this week—if it doesn't get done this week, it probably means very little in an extension—to this week pass an extension beyond December 31 for the use of those CARES dollars in States across the Nation.

I urge my colleagues to join my legislation. I urge my colleagues to join to ensure that the hand we offered under the CARES Act won't be withdrawn way too soon. I am thankful for the opportunity to address my colleagues in the Senate.

I yield the floor.

The PRESIDING OFFICER (Ms. ERNST). The Senator from Iowa.

REMEMBERING ROGER JEPSEN

Mr. GRASSLEY. Madam President, today I pay tribute to our former colleague and my friend, former U.S. Senator Roger Jepsen. Roger Jepsen passed away last Friday, at age 91, at Clarissa C. Cook Hospice House in Quad Cities, IA.

An Iowa native and an American patriot, Roger devoted his life in service to his family, faith, and community. He spent his youth on his family farm near Cedar Falls, about 5 miles from where I was born and grew up. I still reside within 4 miles of the farmhouse where I was born.

Regardless of the close proximity of us as young people, I didn't become acquainted with Roger until he represented Scott County in the Iowa Legislature. I wish I had known him earlier when we were neighbors, as children.

For 14 years, Roger served our country in the U.S. Army. He was a paratrooper in the 82nd Airborne Division, and then he later served in the Army Reserve.

Roger worked for 20 years in the life insurance business and was a member of the National Association of Life Underwriters. Along the way, Roger answered the call to public service and civic leadership. For more than two

decades, he climbed the ranks of elected officials in service to his community and the State of Iowa.

He started out as a county supervisor in Scott County, IA, and went on to represent his neighbors in Iowa Senate District 15. An active, grassroots leader in the Republican Party of Iowa, Roger served as a delegate to the national GOP convention of 1972 and 1980.

In 1968, he was elected as Iowa's 39th Lieutenant Governor, where he served with Governor Bob Ray for two terms. Until Iowa adopted reforms under a constitutional amendment in 1972, the office for Governor and Lieutenant Governor were on the ballot every 2 years in my home State.

In 1978, when I won reelection to Iowa's then Third Congressional District in the U.S. House of Representatives, Roger Jepsen flipped Iowa's U.S. Senate seat. He defeated incumbent Senator Dick Clark. At the time, political observers gave Roger scant chance of a victory that year, but on election day, Roger Jepsen pulled off the upset, beating his opponent by more than 26,000 votes.

In that same election, Roger returned both houses of the State legislature to Republican control for what would be Governor Ray's final term in office. In the previous legislative session, Iowa expanded its historic ''right to work'' law. For decades, this instrumental policy has enhanced Iowa's ability to attract businesses, create jobs, and grow wages across the State.

It was under attack in the last election. Iowa voters responded by expanding the Republican majority at the Iowa State House under a Republican administration led by Governor Kim Reynolds.

During his 6 years here in the U.S. Senate, Roger Jepsen solidified his pro-life, pro-family credentials. He was a fiscal conservative. He flexed steadfast support for the military, and he worked to put money back in the taxpayers' pockets.

In 1981, he voted to end ''bracket creep'' by indexing for inflation across-the-board tax rate cuts.

An outspoken advocate for rural America, Roger Jepsen fought to boost the economic recovery across the farm belt. He championed farm exports, expanded lending and tax relief for farmers.

He was chairman of the Joint Economic Committee and served on the Senate Agriculture and Armed Services Committees.

After losing his bid for reelection in 1984, President Reagan nominated Roger Jepsen to serve as Chairman of the National Credit Union Administration, where he served from the years 1985 to 1993.

Although he and his wife Dee retired to Florida, Scott County was what he considered his home. Roger and Dee devoted considerable time and effort to end religious persecution and promote religious liberty. Alongside Congressman Jack Kemp, they cofounded the Christian Rescue Effort for the Emancipation of Dissidents, known as CREED, to promote religious freedom as a human freedom around the world.

Each time I return home by way of Cedar Falls, IA, I pass Jepsen Road. In fact, it intersects my street. Over the years, Roger's and my paths crossed many times in service to Iowans. Seeing that street sign reminds me that no dream is too big for an Iowa farm kid.

Roger and Dee celebrated 62 years of marriage in September. Together they raised 6 children.

Barbara and I extend our condolences to his family and loved ones. On behalf of the State of Iowa, we thank Roger for his service here on Earth as he is welcomed home into the hands of the Lord.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORONAVIRUS

Mr. CORNYN. Madam President, it is no secret that in parts of Texas and in cities across the country, COVID–19 cases and hospitalizations are on the rise. Dr. Angela Clendenin is an epidemiologist at Texas A&M University's School of Public Health, and she attributes this increase to what she calls pandemic fatigue.

After months of vigorous handwashing and mask wearing, it seems that people are becoming less and less vigilant. She said, if we continue in the behaviors that we are behaving in right now without regulatory intervention, we are going to continue in the direction we are headed. I guess that is one way of saying if we don't shape up, the present spread of the virus will continue with, perhaps, in some instances, dangerous, even fatal, consequences.

That is a path we should not head down and one that will put an even greater strain on our healthcare workers. I guess, as I think about it, there are two ways to approach this pandemic. One is to leave it to government to tell us what we can and cannot do, to engage in more and more lockdowns and deprivation of our individual liberty or we can take personal responsibility. Speaking for myself, and I hope others, I hope the personal responsibility route is the one we will take.

From staffing shortages due to the coronavirus exposure to short supplies of personal protective equipment, to a lack of critical equipment like ventilators, our frontline healthcare workers have carried on this fight in the face of tremendous challenges. Now, with cases climbing in parts of my State and around the country, these heroes are in dire need of another line of defense.

The public—meaning Congress—on their behalf has the power to provide that help. Through the same simple steps we heard about since the beginning of the pandemic, we can stop or at least dramatically slow the transmission of COVID–19.

Again, it gets back to the basics we have all been taught and I think more or less most of us have been employing: washing your hands, wearing a mask, practice social distancing, and don't let the pandemic fatigue win.

We need to all remain vigilant and committed to these basic practices until the experts tell us that COVID–19 is no longer a threat—likely, a point after which the vaccine has been widely deployed. None of us knows exactly when that might happen, but we have been getting some great news this last week or so about scientific developments that have been funded by the efforts that we in Congress have taken together on a bipartisan basis.

On Friday, in my State, the Governor announced the Department of Health and Human Services will distribute a new COVID–19 therapy to hospitals across the State as early as this week. The antibody treatment is produced by Eli Lilly and will be critical in reducing hospitalizations. It is meant for those who are known to be at a higher risk of developing severe symptoms, like the elderly or those with underlying chronic illness. For those who are diagnosed with COVID–19, this drug may be effective in preventing the onset of severe symptoms. The antibody treatment received emergency use authorization from the Food and Drug Administration last week, and I am hopeful it will help stop or at least slow dramatically the alarming rise in hospitalizations that we have seen across parts of my State.

So far, about 80,000 doses are ready for distribution nationwide, and we should have that up to a million doses a day by the end of the year. While the quantity is limited at this point, every single dose could mean a life saved. This alone is cause for hope.

But the good news doesn't stop there. Last week, Pfizer announced its COVID–19 vaccine has been more than 90 percent effective in clinical trials. Just this morning, Moderna announced its vaccine candidate is nearly 95 percent effective—just incredible results. This is exactly why we invested billions of dollars in developing these life-saving drugs earlier this year. The funding that we have appropriated has supported not only research and development but manufacturing of vaccines and therapeutics. We wanted to be sure that distribution could begin as soon as these drugs were approved as safe and effective, and that is exactly the direction we are headed in.

We are on track to have tens of millions of doses of vaccine available by the end of the year, likely from at least two different drug makers. This historic investment has led to historic progress.

I could not be more proud of the men and women who have made this possible. I am incredibly grateful to the

healthcare workers who are continuing to fight this serious infection on the frontlines.

I want to thank the researchers and scientists and thousands of volunteers who are supporting the development of vaccines and therapeutics. Beyond the physical toll this virus has taken, it is also having a profound impact on this country's mental health. This pandemic has brought on a range of new stressors, including isolation, financial struggles, health anxiety, and the stress of teaching children from home.

In a Kaiser Family Foundation poll in March, roughly, one-third of adults reported that their mental health was negatively affected by pandemic-related stresses. By July, that number has risen to more than half of the adults in the United States.

As we continue to discuss what future coronavirus legislation will look like, we should not—we must not—ignore the mental health impact.

I have spoken at length about the need to support community mental health centers and community behavioral health organizations, which are vital mental health providers across much of my State and across the Nation. These providers are a critical source of care and support for those who battle mental health and substance abuse disorders, and the need for their services has only risen during the pandemic.

The one group that is too often ignored in conversations about mental health care is made up of those transitioning from the criminal justice system as well. More than half of those in the criminal justice system have experienced a mental health issue, and our criminal justice system is ill-suited to provide the sort of treatment and support they need. Yet, even when these individuals do receive treatment while they are incarcerated, they are rarely given the tools they need to succeed upon their release. Approximately 80 percent of these people are uninsured after being released, making it nearly impossible for them to continue their mental health treatment.

Earlier this year, I and Senator BLUMENTHAL of Connecticut introduced the Crisis Stabilization and Community Reentry Act to support those who have become part of the criminal justice system and provide a stable source of treatment for them after they leave incarceration.

Most prisoners who receive treatment for a mental health or substance abuse disorder are released without their having plans to keep up with their regimes. This leads to higher recidivism rates, which could be avoided. It also means that law enforcement is too often left to be the first responder to a mental health crisis, which can escalate those scenarios and put both the officers and the individuals at risk.

Our bill creates grants to connect law enforcement officials to State, Federal, and local resources to help individuals who are either engaged in the criminal justice system or who are being released from prison get access to the support they need. These grants connect those services to make sure that people who are suffering acute episodes can access treatment without there being the risk of unnecessary incarceration. Many times, these people need help. They don't need to go back to jail. It has the ability to strengthen our community-based crisis response, reduce suicides during incarceration, and close the revolving door that leads people back to prison.

I hope the Senate can pass this legislation soon and that our colleagues in the House will follow suit. With the ongoing mental health challenges that have been brought on by COVID–19, there could not be a more critical time to strengthen our Nation's mental health resources.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GREG LEMOND CONGRESSIONAL GOLD MEDAL ACT

Mr. CORNYN. Madam President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 3589 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3589) to award a Congressional Gold Medal to Greg LeMond, in recognition of his service to the Nation as an athlete, activist, role model, and community leader.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. CORNYN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3589) was ordered to a third reading, was read the third time, and passed.

RODCHENKOV ANTI-DOPING ACT OF 2019

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 509, H.R. 835.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 835) to impose criminal sanctions on certain persons involved in international doping fraud conspiracies, to provide restitution for victims of such conspiracies, and to require sharing of information with the United States Anti-Doping Agency to assist its fight against doping, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation.

Mr. CORNYN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 835) was ordered to a third reading, was read the third time, and passed.

NEGRO LEAGUES BASEBALL CENTENNIAL COMMEMORATIVE COIN ACT

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4104, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4104) to require the Secretary of the Treasury to mint a coin in commemoration of the 100th anniversary of the establishment of the Negro Leagues baseball.

There being no objection, the Senate proceeded to consider the bill.

Mr. CORNYN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4104) was ordered to a third reading, was read the third time, and passed.

NATIONAL PURPLE HEART HALL OF HONOR COMMEMORATIVE COIN ACT

Mr. CORNYN. Madam President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged and that the Senate proceed to the immediate consideration of H.R. 1830.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1830) to require the Secretary of the Treasury to mint coins in commemoration of the National Purple Heart Hall of Honor.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. CORNYN. I ask unanimous consent that the Schumer amendment be

considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2687) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Purple Heart Hall of Honor Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The National Purple Heart Hall of Honor's mission is—

(A) to commemorate the extraordinary sacrifice of America's servicemen and servicewomen who were killed or wounded by enemy action; and

(B) to collect and preserve the stories of Purple Heart recipients from all branches of service and across generations to ensure that all recipients are represented.

(2) The National Purple Heart Hall of Honor first opened its doors on November 10, 2006, in New Windsor, NY.

(3) The National Purple Heart Hall of Honor is co-located with the New Windsor Cantonment State Historic Site.

(4) The National Purple Heart Hall of Honor is the first to recognize the estimated 1.8 million U.S. servicemembers wounded or killed in action representing recipients from the Civil War to the present day, serving as a living memorial to their sacrifice by sharing their stories through interviews, exhibits and the Roll of Honor, an interactive computer database of each recipient enrolled.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain not less than 90 percent silver.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGNS OF COINS.

(a) DESIGNS REQUIREMENTS.—

(1) IN GENERAL.—The designs of the coins minted under this Act shall be emblematic of the National Purple Heart Hall of Honor.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2022''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts and the National Purple Heart Hall of Honor, Inc.; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of Congress that the coins minted under this Act should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2022.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin;

(2) $10 per coin for the $1 coin; and

(3) $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f)(1) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Purple Heart Hall of Honor, Inc., to support the mission of the National Purple Heart Hall of Honor, Inc., including capital improvements to the National Purple Heart Hall of Honor facilities.

(c) AUDITS.—The National Purple Heart Hall of Honor, Inc., shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. FINANCIAL ASSURANCES. The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act result in no net cost to the Federal Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7(b) until the total cost of designing and issuing all of the coins authorized by this Act, including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping, is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1830), as amended, was passed.

FLOOD LEVEL OBSERVATION, OPERATIONS, AND DECISION SUPPORT ACT

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 556, S. 4462.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4462) to establish a national integrated flood information system within the National Oceanic and Atmospheric Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Flood Level Observation, Operations, and Decision Support Act'' or the ''FLOODS Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. National Integrated Flood Information System.
Sec. 4. Observations and modeling for total water prediction.
Sec. 5. Service coordination hydrologists at River Forecast Centers of the National Weather Service.
Sec. 6. Improving National Oceanic and Atmospheric Administration communication of future flood risks and hazardous flash flood events.
Sec. 7. Freshwater monitoring along the coast.
Sec. 8. Tornado warning improvement.
Sec. 9. Hurricane forecast improvement program.
Sec. 10. Weather and water research and development planning.
Sec. 11. Forecast communication coordinators.
Sec. 12. Estimates of precipitation frequency in the United States.
Sec. 13. Interagency Coordinating Committee on Water Management.
Sec. 14. National Weather Service hydrologic research fellowship program.
Sec. 15. Identification and support of consistent, Federal set of forward-looking, long-term meteorological information.
Sec. 16. Gap analysis on availability of snow-related data to assess and predict flood and flood impacts.

Sec. 17. Availability to the public of flood-related data.

SEC. 2. DEFINITIONS.

In this Act:

(1) STATE.—The term ''State'' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory or possession of the United States.

(2) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Oceans and Atmosphere.

SEC. 3. NATIONAL INTEGRATED FLOOD INFORMATION SYSTEM.

(a) IN GENERAL.—The Under Secretary shall establish a system, to be known as the ''National Integrated Flood Information System'', to better inform and provide for more timely decision making to reduce flood-related effects and costs.

(b) SYSTEM FUNCTIONS.—The Under Secretary, through the National Integrated Flood Information System, shall—

(1) provide an effective flood early warning system that—

(A) collects and integrates information on the key indicators of floods and flood impacts, including streamflow, reservoir release and diversion, precipitation, soil moisture, snow water equivalent, land cover, and evaporative demand;

(B) makes usable, reliable, and timely forecasts of floods;

(C) assesses the severity of flood conditions and effects;

(D) issues flood watches and warnings when necessary;

(E) provides information described in subparagraph (A), forecasts described in subparagraph (B), and assessments described in subparagraph (C) at the national, regional, and local levels, as appropriate; and

(F) communicates flood forecasts, flood conditions, and flood impacts to public and private entities engaged in flood planning, preparedness, and response, including—

(i) decision makers at the Federal, State, local, and Tribal levels of government;

(ii) the private sector; and

(iii) the public;

(2) provide timely data, information, and products that reflect differences in flood conditions among localities, regions, watersheds, and States;

(3) coordinate and integrate, through interagency agreements as practicable, Federal research and monitoring in support of the flood early warning information system provided under paragraph (1);

(4) use existing forecasting and assessment programs and partnerships;

(5) make improvements in seasonal precipitation and temperature, subseasonal precipitation and temperature, and flood water prediction; and

(6) continue ongoing research and monitoring activities relating to floods, including research activities relating to—

(A) the prediction, length, severity, and impacts of floods and improvement of the accuracy, timing, and specificity of flash flood warnings;

(B) the role of extreme weather events and climate variability in floods; and

(C) how water travels over and through surfaces.

(c) PARTNERSHIPS.—The Under Secretary, through the National Integrated Flood Information System, may—

(1) engage with the private sector to improve flood monitoring, forecasts, land and topography data, and communication, if the Under Secretary determines that such engagement is appropriate, cost effective, and beneficial to the public and decision makers described in subsection (b)(1)(F)(i);

(2) facilitate the development of 1 or more academic cooperative partnerships to assist in carrying out the functions of the National Integrated Flood Information System described in subsection (b);

(3) use and support monitoring by citizen scientists, including by developing best practices to facilitate maximum data integration, as the Under Secretary considers appropriate; and

(4) engage with, and leverage the resources of, entities within the National Oceanic and Atmospheric Administration in existence as of the date of the enactment of this Act, such as the National Integrated Drought Information System, the Regional Climate Center, and the National Mesonet Program, to improve coordination of water monitoring, forecasting, and management.

(d) CONSULTATION.—In developing and maintaining the National Integrated Flood Information System, the Under Secretary shall consult with relevant Federal, State, local, and Tribal government agencies, research institutions, and the private sector.

(e) COOPERATION FROM OTHER FEDERAL AGENCIES.—Each Federal agency shall cooperate as appropriate with the Under Secretary in carrying out this section.

SEC. 4. OBSERVATIONS AND MODELING FOR TOTAL WATER PREDICTION.

(a) PARTNERSHIPS.—

(1) IN GENERAL.—The Under Secretary shall establish partnerships with 1 or more institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) to evaluate observations that would improve total water prediction.

(2) PRIORITY OBSERVATIONS.—In establishing partnerships under paragraph (1), the Under Secretary shall prioritize partnerships to evaluate observations from unmanned aerial systems.

(b) MAINTAINED OBSERVATIONS.—If the Under Secretary determines that incorporating additional observations improves total water prediction, the Under Secretary shall, to the extent practicable, continue incorporating those observations.

(c) MODELING IMPROVEMENTS.—The Under Secretary shall advance geographic coverage, resolution, skill, and efficiency of coastal oceanographic modeling, including efforts that improve the coupling of and interoperability between hydrological models and coastal ocean models.

(d) GEOSPATIAL DATA.—The Under Secretary shall advance the development of models to vertically transform geospatial data into a common system for use as the Federal standard for surveys and mapping.

SEC. 5. SERVICE COORDINATION HYDROLOGISTS AT RIVER FORECAST CENTERS OF THE NATIONAL WEATHER SERVICE.

(a) DESIGNATION OF SERVICE COORDINATION HYDROLOGISTS.—

(1) IN GENERAL.—The Director of the National Weather Service (in this section referred to as the ''Director'') shall designate at least 1 service coordination hydrologist at each River Forecast Center of the National Weather Service.

(2) PERFORMANCE BY OTHER EMPLOYEES.—Performance of the responsibilities outlined in this section is not limited to the service coordination hydrologist position.

(b) PRIMARY ROLE OF SERVICE COORDINATION HYDROLOGISTS.—The primary role of the service coordination hydrologist shall be to carry out the responsibilities required by this section.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), consistent with the analysis described in section 409 of the Weather Research and Forecasting Innovation Act of 2017 (Public Law 115–25; 131 Stat. 112), and in order to increase impact-based decision support services, each service coordination hydrologist designated under subsection (a) shall, with respect to hydrology—

(A) be responsible for providing service to the geographic area of responsibility covered by the River Forecast Center at which the service coordination hydrologist is employed to help ensure that users of products and services of the National Weather Service can respond effectively to improve outcomes from flood events;

(B) liaise with users of products and services of the National Weather Service, such as the public, academia, media outlets, users in the hydropower, transportation, recreation, and agricultural communities, and forestry, land, fisheries, and water management interests, to evaluate the adequacy and usefulness of the products and services of the National Weather Service;

(C) collaborate with such River Forecast Centers and Weather Forecast Offices and Federal, State, local, and Tribal government agencies as the Director considers appropriate in developing, proposing, and implementing plans to develop, modify, or tailor products and services of the National Weather Service to improve the usefulness of such products and services;

(D) engage in interagency partnerships with Federal, State, local, and Tribal government agencies to explore the use of forecast-informed reservoir operations to reduce flood risk;

(E) ensure the maintenance and accuracy of flooding call lists, appropriate office flooding policy or procedures, and other flooding information or dissemination methodologies or strategies; and

(F) work closely with Federal, State, local, and Tribal emergency and floodplain management agencies, and other agencies relating to disaster management, to ensure a planned, coordinated, and effective preparedness and response effort.

(2) OTHER STAFF.—The Director may assign a responsibility set forth in paragraph (1) to such other staff as the Director considers appropriate to carry out such responsibility.

(d) ADDITIONAL RESPONSIBILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), a service coordination hydrologist designated under subsection (a) may, with respect to hydrology—

(A) work with a State agency to develop plans for promoting more effective use of products and services of the National Weather Service throughout the State;

(B) identify priority community preparedness objectives;

(C) develop plans to meet the objectives identified under subparagraph (B); and

(D) conduct flooding event preparedness planning and citizen education efforts with and through various State, local, and Tribal government agencies and other disaster management-related organizations.

(2) OTHER STAFF.—The Director may assign a responsibility set forth in paragraph (1) to such other staff as the Director considers appropriate to carry out such responsibility.

(e) PLACEMENT WITH STATE AND LOCAL EMERGENCY AND FLOODPLAIN MANAGERS.—

(1) IN GENERAL.—In carrying out this section, the Director may place a service coordination hydrologist designated under subsection (a) with a State or local emergency or floodplain manager, if the Director determines that such placement is necessary or convenient to carry out this section.

(2) TREATMENT.—If the Director determines that the placement of a service coordination hydrologist with a State or local emergency or floodplain manager under paragraph (1) is near a River Forecast Center of the National Weather Service, such placement shall be treated as designation of the service coordination hydrologist at such River Forecast Center for purposes of subsection (a).

SEC. 6. IMPROVING NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMUNICATION OF FUTURE FLOOD RISKS AND HAZARDOUS FLASH FLOOD EVENTS.

(a) ASSESSMENT OF FLASH FLOOD WATCHES AND WARNINGS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Under Secretary shall—

(A) conduct an assessment of—

(i) the flash flood watches and warnings of the National Weather Service; and

(ii) the information delivery to support preparation and responses to floods; and

(B) submit to Congress a report on the findings of the Under Secretary with respect to the assessment required by subparagraph (A).

(2) ELEMENTS.—The assessment required by paragraph (1)(A) shall include the following:

(A) An evaluation of whether the watches, warnings, and information described in paragraph (1)(A)—

(i) communicate risk to the general public;

(ii) inform action to prevent loss of life and property;

(iii) inform action to support flood preparation and response; and

(iv) deliver information in a manner designed to lead to appropriate action.

(B) Subject to subsection (b)(2), such recommendations as the Under Secretary may have for—

(i) legislative and administrative action to improve the watches and warnings described in paragraph (1)(A)(i); and

(ii) such research as the Under Secretary considers necessary to address the focus areas described in paragraph (3).

(3) FOCUS AREAS.—The assessment required by paragraph (1)(A) shall focus on the following areas:

(A) Ways to communicate the risks posed by hazardous flash flood events to the public that are most likely to result in informed decision making regarding the mitigation of those risks.

(B) Ways to provide actionable geographic information to the recipient of a watch or warning for a flash flood, including partnering with emergency response agencies, as appropriate.

(C) Evaluation of information delivery to support the preparation for and response to floods.

(4) CONSULTATION.—In conducting the assessment required by paragraph (1)(A), the Under Secretary shall consult with—

(A) such line offices of the National Oceanic and Atmospheric Administration as the Under Secretary considers relevant, including—

(i) the National Ocean Service;

(ii) the National Weather Service; and

(iii) the Office of Oceanic and Atmospheric Research;

(B) individuals in the academic sector, including individuals in the field of social and behavioral sciences;

(C) other weather services;

(D) media outlets and other entities that distribute the watches and warnings described in paragraph (1)(A)(i);

(E) floodplain managers and emergency planners and responders, including State, local, and Tribal emergency management agencies;

(F) other government users of the watches and warnings described in paragraph (1)(A)(i), including the Federal Highway Administration; and

(G) such other Federal agencies as the Under Secretary determines rely on watches and warnings regarding flash floods for operational decisions.

(5) NATIONAL ACADEMY OF SCIENCES.—The Under Secretary shall engage with the National Academy of Sciences, as the Under Secretary considers necessary and practicable, including by contracting with the National Research Council to review the scientific and technical soundness of the assessment required by paragraph (1)(A), including the recommendations under paragraph (2)(B).

(6) METHODOLOGIES.—In conducting the assessment required by paragraph (1)(A), the Under Secretary shall use such methodologies as the Under Secretary considers are generally accepted by the weather enterprise, including social and behavioral sciences.

(b) IMPROVEMENTS TO FLASH FLOOD WATCHES AND WARNINGS.—

(1) IN GENERAL.—Based on the assessment required by subsection (a)(1)(A), the Under Secretary shall make such improvements to the watches and warnings described in that subsection as the Under Secretary considers necessary—

(A) to improve the communication of the risks posed by hazardous flash flood events; and

(B) to provide actionable geographic information to the recipient of a watch or warning for a flash flood.

(2) REQUIREMENTS REGARDING RECOMMENDATIONS.—In conducting the assessment required by subsection (a)(1)(A), the Under Secretary shall ensure that any recommendation under subsection (a)(2)(B) that the Under Secretary considers a major change—

(A) is validated by social and behavioral science using a generalizable sample;

(B) accounts for the needs of various demographics, vulnerable populations, and geographic regions;

(C) responds to the needs of Federal, State, local, and Tribal government partners and media partners; and

(D) accounts for necessary changes to federally operated watch and warning propagation and dissemination infrastructure and protocols.

(c) DEFINITIONS.—In this section:

(1) WATCH; WARNING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the terms ''watch'' and ''warning'', with respect to a hazardous flash flood event, mean products issued by the National Oceanic and Atmospheric Administration, intended for use by the general public—

(i) to alert the general public to the potential for or presence of the event; and

(ii) to inform action to prevent loss of life and property.

(B) EXCLUSION.—The terms ''watch'' and ''warning'' do not include technical or specialized meteorological and hydrological forecasts, outlooks, or model guidance products.

(2) WEATHER ENTERPRISE.—The term ''weather enterprise'' has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501).

SEC. 7. FRESHWATER MONITORING ALONG THE COAST.

(a) DATA AVAILABILITY ASSESSMENT.—The Under Secretary shall assess the availability of short- and long-term data on large-scale freshwater flooding into oceans, bays, and estuaries, including data on—

(1) flow rate, including discharge;

(2) conductivity;

(3) oxygen concentration;

(4) nutrient load;

(5) water temperature; and

(6) sediment load.

(b) DATA NEEDS ASSESSMENT.—The Under Secretary shall assess the need for additional data to assess and predict the effect of the flooding and freshwater discharge described in subsection (a).

(c) INVENTORY OF DATA NEEDS.—Based on the assessments required by subsections (a) and (b), the Under Secretary shall create an inventory of data needs with respect to the flooding and freshwater discharge described in subsections (a) and (b).

(d) PLANNING.—In planning for the collection of additional data necessary for ecosystem-based modeling of the effect of the flooding and freshwater discharge described in subsections (a) and (b), the Under Secretary shall use the inventory created under subsection (c).

SEC. 8. TORNADO WARNING IMPROVEMENT.

Section 103 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8513) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) INNOVATIVE OBSERVATIONS.—The Under Secretary shall ensure that the program periodically examines the value of incorporating innovative observations, such as acoustic or infrasonic measurements, observations from phased array radars, and observations from mesonets, with respect to the improvement of tornado forecasts, predictions, and warnings.''.

SEC. 9. HURRICANE FORECAST IMPROVEMENT PROGRAM.

Section 104(b) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8514(b)) is amended—

(1) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) evaluating and incorporating, as appropriate, innovative observations, including acoustic or infrasonic measurements.''.

SEC. 10. WEATHER AND WATER RESEARCH AND DEVELOPMENT PLANNING.

Section 105(2) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8515(2)) is amended by inserting ''and flood-event'' after ''operational weather''.

SEC. 11. FORECAST COMMUNICATION COORDINATORS.

Section 1762(f)(1) of the Food Security Act of 1985 (15 U.S.C. 8521(f)(1)) is amended, in the second sentence, by striking ''may'' and inserting ''shall''.

SEC. 12. ESTIMATES OF PRECIPITATION FREQUENCY IN THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) FREELY ASSOCIATED STATES.—The term ''Freely Associated States'' means the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia, which have each entered into a Compact of Free Association with the United States.

(2) UNITED STATES.—The term ''United States'' means the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.

(b) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish a program, to be known as the ''NOAA Precipitation Frequency Atlas of the United States'', to compile, estimate, analyze, and communicate the frequency of precipitation in the United States.

(c) FUNCTIONS.—The NOAA Precipitation Frequency Atlas of the United States—

(1) shall better inform the public and provide information on—

(A) temporal and spatial distribution of heavy precipitation;

(B) analyses of seasonality in precipitation; and

(C) trends in annual maximum series data; and

(2) may serve as the official source of the Federal Government on estimates of precipitation frequency and associated information with respect to the United States.

(d) REQUIREMENTS.—

(1) COVERAGE.—The NOAA Precipitation Frequency Atlas of the United States shall include such estimates of the frequency of precipitation in the United States as the Administrator determines appropriate.

(2) FREQUENCY.—Such estimates—

(A) shall be conducted not less frequently than once every 10 years; and

(B) may be conducted more frequently if determined appropriate by the Administrator.

(3) PUBLICATION.—Such estimates and methodologies used to conduct such estimates shall be—

(A) subject to an appropriate, scientific process, as determined by the Administrator; and

(B) published on a publicly accessible website of the National Oceanic and Atmospheric Administration.

(e) PARTNERSHIPS.—The Administrator may partner with other Federal agencies, members of

the private sector, academic cooperative partnerships, or nongovernment associations to assist in carrying out the functions described in subsection (c).

(f) CONSULTATION.—In carrying out this section, the Administrator may consult with relevant Federal, State, local, Tribal, and Territorial government agencies, research institutions, and the private sector, as the Administrator determines necessary.

(g) COORDINATION.—In carrying out this section, the Administrator may coordinate with other Federal agencies.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, from amounts otherwise authorized to be appropriated to the Administrator to carry out this Act, $3,500,000 for each of fiscal years 2021 through 2030.

SEC. 13. INTERAGENCY COORDINATING COMMITTEE ON WATER MANAGEMENT.

(a) ESTABLISHMENT.—There is established a committee, to be known as the ''Interagency Coordinating Committee on Water Management'' (in this section referred to as the ''Committee'').

(b) MEMBERSHIP.—The Committee shall be composed of the following members:

(1) The Under Secretary.

(2) The Assistant Secretary for Water and Science of the Department of the Interior.

(3) The head of each of the following:

(A) The Federal Emergency Management Agency.

(B) The Army Corps of Engineers.

(C) The National Science Foundation.

(D) The Office of Science and Technology Policy.

(E) The Council on Environmental Quality.

(F) The Department of Energy.

(G) The Department of Agriculture.

(H) Any other Federal agency, as the co-chairs consider appropriate.

(c) CO-CHAIRS.—The Committee shall be co-chaired by the Secretary of the Interior and the Administrator of the Environmental Protection Agency.

(d) MEETINGS.—The Committee shall meet not less frequently than once each year at the call of the co-chairs.

(e) GENERAL PURPOSE AND DUTIES.—The Committee shall ensure that agencies across the Federal Government that engage in water-related matters, including water storage and supplies, water quality and restoration activities, water infrastructure, transportation on United States rivers and inland waterways, and water forecasting, work together where such agencies have joint or overlapping responsibilities to—

(1) improve interagency coordination by Federal agencies on water resource management and water-related infrastructure issues;

(2) coordinate existing water-related Federal task forces, working groups, and other formal cross-agency initiatives, as appropriate;

(3) designate and consolidate repositories responsible for archiving and managing water-related matters;

(4) improve interagency coordination of data management, access, modeling, and visualization with respect to water-related matters;

(5) conduct integrated planning for Federal investments in water-related infrastructure; and

(6) support workforce development and efforts to recruit, train, and retain professionals to operate and maintain essential water facilities in the United States.

(f) CROSS-AGENCY PRIORITY RESEARCH NEEDS.—Not later than 1 year after the date of the enactment of this Act, the Committee shall develop and submit to Congress a list of research needs that includes needs for cross-agency research and coordination.

SEC. 14. NATIONAL WEATHER SERVICE HYDROLOGIC RESEARCH FELLOWSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) DECISION SUPPORT SERVICES.—The term ''decision support services'' means information, including data and refined products, that supports water resources-related decision-making processes.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(b) HYDROLOGIC RESEARCH FELLOWSHIP PROGRAM.—

(1) ESTABLISHMENT.—The Under Secretary, acting through the Director of the National Weather Service (in this section referred to as the ''Director'') shall establish a hydrologic research fellowship program (in this section referred to as the ''program'') for qualified individuals.

(2) QUALIFIED INDIVIDUAL.—For purposes of this section, a qualified individual is an individual who is—

(A) a citizen of the United States; and

(B) enrolled in a research-based graduate program, at an institution of higher education, in a field that advances the research priorities developed by the Under Secretary under paragraph (7), such as—

(i) hydrology;

(ii) earth sciences;

(iii) atmospheric sciences;

(iv) computer sciences;

(v) engineering;

(vi) environmental sciences;

(vii) geosciences;

(viii) urban planning; or

(ix) related social sciences.

(3) AWARD GUIDELINES.—Fellowships under the program shall be awarded pursuant to guidelines established by the Under Secretary.

(4) SELECTION PREFERENCE.—In selecting qualified individuals for participation in the program, the Under Secretary, acting through the Director, shall give preference to applicants from historically Black colleges and universities and minority-serving institutions.

(5) PLACEMENT.—The program shall support the placement of qualified individuals in positions within the executive branch of the Federal Government where such individuals can address and advance the research priorities developed by the Under Secretary under paragraph (7).

(6) FELLOWSHIP TERM.—A fellowship under the program shall be for a period of up to 2 years.

(7) FELLOWSHIP RESEARCH PRIORITIES.—The Under Secretary, acting through the Director, and in consultation with representatives from the United States Geological Survey, the Federal Emergency Management Agency, and the Army Corps of Engineers, as appropriate, shall develop and publish priorities for the conduct of research by fellows, which may include the following:

(A) Advance the collaborative development of a flexible community-based water resources modeling system.

(B) Apply artificial intelligence and machine learning capabilities to advance existing hydrologic modeling capabilities.

(C) Support the evolution and integration of hydrologic modeling within an Earth Systems Modeling Framework.

(D) Improve visualizations of hydrologic model outputs.

(E) Advance the state of coupled freshwater and salt water modeling and forecasting capabilities.

(F) Advance understanding and process representation of water quality parameters.

(G) Advance the assimilation of in-situ and remotely sensed observations and data.

(H) Support the integration of social science to advance decision support services.

(I) Develop methods to study groundwater sustainability and estimate the efficiency of recharge management.

(c) DIRECT HIRING.—

(1) AUTHORITY.—During fiscal year 2021 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title, to a position with the Federal agency a recipient of a fellowship under the program who—

(A) earned a degree from a program described in subsection (b)(2)(B);

(B) successfully fulfilled the requirements of the fellowship within the executive branch of the Federal Government; and

(C) meets qualification standards established by the Office of Personnel Management.

(2) EXERCISE OF AUTHORITY.—The direct hire authority provided by this subsection shall be exercised with respect to an individual described in paragraph (1) not later than 2 years after the date on which the individual completed the fellowship under the program.

SEC. 15. IDENTIFICATION AND SUPPORT OF CONSISTENT, FEDERAL SET OF FORWARD-LOOKING, LONG-TERM METEOROLOGICAL INFORMATION.

(a) DEFINITIONS.—In this section:

(1) EXTREME WEATHER.—The term ''extreme weather'' includes observed or anticipated severe and unseasonable atmospheric conditions, including drought, heavy precipitation, hurricanes, tornadoes and other windstorms (including derechos), extreme heat, extreme cold, flooding, sustained temperatures or precipitation that deviate substantially from historical averages, and any other weather event that the Under Secretary determines qualifies as extreme weather.

(2) LONG-TERM.—The term ''long-term'' shall have such meaning as the Director of the National Institute of Standards and Technology, in consultation with the Under Secretary, considers appropriate for purposes of this section.

(3) OTHER ENVIRONMENTAL TRENDS.—The term ''other environmental trends'' means wildfires, coastal flooding, inland flooding, land subsidence, rising sea levels, and any other challenges relating to changes in environmental systems over time that the Under Secretary determines qualify as environmental challenges other than extreme weather.

(b) IDENTIFICATION AND SUPPORT OF CONSISTENT, FEDERAL SET OF FORWARD-LOOKING, LONG-TERM METEOROLOGICAL INFORMATION.—The Under Secretary shall identify, and support research that enables, a consistent, Federal set of forward-looking, long-term meteorological information that models future extreme weather events, other environmental trends, projections, and up-to-date observations, including mesoscale information as determined appropriate by the Under Secretary.

SEC. 16. GAP ANALYSIS ON AVAILABILITY OF SNOW-RELATED DATA TO ASSESS AND PREDICT FLOOD AND FLOOD IMPACTS.

(a) IN GENERAL.—The Under Secretary, in consultation with the Department of Agriculture, the Department of the Interior, and the Army Corps of Engineers, shall conduct an analysis of gaps in the availability of snow-related data to assess and predict floods and flood impacts, including data on the following:

(1) Snow water equivalent.

(2) Snow depth.

(3) Snowpack temperature.

(4) Snow precipitation.

(5) Snow melt.

(6) Rain-snow line.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on—

(1) the findings of the gap analysis required by subsection (a); and

(2) opportunities for additional collaboration among Federal agencies to collect snow-related data to better assess and predict floods and flood impacts.

SEC. 17. AVAILABILITY TO THE PUBLIC OF FLOOD-RELATED DATA.

(a) IN GENERAL.—The Under Secretary shall make flood-related data available to the public on the website of the National Oceanic and Atmospheric Administration.

(b) COST.—The Under Secretary may make the data under subsection (a) freely accessible or available at a cost that does not exceed the cost of preparing the data.

Mr. CORNYN. Madam President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment, in the nature of a substitute, was agreed to.

The bill (S. 4462), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS AMENDMENTS ACT OF 2019

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 561, S. 2981.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2981) to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation with an amendment, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2981

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

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2019''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

TITLE I—GENERAL PROVISIONS

Sec. 101. Strength and distribution in grade.
Sec. 102. Recalled officers.
Sec. 103. Obligated service requirement.
Sec. 104. Training and physical fitness.
Sec. 105. Aviation accession training programs.
Sec. 106. Recruiting materials.
Sec. 107. Procurement of charting and survey services.
Sec. 108. Technical correction.

TITLE II—PARITY AND RECRUITMENT

Sec. 201. Education loans.
Sec. 202. Interest payments.
Sec. 203. Student pre-commissioning program.
Sec. 204. Limitation on educational assistance.
Sec. 205. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.
Sec. 206. Applicability of certain provisions of title 37, United States Code.
Sec. 207. Prohibition on retaliatory personnel actions.
Sec. 208. Application of certain provisions of competitive service law.
Sec. 209. Employment and reemployment rights.
Sec. 210. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.

TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS

Sec. 301. Appointments.
Sec. 302. Personnel boards.
Sec. 303. Positions of importance and responsibility.
Sec. 304. Temporary appointments.
Sec. 305. Officer candidates.
Sec. 306. Procurement of personnel.
Sec. 307. Career intermission program.

TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

Sec. 401. Involuntary retirement or separation.
Sec. 402. Separation pay.

[SEC. 2. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.
''(2) Rear admiral.
''(3) Rear admiral (lower half).
''(4) Captain.
''(5) Commander.
''(6) Lieutenant commander.
''(7) Lieutenant.
''(8) Lieutenant (junior grade).
''(9) Ensign.

''(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is ½, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 102. RECALLED OFFICERS.

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

''SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

''(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 215 and inserting the following:

''Sec. 215. Number of authorized commissioned officers.''.

SEC. 103. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the

Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 104. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 103(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with educational materials.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 103(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

SEC. 105. AVIATION ACCESSION TRAINING PROGRAMS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 104(a), is further amended by adding at the end the following:

''SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

''(2) MEMBER OF THE PROGRAM.—The term 'member of the program' means a student who is enrolled in the program.

''(3) PROGRAM.—The term 'program' means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

''(b) AVIATION ACCESSION TRAINING PROGRAMS.—

''(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

''(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

''(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

''(B) that has, as a part of its curriculum, a 4-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

''(C) that is located—

''(i) not more than 250 miles from the National Weather Service Training Center; and

''(ii) in a geographic area that—

''(I) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps; and

''(II) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

''(D) at which the Administrator determines that—

''(i) there will be at least 1 student enrolled in the program; and

''(ii) the provisions of this section are otherwise satisfied.

''(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

''(A) the senior commissioned officer or employee of the commissioned officer corps who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

''(B) the institution fulfills the terms of its agreement with the Administrator.

''(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective, as provided by State law or the authorities of the institution concerned.

''(c) MEMBERSHIP.—

''(1) ELIGIBILITY.—To be eligible for membership in the program an individual must—

''(A) be a student at an institution at which the program is established;

''(B) be a citizen of the United States;

''(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

''(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

''(ii) to serve in the commissioned officer corps for not fewer than 4 years;

''(D) enroll in—

''(i) a 4-year baccalaureate program of professional flight and piloting instruction; and

''(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps; and

''(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

''(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps if the member meets all requirements for appointment as such an officer.

''(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

''(1) EXPENSES OF COURSE OF INSTRUCTION.—

''(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

''(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than 4 academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

''(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

''(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps when offered, shall be subject to the repayment provisions of subsection (e).

''(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

''(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

''(A) contrary to a personnel policy or management objective;

''(B) against equity and good conscience; or

''(C) contrary to the best interests of the United States.

''(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be

paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

''(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 104(b), is further amended by inserting after the item relating to section 217 the following:

''Sec. 218. Aviation accession training programs.''.

SEC. 106. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 105(a), is further amended by adding at the end the following:

''SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

''The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 105(b), is further amended by inserting after the item relating to section 217 the following:

''Sec. 219. Use of recruiting materials for public relations.''.

SEC. 107. PROCUREMENT OF CHARTING AND SURVEY SERVICES.

(a) IN GENERAL.—Not later than 90 days after the development of the strategy required by section 1002(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282; 132 Stat. 4365), the Secretary of Commerce shall enter into not fewer than 2 multi-year contracts with 1 or more private entities for the performance of charting and survey services by vessels.

(b) CHARTING AND SURVEYS IN THE ARCTIC.—In soliciting and engaging the services of vessels under subsection (a), the Secretary shall particularly emphasize the need for charting and surveys in the Arctic.

SEC. 108. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

TITLE II—PARITY AND RECRUITMENT

SEC. 201. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy 1 of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 202. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 201(a), is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than 3 years of service on active duty;

''(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 201(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 203. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 202(a), is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than 5 academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

''(A) agrees to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to 3 years if the person received less than 3 years of assistance; and

''(ii) up to 5 years if the person received at least 3 years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of educational materials.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

''(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 202(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 204. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this Act is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 201(a)), section 268 of such Act (as added by section 202(a)), and section 269 of such Act (as added by section 203(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 305(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 305(c).

SEC. 205. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Section 1074n, relating to annual mental health assessments.

''(12) Section 1090a, relating to referrals for mental health evaluations.

''(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (19), as redesignated, the following:

''(20) Subchapter I of chapter 88, relating to Military Family Programs.

''(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) in subsection (b)(4), by striking ''armed forces'' both places it appears and inserting ''uniformed services''.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking ''armed forces'' and inserting ''uniformed services''; and

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

''(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term 'Secretary concerned' in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.''.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''or the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''in the case of the Navy''; and

(ii) by striking ''other armed forces'' and inserting ''other uniformed services''; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting ''or the Secretary of Commerce, as applicable,'' after ''the Secretary of Defense''.

SEC. 206. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 415, relating to initial uniform allowances.

''(5) Section 488, relating to allowances for recruiting expenses.

''(6) Section 495, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee.''.

(b) PERSONAL MONEY ALLOWANCE.—Section 414(a)(2) of title 37, United States Code, is amended by inserting ''or the director of the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''Health Service''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 207. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 205(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

''(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.''.

SEC. 208. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 209. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 210. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least 3 years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by section 203, the following new item:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS

SEC. 301. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

''SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Graduates of the maritime academies of the States who—

''(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

''(ii) completed at least 3 years of regimented training while at a maritime academy of a State; and

''(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

''(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) MARITIME ACADEMIES OF THE STATES.—The term 'maritime academies of the States' means the following:

''(i) California Maritime Academy, Vallejo, California.

''(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

''(iii) Maine Maritime Academy, Castine, Maine.

''(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

''(v) State University of New York Maritime College, Fort Schuyler, New York.

''(vi) Texas A&M Maritime Academy, Galveston, Texas.

''(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term 'military service academies of the United States' means the following:

''(i) The United States Military Academy, West Point, New York.

''(ii) The United States Naval Academy, Annapolis, Maryland.

''(iii) The United States Air Force Academy, Colorado Springs, Colorado.

''(iv) The United States Coast Guard Academy, New London, Connecticut.

''(v) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) PRECEDENCE OF APPOINTEES.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 302. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

''(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

''(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer's request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

''(2) APPROVAL.—The Director shall approve a request made by an officer under subsection (a) only if—

''(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

''(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

''(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.''.

SEC. 303. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking ''The Secretary shall designate one position under this section'' and inserting ''The President shall designate one position''; and

(B) in the second sentence, by striking ''That position shall be filled by'' and inserting ''The President shall fill that position by appointing, by and with the advice and consent of the Senate,'';

(2) in subsection (d)(2), by inserting ''or immediately beginning a period of terminal leave'' after ''for which a higher grade is designated'';

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

''(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral.''; and

(4) in subsection (f), by inserting ''or in a period of annual leave used at the end of the appointment'' after ''serving in that grade''.

SEC. 304. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 305. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to

rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least 4 years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E–5 with less than 2 years of service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 306. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 305(a), is further amended by adding at the end the following:

''SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 305(b), is further amended by inserting after the item relating to section 234 the following:

''235. Procurement of personnel.''.

SEC. 307. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 306(a), is further amended by adding at the end the following:

''SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

''(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

''(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

''(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed 3 years.

''(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

''(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

''(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty.

''(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve 2 months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

''(d) CONDITIONS OF RELEASE.—The Secretary shall—

''(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and

''(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (2) of such subsection while the officer is released from active duty.

''(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an officer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

''(f) PAY AND ALLOWANCES.—

''(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

''(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

''(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(3) RETURN TO ACTIVE DUTY.—

''(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

''(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

''(B) LIMITATION.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the time of the return of the officer to active duty as described in that subparagraph—

''(I) such pay or bonus is no longer authorized by law; or

''(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

''(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

''(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the officer under chapter 5 of title 37, United States Code.

''(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

''(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

''(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer's residence during the period of participation in the program; and

''(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

''(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

''(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

''(g) PROMOTION.—

''(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

''(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and

''(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

''(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of—

''(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10; and

''(2) retirement or separation for physical disability under the provisions of subtitle C.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 306(b), is further amended by inserting after the item relating to section 235 the following:

''Sec. 236. Career flexibility to enhance retention of officers.''.

TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

SEC. 401. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:]

1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2019''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

TITLE I—GENERAL PROVISIONS

Sec. 101. Strength and distribution in grade.
Sec. 102. Recalled officers.
Sec. 103. Obligated service requirement.
Sec. 104. Training and physical fitness.
Sec. 105. Aviation accession training programs.
Sec. 106. Recruiting materials.
Sec. 107. Technical correction.

TITLE II—PARITY AND RECRUITMENT

Sec. 201. Education loans.
Sec. 202. Interest payments.
Sec. 203. Student pre-commissioning program.
Sec. 204. Limitation on educational assistance.
Sec. 205. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.
Sec. 206. Applicability of certain provisions of title 37, United States Code.
Sec. 207. Prohibition on retaliatory personnel actions.
Sec. 208. Application of certain provisions of competitive service law.
Sec. 209. Employment and reemployment rights.
Sec. 210. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.

TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS

Sec. 301. Appointments.
Sec. 302. Personnel boards.
Sec. 303. Positions of importance and responsibility.
Sec. 304. Temporary appointments.
Sec. 305. Officer candidates.
Sec. 306. Procurement of personnel.
Sec. 307. Career intermission program.

TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

Sec. 401. Involuntary retirement or separation.
Sec. 402. Separation pay.

TITLE V—OTHER NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MATTERS

Sec. 501. Charting and survey services.
Sec. 502. Leases and co-location agreements.
Sec. 503. Satellite and data management.

SEC. 2. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.
''(2) Rear admiral.
''(3) Rear admiral (lower half).
''(4) Captain.
''(5) Commander.
''(6) Lieutenant commander.
''(7) Lieutenant.
''(8) Lieutenant (junior grade).
''(9) Ensign.

''(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 102. RECALLED OFFICERS.

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

''SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

''(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 215 and inserting the following:

''Sec. 215. Number of authorized commissioned officers.''.

SEC. 103. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 104. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 103(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with educational materials.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 103(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

SEC. 105. AVIATION ACCESSION TRAINING PROGRAMS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 104(a), is further amended by adding at the end the following:

''SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

''(2) MEMBER OF THE PROGRAM.—The term 'member of the program' means a student who is enrolled in the program.

''(3) PROGRAM.—The term 'program' means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

''(b) AVIATION ACCESSION TRAINING PROGRAMS.—

''(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

''(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

''(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

''(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

''(C) that is located in a geographic area that—

''(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps of the Administration; and

''(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

''(D) at which the Administrator determines that—

''(i) there will be at least one student enrolled in the program; and

''(ii) the provisions of this section are otherwise satisfied.

''(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

''(A) the senior commissioned officer or employee of the commissioned officer corps of the Administration who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

''(B) the institution fulfills the terms of its agreement with the Administrator.

''(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective, as provided by State law or the authorities of the institution concerned.

''(c) MEMBERSHIP.—

''(1) ELIGIBILITY.—To be eligible for membership in the program, an individual must—

''(A) be a student at an institution at which the program is established;

''(B) be a citizen of the United States;

''(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

''(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

''(ii) serve in the commissioned officer corps of the Administration for not fewer than four years;

''(D) enroll in—

''(i) a four-year baccalaureate program of professional flight and piloting instruction; and

''(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps of the Administration; and

''(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

''(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps of the Administration if the member meets all requirements for appointment as such an officer.

''(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

''(1) EXPENSES OF COURSE OF INSTRUCTION.—

''(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

''(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than four academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

''(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

''(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps of the Administration when offered, shall be subject to the repayment provisions of subsection (e).

''(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

''(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

''(A) contrary to a personnel policy or management objective;

''(B) against equity and good conscience; or

''(C) contrary to the best interests of the United States.

''(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

''(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under

this subsection is, for all purposes, a debt owed to the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 104(b), is further amended by inserting after the item relating to section 217 the following:

''Sec. 218. Aviation accession training programs.''.

SEC. 106. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 105(a), is further amended by adding at the end the following:

''SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

''The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 105(b), is further amended by inserting after the item relating to section 218 the following:

''Sec. 219. Use of recruiting materials for public relations.''.

SEC. 107. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

TITLE II—PARITY AND RECRUITMENT

SEC. 201. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy one of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps of the Administration.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps of the Administration.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 202. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 201(a), is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on one or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than three years of service on active duty;

''(3) is the debtor on one or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 201(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 203. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 202(a), is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than five academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

''(A) agrees to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to three years if the person received less than three years of assistance; and

''(ii) up to five years if the person received at least three years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of educational materials.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

''(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 202(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 204. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this Act is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 201(a)), section 268 of such Act (as added by section 202(a)), and section 269 of such Act (as added by section 203(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 305(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 305(c).

SEC. 205. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Section 1074n, relating to annual mental health assessments.

''(12) Section 1090a, relating to referrals for mental health evaluations.

''(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (19), as redesignated, the following:

''(20) Subchapter I of chapter 88, relating to Military Family Programs.

''(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) in subsection (b)(4), by striking ''armed forces'' both places it appears and inserting ''uniformed services''.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking ''armed forces'' and inserting ''uniformed services''; and

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

''(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term 'Secretary concerned' in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.''.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''or the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''in the case of the Navy''; and

(ii) by striking ''other armed forces'' and inserting ''other uniformed services''; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting ''or the Secretary of Commerce, as applicable,'' after ''the Secretary of Defense''.

SEC. 206. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 415, relating to initial uniform allowances.

''(5) Section 488, relating to allowances for recruiting expenses.

''(6) Section 495, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee.''.

(b) PERSONAL MONEY ALLOWANCE.—Section 414(a)(2) of title 37, United States Code, is amended by inserting ''or the director of the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''Health Service''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 207. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 205(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section 261 is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

''(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.''.

SEC. 208. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 209. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 210. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps of the Administration for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by section 203(b), the following new item:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS

SEC. 301. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

''SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Graduates of the maritime academies of the States who—

''(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

''(ii) completed at least three years of regimented training while at a maritime academy of a State; and

''(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

''(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) MARITIME ACADEMIES OF THE STATES.—The term 'maritime academies of the States' means the following:

''(i) California Maritime Academy, Vallejo, California.

''(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

''(iii) Maine Maritime Academy, Castine, Maine.

''(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

''(v) State University of New York Maritime College, Fort Schuyler, New York.

''(vi) Texas A&M Maritime Academy, Galveston, Texas.

''(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term 'military service academies of the United States' means the following:

''(i) The United States Military Academy, West Point, New York.

''(ii) The United States Naval Academy, Annapolis, Maryland.

''(iii) The United States Air Force Academy, Colorado Springs, Colorado.

''(iv) The United States Coast Guard Academy, New London, Connecticut.

''(v) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) ORDER OF PRECEDENCE.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps of the Administration.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 302. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of five or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON TWO SUCCESSIVE BOARDS.—No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

''(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

''(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer's request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

''(2) APPROVAL.—The Director shall approve a request made by an officer under paragraph (1) only if—

''(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

''(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

''(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.''.

SEC. 303. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking ''The Secretary shall designate one position under this section'' and inserting ''The President shall designate one position''; and

(B) in the second sentence, by striking ''That position shall be filled by'' and inserting ''The President shall fill that position by appointing, by and with the advice and consent of the Senate,'';

(2) in subsection (d)(2), by inserting ''or immediately beginning a period of terminal leave'' after ''for which a higher grade is designated'';

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

''(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral.''; and

(4) in subsection (f), by inserting ''or in a period of annual leave used at the end of the appointment'' after ''serving in that grade''.

SEC. 304. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps of the Administration, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 305. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least four years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E–5 with less than two years of service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 306. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 305(a), is further amended by adding at the end the following:

''SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 305(b), is further amended by inserting after the item relating to section 234 the following:

''Sec. 235. Procurement of personnel.''.

SEC. 307. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 306(a), is further amended by adding at the end the following:

''SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

''(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

''(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

''(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

''(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

''(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

''(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty.

''(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

''(d) CONDITIONS OF RELEASE.—The Secretary shall—

''(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and

''(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty.

''(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an officer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

''(f) PAY AND ALLOWANCES.—

''(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

''(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

''(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(3) RETURN TO ACTIVE DUTY.—

''(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

''(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

''(B) LIMITATION.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the time of the return of the officer to active duty as described in that subparagraph—

''(I) such pay or bonus is no longer authorized by law; or

''(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

''(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

''(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the officer under chapter 5 of title 37, United States Code.

''(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

''(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

''(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer's residence during the period of participation in the program; and

''(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

''(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

''(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days.

''(g) PROMOTION.—

''(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

''(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and

''(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

''(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of—

''(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10, United States Code; and

''(2) retirement or separation for physical disability under the provisions of subtitle C.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 306(b), is further amended by inserting after the item relating to section 235 the following:

''Sec. 236. Career flexibility to enhance retention of officers.''.

TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

SEC. 401. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer

would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferment of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 402. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

TITLE V—OTHER NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MATTERS

SEC. 501. CHARTING AND SURVEY SERVICES.

(a) IN GENERAL.—Not later than 270 days after the development of the strategy required by section 1002(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (33 U.S.C. 892a note), the Secretary of Commerce shall enter into not fewer than 2 multi-year contracts with 1 or more private entities for the performance of charting and survey services by vessels.

(b) CHARTING AND SURVEYS IN THE ARCTIC.—In soliciting and engaging the services of vessels under subsection (a), the Secretary shall particularly emphasize the need for charting and surveys in the Arctic.

SEC. 502. LEASES AND CO-LOCATION AGREEMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, in fiscal year 2020 and each fiscal year thereafter, the Administrator of the National Oceanic and Atmospheric Administration may execute noncompetitive leases and co-location agreements for real property and incidental goods and services with entities described in subsection (b) for periods of not more than 30 years, if each such lease or agreement is supported by a price reasonableness analysis.

(b) ENTITIES DESCRIBED.—An entity described in this subsection is—

(1) the government of any State, territory, possession, or locality in the United States;

(2) any Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(3) any subdivision of—

(A) a government described in paragraph (1); or

(B) an organization described in paragraph (2); or

(4) any organization that is—

(A) organized under the laws of the United States or any jurisdiction within the United States; and

(B) described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) FISCAL YEAR LIMITATION.—The obligation of amounts for leases and agreements executed under subsection (a) is limited to the fiscal year for which payments are due, without regard to sections 1341(a)(1), 1501(a)(1), 1502(a), and 1517(a) of title 31, United States Code.

(d) COLLABORATION AGREEMENTS.—Upon the execution of a lease or agreement authorized by subsection (a) with an entity, the Administrator may enter into agreements with the entity to collaborate or engage in projects or programs on matters of mutual interest for periods not to exceed the term of the lease or agreement. The cost of such agreements shall be apportioned equitably, as determined by the Administrator.

SEC. 503. SATELLITE AND DATA MANAGEMENT.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended—

(1) in subsection (c)(1), by striking subparagraph (D) and inserting the following:

''(D) improve—

''(i) weather and climate forecasting and predictions; and

''(ii) the understanding, management, and exploration of the ocean.''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''data and satellite systems'' and inserting ''data, satellite, and other observing systems''; and

(ii) by striking ''to carry out'' and all that follows and inserting the following: ''to carry out—

''(A) basic, applied, and advanced research projects and ocean exploration missions to meet the objectives described in subparagraphs (A) through (D) of subsection (c)(1); or

''(B) any other type of project to meet other mission objectives, as determined by the Under Secretary.'';

(B) in paragraph (2)(B)(i), by striking ''satellites'' and all that follows and inserting ''systems, including satellites, instrumentation, ground stations, data, and data processing;''; and

(C) in paragraph (3), by striking ''2023'' and inserting ''2030''.

Mr. CORNYN. Madam President, I ask unanimous consent that the committee-reported amendment be withdrawn and that the Sullivan substitute amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was withdrawn.

The amendment (No. 2683), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 2981), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

GREAT LAKES ENVIRONMENTAL SENSITIVITY INDEX ACT OF 2019

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 320, S. 1342.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1342) to require the Under Secretary for Oceans and Atmosphere to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.

S. 1342

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Great Lakes Environmental Sensitivity Index Act of 2019''.

SEC. 2. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

(a) UPDATE REQUIRED FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT LAKES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

(2) endeavor to do so not less frequently than once every 7 years.

(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environment; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this section, the term ''environmental sensitivity index product'' means a map or similar tool that is utilized to identify sensitive shoreline, coastal or offshore, resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

[(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Under Secretary $7,500,000 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated or otherwise made available pursuant to paragraph (1) shall be available to the Under Secretary for the purposes set forth in such paragraph until expended.**]**

(e) FUNDING.—Amounts for activities under this section shall be derived from amounts otherwise authorized to be appropriated or made available for the Under Secretary.

Mr. CORNYN. Madam President, I ask unanimous consent that the committee-reported amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was agreed to.

The bill (S. 1342), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1342

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Great Lakes Environmental Sensitivity Index Act of 2019''.

SEC. 2. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

(a) UPDATE REQUIRED FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT LAKES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

(2) endeavor to do so not less frequently than once every 7 years.

(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environment; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this section, the term ''environmental sensitivity index product'' means a map or similar tool that is utilized to identify sensitive shoreline, coastal or offshore, resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(e) FUNDING.—Amounts for activities under this section shall be derived from amounts otherwise authorized to be appropriated or made available for the Under Secretary.

CRISIS STABILIZATION AND COMMUNITY REENTRY ACT OF 2020

Mr. CORNYN. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3312 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3312) to establish a crisis stabilization and community reentry grant program, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. CORNYN. Madam President, I ask unanimous consent that the Cornyn substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2684) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crisis Stabilization and Community Reentry Act of 2020''.

SEC. 2. MENTAL HEALTH CRISIS STABILIZATION.

(a) PLANNING AND IMPLEMENTATION GRANTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended by inserting after part NN the following:

''PART OO—CRISIS STABILIZATION AND COMMUNITY REENTRY PROGRAM.

''SEC. 3051. GRANT AUTHORIZATION.

''(a) IN GENERAL.—The Attorney General may make grants under this part to States, for use by State and local correctional facilities, for the purpose of providing clinical services for people with serious mental illness and substance use disorders that establish treatment, suicide prevention, and continuity of recovery in the community upon release from the correctional facility.

''(b) USE OF FUNDS.—A grant awarded under this part shall be used to support—

''(1) programs involving criminal and juvenile justice agencies, mental health agencies, community-based organizations that focus on reentry, and community-based behavioral health providers that improve clinical stabilization during pre-trial detention and incarceration and continuity of care leading to recovery in the community by providing services and supports that may include peer support services, enrollment in healthcare, and introduction to long-acting injectable medications or, as clinically indicated, other medications, by—

''(A) providing training and education for criminal and juvenile justice agencies, mental health agencies, and community-based behavioral health providers on interventions that support—

''(i) engagement in recovery supports and services;

''(ii) access to medication while in an incarcerated setting; and

''(iii) continuity of care during reentry into the community;

''(B) ensuring that offenders with serious mental illness are provided appropriate access to evidence-based recovery supports that may include peer support services, medication (including long-acting injectable medications where clinically appropriate), and psycho-social therapies;

''(C) offering technical assistance to criminal justice agencies on how to modify their administrative and clinical processes to accommodate evidence-based interventions, such as long-acting injectable medications and other recovery supports; and

''(D) participating in data collection activities specified by the Attorney General, in consultation with the Secretary of Health and Human Services;

''(2) programs that support cooperative efforts between criminal and juvenile justice agencies, mental health agencies, and community-based behavioral health providers to establish or enhance serious mental illness recovery support by—

''(A) strengthening or establishing crisis response services delivered by hotlines, mobile crisis teams, crisis stabilization and triage centers, peer support specialists, public safety officers, community-based behavioral health providers, and other stakeholders, including by providing technical support for interventions that promote long-term recovery;

''(B) engaging criminal and juvenile justice agencies, mental health agencies and community-based behavioral health providers, preliminary qualified offenders, and family and community members in program design, program implementation, and training on crisis response services, including connection to recovery services and supports;

''(C) examining health care reimbursement issues that may pose a barrier to ensuring the long-term financial sustainability of crisis response services and interventions that promote long-term engagement with recovery services and supports; and

''(D) participating in data collection activities specified by the Attorney General, in consultation with the Secretary of Health and Human Services; and

''(3) programs that provide training and additional resources to criminal and juvenile justice agencies, mental health agencies, and community-based behavioral health providers on serious mental illness, suicide prevention strategies, recovery engagement strategies, and the special health and social needs of justice-involved individuals who are living with serious mental illness.

''(c) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services to ensure that serious mental illness treatment and recovery support services provided under this grant program incorporate evidence-based approaches that facilitate long-term engagement in recovery services and supports.

''(d) BEHAVIORAL HEALTH PROVIDER DEFINED.—In this section, the term 'behavioral health provider' means—

''(1) a community mental health center that meets the criteria under section 1913(c) of the Public Health Service Act (42 U.S.C. 300x–2(c)); or

''(2) a certified community behavioral health clinic described in section 223(d) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note).

''SEC. 3052. STATE APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, or such agency as the chief executive may designate, shall submit an application to the Attorney General—

''(1) in such form and containing such information as the Attorney General may reasonably require;

''(2) that includes assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

''(3) that describes the coordination between State criminal and juvenile justice agencies, mental health agencies and community-based behavioral health providers, preliminary qualified offenders, and family and community members in—

''(A) program design;

''(B) program implementation; and

''(C) training on crisis response, medication adherence, and continuity of recovery in the community.

''(b) ELIGIBILITY FOR PREFERENCE WITH COMMUNITY CARE COMPONENT.—

''(1) IN GENERAL.—In awarding grants under this part, the Attorney General shall give preference to a State that ensures that individuals who participate in a program, funded by a grant under this part will be provided with continuity of care, in accordance with paragraph (2), in a community care provider program upon release from a correctional facility.

''(2) REQUIREMENTS.—For purposes of paragraph (1), the continuity of care shall involve the coordination of the correctional facility treatment program with qualified community behavioral health providers and other

recovery supports, pre-trial release programs, parole supervision programs, halfway house programs, and participation in peer recovery group programs, which may aid in ongoing recovery after the individual is released from the correctional facility.

''(3) COMMUNITY CARE PROVIDER PROGRAM DEFINED.—For purposes of this subsection, the term 'community care provider program' means a community mental health center or certified community behavioral health clinic that directly provides to an individual, or assists in connecting an individual to the provision of, appropriate community-based treatment, medication management, and other recovery supports, when the individual leaves a correctional facility at the end of a sentence or on parole.

''(c) COORDINATION OF FEDERAL ASSISTANCE.—Each application submitted for a grant under this part shall include a description of how the funds made available under this part will be coordinated with Federal assistance for behavioral health services currently provided by the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration.

''SEC. 3053. REVIEW OF STATE APPLICATIONS.

''(a) IN GENERAL.—The Attorney General shall make a grant under section 3051 to carry out the projects described in the application submitted under section 3052 upon determining that—

''(1) the application is consistent with the requirements of this part; and

''(2) before the approval of the application, the Attorney General has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

''(b) APPROVAL.—Each application submitted under section 3052 shall be considered approved, in whole or in part, by the Attorney General not later than 90 days after first received, unless the Attorney General informs the applicant of specific reasons for disapproval.

''(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

''(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Attorney General may not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

''SEC. 3054. EVALUATION.

''Each State that receives a grant under this part shall submit to the Attorney General an evaluation not later than 1 year after receipt of the grant in such form and containing such information as the Attorney General, in consultation with the Secretary of Health and Human Services, may reasonably require.

''SEC. 3055. AUTHORIZATION OF FUNDING.

''For purposes of carrying out this part, the Attorney General is authorized to award not more than $10,000,000 of funds appropriated to the Department of Justice for State and local law enforcement activities for each of fiscal years 2020 through 2025.''.

(b) NATIONAL CRIMINAL JUSTICE AND MENTAL HEALTH TRAINING AND TECHNICAL ASSISTANCE.—Section 2992(c)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10652(c)(3)) is amended by inserting before the semicolon at the end the following: '', which may include interventions designed to enhance access to medication.''.

The bill (S. 3312), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MISSING PERSONS AND UNIDENTIFIED REMAINS ACT OF 2019

Mr. CORNYN. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 2174 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2174) to expand the grants authorized under Jennifer's Law and Kristen's Act to include processing of unidentified remains, resolving missing persons cases, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. CORNYN. I ask unanimous consent that the Cornyn amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2685) was agreed to, as follows:

(Purpose: To strike the provision giving entities in southern border States priority in the award of grants related to the identification and processing of unidentified remains)

On page 2, lines 7 and 8, strike '', with priority given to eligible entities in southern border States,''.

The bill (S. 2174), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2174

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Missing Persons and Unidentified Remains Act of 2019''.

SEC. 2. USE OF GRANT FUNDS.

(a) JENNIFER'S LAW.—Jennifer's Law (34 U.S.C. 40501 et seq.) is amended—

(1) by striking section 202 (34 U.S.C. 40501) and inserting the following:

''SEC. 202. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities described in paragraph (2) to enable the eligible entities to improve the transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants.

''(2) ELIGIBLE ENTITIES.—Eligible entities described in this paragraph are the following:

''(A) States and units of local government.

''(B) Accredited, publicly funded, Combined DNA Index System (commonly known as 'CODIS') forensic laboratories, which demonstrate the grant funds will be used for DNA typing and uploading biological family DNA reference samples, including samples from foreign nationals, into CODIS, subject to the protocols for inclusion of such forensic DNA profiles into CODIS, and the privacy protections required under section 203(c).

''(C) Medical examiners offices.

''(D) Accredited, publicly funded toxicology laboratories.

''(E) Accredited, publicly funded crime laboratories.

''(F) Publicly funded university forensic anthropology laboratories.

''(G) Nonprofit organizations that have working collaborative agreements with State and county forensic offices, including medical examiners, coroners, and justices of the peace, for entry of data into CODIS or the National Missing and Unidentified Persons System (commonly known as 'NamUs'), or both.'';

(2) in section 203 (34 U.S.C. 40502)—

(A) in subsection (a), by striking ''a State'' and inserting ''an entity described in section 202'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''State'' and inserting ''applicant'';

(ii) by striking paragraph (1) and inserting the following:

''(1) report to the National Crime Information Center and, when possible, to law enforcement authorities throughout the applicant's jurisdiction regarding every deceased unidentified person, regardless of age, found in the applicant's jurisdiction;'';

(iii) in paragraph (3), by striking ''and'' at the end;

(iv) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following:

''(5) collect and report information to the National Missing and Unidentified Persons System (NamUs) regarding missing persons and unidentified remains.''; and

(C) by adding at the end the following:

''(c) PRIVACY PROTECTIONS FOR BIOLOGICAL FAMILY REFERENCE SAMPLES.—

''(1) IN GENERAL.—Any suspected biological family DNA reference samples received from citizens of the United States or foreign nationals and uploaded into the Combined DNA Index System (commonly referred to as 'CODIS') by an accredited, publicly funded CODIS forensic laboratory awarded a grant under this section may be used only for identifying missing persons and unidentified remains.

''(2) LIMITATION ON USE.—Any biological family DNA reference samples from citizens of the United States or foreign nationals entered into CODIS for purposes of identifying missing persons and unidentified remains may not be disclosed to a Federal or State law enforcement agency for law enforcement purposes.''; and

(3) by striking section 204 (34 U.S.C. 40503) and inserting the following:

''SEC. 205. USE OF FUNDS.

''An applicant receiving a grant award under this title may use such funds to—

''(1) pay for the costs incurred during or after fiscal year 2017 for the transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants;

''(2) establish and expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 203(b);

''(3) hire and maintain additional DNA case analysts and technicians, fingerprint examiners, forensic odontologists, and forensic anthropologists, needed to support such identification programs; and

''(4) procure and maintain state of the art multi-modal, multi-purpose forensic and DNA-typing and analytical equipment.''.

(b) KRISTEN'S ACT.—Section 3 of Kristen's Act (34 U.S.C. 40504 note) is amended to read as follows:

''SEC. 3. AUTHORIZATION OF FUNDING.

''The Attorney General is authorized to use funds otherwise appropriated for the

operationalization, maintenance, and expansion of the National Missing and Unidentified Persons System (NamUs) for the purpose of carrying out this Act.''.

SEC. 3. RESCUE BEACONS.

Section 411(o) of the Homeland Security Act of 2002 (6 U.S.C. 211(o)) is amended by adding at the end the following:

''(3) RESCUE BEACONS.—Beginning in fiscal year 2019, in carrying out subsection (c)(8), the Commissioner shall purchase, deploy, and maintain not more than 170 self-powering, 9–1–1 cellular relay rescue beacons along the southern border of the United States at locations determined appropriate by the Commissioner to mitigate migrant deaths.''.

SEC. 4. REPORTING ON NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM (NAMUS) PROGRAM.

Not later than 18 months after the date of enactment of this act, and every year thereafter, the Attorney General shall submit a report to the appropriate committees of Congress regarding—

(1) the number of unidentified person cases processed;

(2) CODIS associations and identifications;

(3) the number of anthropology cases processed;

(4) the number of suspected border crossing cases and associations made;

(5) the number of trials supported with expert testimony;

(6) the number of students trained and professions of those students; and

(7) the turnaround time and backlog.

SEC. 5. OTHER REPORTING REQUIREMENTS.

(a) UNIDENTIFIED REMAINS.—

(1) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of U.S. Customs and Border Protection shall submit a report to the appropriate committees of Congress regarding all unidentified remains discovered, during the reporting period, on or near the border between the United States and Mexico, including—

(A) for each deceased person—

(i) the cause and manner of death, if known;

(ii) the sex, age (at time of death), and country of origin (if such information is determinable); and

(iii) the location of each unidentified remain;

(B) the total number of deceased people whose unidentified remains were discovered by U.S. Customs and Border Protection during the reporting period;

(C) to the extent such information is available to U.S. Customs and Border Protection, the total number of deceased people whose unidentified remains were discovered by Federal, State, local or Tribal law enforcement officers, military personnel, or medical examiners offices;

(D) the efforts of U.S. Customs and Border Protection to engage with nongovernmental organizations, institutions of higher education, medical examiners and coroners, and law enforcement agencies—

(i) to identify and map the locations at which migrant deaths occur; and

(ii) to count the number of deaths that occur at such locations; and

(E) a detailed description of U.S. Customs and Border Protection's Missing Migrant Program, including how the program helps mitigate migrant deaths while maintaining border security.

(2) PUBLIC DISCLOSURE.—Not later than 30 days after each report required under paragraph (1) is submitted, the Commissioner of U.S. Customs and Border Protection shall publish on the website of the agency the information described in subparagraphs (A), (B), and (C) of paragraph (1) during each reporting period.

(b) RESCUE BEACONS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of U.S. Customs and Border Protection shall submit a report to the appropriate committees of Congress regarding the use of rescue beacons along the border between the United States and Mexico, including, for the reporting period—

(1) the number of rescue beacons in each border patrol sector;

(2) the specific location of each rescue beacon;

(3) the frequency with which each rescue beacon was activated by a person in distress;

(4) a description of the nature of the distress that resulted in each rescue beacon activation (if such information is determinable); and

(5) an assessment, in consultation with local stakeholders, including elected officials, nongovernmental organizations, and landowners, of necessary additional rescue beacons and recommendations for locations for deployment to reduce migrant deaths.

(c) GAO REPORT.—Not later than 6 months after the report required under subsection (a) is submitted to the appropriate committees of Congress, the Comptroller General of the United States shall submit a report to the same committees that describes—

(1) how U.S. Customs and Border Protection collects and records border-crossing death data;

(2) the differences (if any) in U.S. Customs and Border Protection border-crossing death data collection methodology across its sectors;

(3) how U.S. Customs and Border Protection's data and statistical analysis on trends in the numbers, locations, causes, and characteristics of border-crossing deaths compare to other sources of data on these deaths, including border county medical examiners and coroners and the Centers for Disease Control and Prevention;

(4) how U.S. Customs and Border Protection measures the effectiveness of its programs to mitigate migrant deaths; and

(5) the extent to which U.S. Customs and Border Protection engages Federal, State, local, and Tribal governments, foreign diplomatic and consular posts, and nongovernmental organizations—

(A) to accurately identify deceased individuals;

(B) to resolve cases involving unidentified remains;

(C) to resolve cases involving unidentified persons; and

(D) to share information on missing persons and unidentified remains, specifically with the National Missing and Unidentified Persons System (NamUs).

UNITED STATES GRAIN STANDARDS REAUTHORIZATION ACT OF 2020

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 484, S. 4054.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4054) to reauthorize the United States Grain Standards Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Agriculture, Nutrition, and Forestry.

Mr. CORNYN. I ask unanimous consent that the Roberts amendment at the desk be considered and agreed to and that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2686) was agreed to as follows:

(Purpose: To modify an authorization of appropriations)

On page 5, strike lines 10 and 11 and insert the following:

(2) in subsection (a) (as so designated)—

(A) by striking ''such sums as are necessary'' and inserting ''$23,000,000''; and

(B) by striking ''1988 through 2020'' and inserting ''2021 through 2025''; and

The bill (S. 4054), as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. CORNYN. Madam President, I know of no further debate on bill, as amended.

The PRESIDING OFFICER. There being no further debate and the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 4054), as amended, was passed, as follows:

S. 4054

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Grain Standards Reauthorization Act of 2020''.

SEC. 2. NOTIFICATION OF DISCONTINUANCE OF SERVICES BY STATE AGENCIES.

Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

(1) in subsection (e)(2)(C)(i), by inserting ''and affected customers or applicants for service of official inspection or weighing services provided by the State agency'' after ''notify the Secretary''; and

(2) in subsection (j)(5), in the first sentence, by striking ''2020'' and inserting ''2025''.

SEC. 3. WEIGHING AUTHORITY.

Section 7A(l)(4) of the United States Grain Standards Act (7 U.S.C. 79a(l)(4)) is amended in the first sentence by striking ''2020'' and inserting ''2025''.

SEC. 4. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended by striking ''2020'' and inserting ''2025''.

SEC. 5. REPORTING REQUIREMENTS.

Section 17B of the United States Grain Standards Act (7 U.S.C. 87f–2) is amended by adding at the end the following:

''(d) ENHANCEMENT OF CURRENT REPORTING.—

''(1) INCREASED FREQUENCY OF INSPECTION PROGRAM DATA REPORTING.—

''(A) IN GENERAL.—Beginning not later than 1 year after the date of enactment of this subsection, the Secretary shall publish quarterly reports describing data from the tests and inspections for intrinsic quality factors (including protein, oil, and starch) and food safety factors, as reported, in the aggregate, for fiscal years 2014 through 2018 in the tables in section V (relating to providing official grain inspection and weighing services) of the 2016 through 2018 annual reports to Congress by the Federal Grain Inspection Service.

''(B) DELINEATION.—The data from the tests and inspections under subparagraph (A) shall be delineated to reflect whether the tests and inspections were requested of or performed by—

''(i) the Secretary; or

''(ii) a State agency delegated authority under section 7 or 7A or an official agency.

''(2) EXCEPTIONS AND WAIVERS.—Beginning not later than 1 year after the date of enactment of this subsection, the Secretary shall publish quarterly reports describing—

''(A) the number of exceptions requested under section 7(f)(2)(B);

''(B) the number of exceptions granted under section 7(f)(2)(B);

''(C) the number of waivers requested under section 5(a)(1); and

''(D) the number of waivers granted under section 5(a)(1).

''(e) ADDITIONAL REPORTING; CONSULTATION.—The Secretary may, to the extent determined appropriate by the Secretary, in consultation with State agencies delegated authority under sections 7 and 7A, official agencies, and the grain industries described in the second sentence of section 21(a), publish—

''(1) data relating to testing for other intrinsic quality or food safety factors; and

''(2) other data collected from inspection and weighing activities conducted under this Act.

''(f) PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION.—Any trade secrets or information described in section 552(b)(4) of title 5, United States Code, that is provided to or collected by the Secretary in carrying out subsection (d) or (e) shall not be included in a report under subsection (d) or (e) or otherwise publicly disclosed.''.

SEC. 6. APPROPRIATIONS.

Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended—

(1) by striking the section heading and designation and all that follows through ''There are hereby'' and inserting the following:

''SEC. 19. FUNDING.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are'';

(2) in subsection (a) (as so designated)—

(A) by striking ''such sums as are necessary'' and inserting ''$23,000,000''; and

(B) by striking ''1988 through 2020'' and inserting ''2021 through 2025''; and

(3) by adding at the end the following:

''(b) LIMITATIONS ON USES OF USER FEES.—

''(1) DEFINITIONS.—In this subsection:

''(A) OFFICIAL INSPECTION OR WEIGHING SERVICE.—The term 'official inspection or weighing service' means official inspection, official weighing, supervision of weighing, supervision of agency personnel, supervision of the field office personnel of the Secretary, testing of equipment or instruments, other services, or registration, the cost to the Secretary of which is authorized to be covered by the collection of a user fee pursuant to section 7, 7A, 7B, 16, or 17A, as applicable.

''(B) USER FEE.—The term 'user fee' means a fee collected by the Secretary under section 7, 7A, 7B, 16, or 17A.

''(2) REQUIREMENT.—A user fee—

''(A) shall be used solely to cover—

''(i) the cost to the Secretary for carrying out official inspection or weighing services; and

''(ii) administrative costs to the Secretary directly relating to official inspection or weighing services; and

''(B) shall not be used for—

''(i) activities relating to the development or maintenance of grain standards; or

''(ii) any other activity that is not directly related to the performance of official inspection or weighing services.''.

SEC. 7. ADVISORY COMMITTEE.

Section 21 of the United States Grain Standards Act (7 U.S.C. 87j) is amended—

(1) in subsection (a), in the last sentence, by striking ''successive terms'' and inserting ''successively for more than 2 terms''; and

(2) in subsection (e), by striking ''2020'' and inserting ''2025''.

SEC. 8. REVIEW OF GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.

(a) DEFINITIONS.—In this section:

(1) GRAIN HANDLING FACILITY.—The term ''grain handling facility'' means a grain elevator, warehouse, or other storage or handling facility.

(2) OFFICIAL AGENCY GEOGRAPHIC AREA.—The term ''official agency geographic area'' means a geographic area for an official agency, as defined by the Secretary under section 7(f)(2)(A) or 7A(i)(2)(A) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)(A), 79a(i)(2)(A)).

(3) UNITED STATES GRAIN STANDARDS ACT TERMS.—The terms ''grain'', ''official agency'', ''official inspection'', ''officially inspected'', ''official weighing'', ''supervision of weighing'', and ''Secretary'' have the meanings given the terms in section 3 of the United States Grain Standards Act (7 U.S.C. 75).

(b) REVIEW.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive nationwide review of the official agency geographic areas.

(2) CONSIDERATIONS.—In conducting the review under paragraph (1), the Secretary shall take into consideration—

(A) the number of grain handling facilities, both within the official agency geographic areas and in areas that are not official agency geographic areas, that currently use, or, during the 5-year period preceding the date of submission of the report under subsection (c), received service from, an official agency that provides official inspection, official weighing, supervision of weighing, or other services under the United States Grain Standards Act (7 U.S.C. 71 et seq.);

(B) the volume of grain for which official agencies provide services at grain handling facilities within the official agency geographic areas;

(C) the number of official inspections of vessels and other carriers within the official agency geographic areas;

(D) other related services performed by official agencies at grain handling facilities within the official agency geographic areas;

(E) the timeliness, accuracy, and appropriateness of services performed by official agencies at grain handling facilities within the official agency geographic areas;

(F) fees charged by official agencies for services performed under the United States Grain Standards Act (7 U.S.C. 71 et seq.), including grading, weighing, sampling, stowage examination, and certification; and

(G) any implications of modifications to the official agency geographic areas on enhancing official inspection, official weighing, and supervision of weighing in the domestic market.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing—

(1) the results of the review completed under subsection (b); and

(2) any recommendations with respect to those results that the Secretary determines appropriate.

SEC. 9. TECHNICAL CORRECTION.

Section 4(a)(1) of the United States Grain Standards Act (7 U.S.C. 76(a)(1)) is amended by striking ''soybeans mixed'' and inserting ''soybeans, mixed''.

Mr. CORNYN. Madam President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

METHAMPHETAMINE RESPONSE ACT OF 2020

Mr. CORNYN. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 4612 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4612) to designate methamphetamine as an emerging threat, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. CORNYN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4612) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4612

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Methamphetamine Response Act of 2020''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Methamphetamine poses a significant public health and safety threat and qualifies as an emerging drug threat, as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701).

(2) Methamphetamine treatment admissions increased from 15.1 percent of all admissions in 2008 to 23.6 percent in 2017, the latest year for which data is available.

(3) During the timeframe described in paragraph (2)—

(A) methamphetamine-related treatment admissions among women increased from 19.2 percent of all drug-related treatment admissions to 28.3 percent; and

(B) heroin use among those admitted for methamphetamine-related treatment increased from 5.3 percent to 23.6 percent.

(4) By the end of 2019, methamphetamine availability, use, purity, and potency had increased nationally, as street-level prices declined.

(5) Methamphetamine use is a nationwide issue. Its use remains widespread in Midwest and Western States and is becoming increasingly prevalent in Northeastern States.

(6) Methamphetamine is the drug most often associated with violent crime.

(7) According to the Centers for Disease Control and Prevention—

(A) between 2018 and 2019, drug overdose deaths involving methamphetamine and

other stimulants increased by 27 percent nationally;

(B) the number of deaths described in subparagraph (A) increased in 27 of the 38 States that provide drug-specific overdose data to the Centers for Disease Control and Prevention; and

(C) between January 2019 and January 2020, among 36 States and the District of Columbia, suspected stimulant overdoses, including methamphetamine, treated in emergency departments increased by 23 percent.

(8) Methamphetamine-related overdose deaths will likely continue to increase in 2020, due in part to the ongoing COVID–19 pandemic, which makes obtaining treatment for substance use disorders, including methamphetamine use, more difficult.

(9) The increase in methamphetamine use and the negative respiratory and pulmonary health effects associated with its use has caused the National Institute on Drug Abuse to warn clinicians to be prepared to monitor adverse effects when treating individuals using methamphetamine who also have COVID–19.

(10) Since the onset of COVID–19 in the United States, the number of law enforcement and first responder agencies entering data into nationwide overdose mapping applications to track real-time suspected overdoses, including methamphetamine overdoses, has increased.

(11) In the first 9 months of fiscal year 2020, there was a 52 percent increase in the amount of methamphetamine seized by U.S. Customs and Border Protection.

(12) Public reports indicate that Mexican cartels may be stockpiling money and illicit drugs, including methamphetamine, on both sides of the Southwest Border and that the Drug Enforcement Administration is preparing to respond to any potential surge in supply.

(13) Intentional preparation to counter any surges in production, distribution, and use are essential in lowering methamphetamine-related overdose deaths and substance use disorders.

SEC. 3. DECLARATION OF EMERGING THREAT.

(a) IN GENERAL.—Congress declares methamphetamine an emerging drug threat, as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701), in the United States.

(b) REQUIRED EMERGING THREAT RESPONSE PLAN.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall establish and implement an Emerging Threat Response Plan that is specific to methamphetamine in accordance with section 709(d) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1708(d)).

AMBER ALERT NATIONWIDE ACT OF 2019

Mr. CORNYN. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 732 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 732) to amend the PROTECT Act to expand the national AMBER Alert system to territories of the United States, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. CORNYN. I further ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 732) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 732

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''AMBER Alert Nationwide Act of 2019''.

SEC. 2. COOPERATION WITH DEPARTMENT OF HOMELAND SECURITY.

Subtitle A of title III of the PROTECT Act (34 U.S.C. 20501 et seq.) is amended—

(1) in section 301—

(A) in subsection (b)—

(i) in paragraph (1), by inserting ''(including airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States)'' after ''gaps in areas of interstate travel''; and

(ii) in paragraphs (2) and (3), by inserting '', territories of the United States, and tribal governments'' after ''States''; and

(B) in subsection (d), by inserting '', the Secretary of Homeland Security,'' after ''Secretary of Transportation''; and

(2) in section 302—

(A) in subsection (b), in paragraphs (2), (3), and (4) by inserting '', territorial, tribal,'' after ''State''; and

(B) in subsection (c)—

(i) in paragraph (1), by inserting '', the Secretary of Homeland Security,'' after ''Secretary of Transportation''; and

(ii) in paragraph (2), by inserting '', territorial, tribal,'' after ''State''.

SEC. 3. AMBER ALERTS ALONG MAJOR TRANSPORTATION ROUTES.

(a) IN GENERAL.—Section 303 of the PROTECT Act (34 U.S.C. 20503) is amended—

(1) in the section heading, by inserting ''**AND MAJOR TRANSPORTATION ROUTES**'' after ''**ALONG HIGHWAYS**'';

(2) in subsection (a)—

(A) by inserting ''(referred to in this section as the 'Secretary')'' after ''Secretary of Transportation''; and

(B) by inserting ''and at airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States'' after ''along highways'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''other motorist information systems to notify motorists'' and inserting ''other information systems to notify motorists, aircraft passengers, ship passengers, and travelers''; and

(ii) by inserting '', aircraft passengers, ship passengers, and travelers'' after ''necessary to notify motorists''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''other motorist information systems to notify motorists'' and inserting ''other information systems to notify motorists, aircraft passengers, ship passengers, and travelers'';

(ii) in subparagraph (D), by inserting '', aircraft passengers, ship passengers, and travelers'' after ''support the notification of motorists'';

(iii) in subparagraph (E), by inserting '', aircraft passengers, ship passengers, and travelers'' after ''motorists'', each place it appears;

(iv) in subparagraph (F), by inserting '', aircraft passengers, ship passengers, and travelers'' after ''motorists''; and

(v) in subparagraph (G), by inserting '', aircraft passengers, ship passengers, and travelers'' after ''motorists'';

(4) in subsection (c), by striking ''other motorist information systems to notify motorists'', each place it appears, and inserting ''other information systems to notify motorists, aircraft passengers, ship passengers, and travelers'';

(5) by amending subsection (d) to read as follows:

''(d) FEDERAL SHARE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

''(2) WAIVER.—If the Secretary determines that American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, or the Virgin Islands of the United States is unable to comply with the requirement under paragraph (1), the Secretary shall waive such requirement.'';

(6) in subsection (g)—

(A) by striking ''In this section'' and inserting ''In this subtitle''; and

(B) by striking ''or Puerto Rico'' and inserting ''American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory of the United States''; and

(7) in subsection (h), by striking ''fiscal year 2004'' and inserting ''each of fiscal years 2019 through 2023''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the PROTECT Act (Public Law 108–21) is amended by striking the item relating to section 303 and inserting the following:

''Sec. 303. Grant program for notification and communications systems along highways and major transportation routes for recovery of abducted children.''.

SEC. 4. AMBER ALERT COMMUNICATION PLANS IN THE TERRITORIES.

Section 304 of the PROTECT Act (34 U.S.C. 20504) is amended—

(1) in subsection (b)(4), by inserting ''a territorial government or'' after ''with'';

(2) by amending subsection (c) to read as follows:

''(c) FEDERAL SHARE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activities funded by a grant under this section may not exceed 50 percent.

''(2) WAIVER.—If the Attorney General determines that American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, or an Indian tribe is unable to comply with the requirement under paragraph (1), the Attorney General shall waive such requirement.''; and

(3) in subsection (d), by inserting '', including territories of the United States'' before the period at the end.

SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall conduct a study assessing—

(1) the implementation of the amendments made by this Act;

(2) any challenges related to integrating the territories of the United States into the AMBER Alert system;

(3) the readiness, educational, technological, and training needs of territorial law enforcement agencies in responding to cases involving missing, abducted, or exploited children; and

(4) any other related matters the Attorney General or the Secretary of Transportation determines appropriate.

(b) REPORT REQUIRED.—The Comptroller General shall submit a report on the findings of the study required under subsection (a) to—

(1) the Committee on the Judiciary and the Committee on Environment and Public Works of the Senate;

(2) the Committee on the Judiciary and the Committee on Transportation and Infrastructure of the House of Representatives; and

(3) each of the delegates or resident commissioner to the House of Representatives from American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(c) PUBLIC AVAILABILITY.—The Comptroller General shall make the report required under subsection (b) available on a public Government website.

(d) OBTAINING OFFICIAL DATA.—

(1) IN GENERAL.—The Comptroller General may secure information necessary to conduct the study under subsection (a) directly from any Federal agency and from any territorial government receiving grant funding under the PROTECT Act. Upon request of the Comptroller General, the head of a Federal agency or territorial government shall furnish the requested information to the Comptroller General.

(2) AGENCY RECORDS.—Notwithstanding paragraph (1), nothing in this subsection shall require a Federal agency or any territorial government to produce records subject to a common law evidentiary privilege. Records and information shared with the Comptroller General shall continue to be subject to withholding under sections 552 and 552a of title 5, United States Code. The Comptroller General is obligated to give the information the same level of confidentiality and protection required of the Federal agency or territorial government. The Comptroller General may be requested to sign a nondisclosure or other agreement as a condition of gaining access to sensitive or proprietary data to which the Comptroller General is entitled.

(3) PRIVACY OF PERSONAL INFORMATION.—The Comptroller General, and any Federal agency and any territorial government that provides information to the Comptroller General, shall take such actions as are necessary to ensure the protection of the personal information of a minor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Continued

Mr. CORNYN. Madam President, I now ask unanimous consent that the Senate proceed to executive session and resume consideration of the Johnson nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Finally, Madam President, I ask unanimous consent that the mandatory quorum call with respect to the Johnson nomination be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Mississippi.

NOMINATION OF KRISTI HASKINS JOHNSON

Mr. WICKER. Mr. President, observers of the U.S. Senate might take note that their Senators just passed a host of bills and cleared a host of items from the calendar, representing bipartisan accomplishments on behalf of the leadership of the Senate—Republican leadership and Democratic leadership—a great deal of work by chairs and ranking members of committees and subcommittees, and I salute both sides of the aisle for these accomplishments.

In the same vein, we will vote in a few moments on a cloture motion for the judicial nomination of Kristi Haskins Johnson, and I would think that this would be another opportunity for a strong bipartisan vote. We passed two judges last week, as I recall, and both judges were confirmed with strong bipartisan support—strong support and welcome support on both sides of the aisle. And I would think that with regard to this particular nominee—our Mississippi candidate, Kristi Haskins Johnson—she would continue in that vein this afternoon and later on this week when I hope we will be voting to confirm her.

It is noteworthy that the Southern District of Mississippi has never had a woman Federal judge, and so Kristi Johnson will break new ground in that regard, and I am particularly delighted that this momentous accomplishment is right upon us.

She has had the distinct honor for the last several months of being Mississippi's first solicitor general. So this could turn out to be a groundbreaking year and a barrier-shattering year in more than one way for soon-to-be Judge Johnson.

In her current role as solicitor general, she serves as Mississippi's lead advocate for appellate litigation and works closely with the State attorney general in crafting legal strategy for significant legal cases in Mississippi and on a national scale. She has received the highest recommendation that a candidate for U.S. district judge can receive from the American Bar Association, and that is a ''qualified'' rating. As we know, candidates for appeals court judge can get a rating of ''highly qualified.'' The best you can get for district judge is ''qualified,'' so she received the highest rating she could possibly receive and rightly so.

She has a unique record of accomplishment as a public servant, a private attorney, a scholar, and a professor. She served over 5 years in the U.S. attorney's office in Jackson. There she prosecuted fraud and financial crimes as part of the Civil Division. Before that, she made her mark in private practice at the firm of Ogletree, Deakins, Nash, Smoak & Stewart in Jackson, MS, focusing there on labor law and employment issues.

Kristi Johnson is a native of Hurley, MS, population 985, in Jackson County, MS. She attended school there and then went on to receive her undergraduate degree at the University of Mississippi, graduating in 2003. And then she was admitted to law school at Mississippi College School of Law, where she graduated summa cum laude, second in her class. As a law student, she served not only on the law review but as executive editor of the Mississippi College Law Review and received numerous American jurisprudence awards in areas such as criminal procedure, legal research and writing, and employment discrimination.

So excellence all the way through, including the time that she served as a clerk, both as a clerk at the district court level for Judge Sharion Aycock, Mississippi's first female district court judge in the Northern District of Mississippi, and then for appeals court judge, Leslie Southwick in the Fifth Circuit.

She takes time to share her skills as a teacher and an adjunct professor at her alma mater of Mississippi College School of Law. Ms. Johnson is a member of the American Inns of Court, the Federal Bar Association, and the Federalist Society. She resides in Brandon, MS.

In summary, I am just delighted by the fact that we are going to make some news and hurdle some previously existing barriers with this outstanding nominee. She has the academic, judicial, and personal qualifications necessary for a Federal jurist. I think she is going to make a great judge. People back home in Mississippi believe this also. It is my hope that we can invoke cloture in just a few moments in a strong bipartisan way, leading to the confirmation later on this week of Kristi Haskins Johnson.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

FREE SPEECH

Mrs. BLACKBURN. Mr. President, I think everyone has been watching a lot of news lately, and I will tell you I have talked to some Tennesseeans this weekend who feel like they can tell that the journalists working at our mainstream media outlets are getting frustrated by how much pressure we are putting on big tech companies like Facebook, Twitter, and Google. But, you know, we are putting pressure on them. It is important for them to be in their lanes. It is important that if they are going to be news sources, that they do something like hire a news director.

I think they have fallen into the same trap that a lot of people fall into when a story dominates the headlines for awhile, and then it doesn't resolve itself quickly. You know, they get pretty sick of hearing about it. They saw the initial reports of censorship, bias, and antitrust concerns. They didn't feel that personal sense of outrage about what was happening and either checked out of the conversation or let their frustration breed resentment against those who would very much like for their tweets to stay put.

But they knew something was going on out there that made them a little bit uneasy. They were hearing about censorship. They were hearing about blocking and throttling and shadow banning, and, you know, they were a

little unsettled by lack of privacy and data mining and data harvesting.

But we shouldn't use these basic notions of privacy, security, and open debate as a political football. These are, indeed, universal concerns that anyone who owns a smartphone, uses social media, or uses search engines really should care about. And, yes, people are right to feel a little bit uneasy about what is going on in the virtual space. Why shouldn't we be allowed to ask powerful tech CEOs questions about what is going on behind the scenes?

We had a hearing in the Commerce Committee a couple of weeks ago—a few weeks ago, just prior to the election. Chairman WICKER was in charge of that hearing, and people listened and thought: Why won't they answer the question? Why don't they admit that they are data mining? Why don't they admit their advertising practices? We click onto our search engines, and suddenly our screen populates with things that we have recently searched and things we have been talking about.

So we have another hearing that is coming up tomorrow at the Judiciary Committee. We are going to receive testimony from Facebook CEO Mark Zuckerberg and Twitter CEO Jack Dorsey about their now infamous censoring and throttling of the New York Post's social media accounts, their blocking of a story that was relevant to the American people and to the election process.

Now, keep in mind, this wasn't some conspiracy site or some anonymous blog known for posting hacked information or stories that are extreme. This was the New York Post, a trusted source in news here in the United States since 1801, when it was founded by none other than Alexander Hamilton. It is not sensationalism. It is news brought to you as a trusted source since 1801.

And you are probably thinking, that has been around for awhile. And, yes, indeed it has. It is America's oldest continuously published newspaper. But, apparently, random fact checkers 3,000 miles away, sitting in their posh environs in the Silicon Valley, decided that the Post editors' time-tested vetting processes simply were not good enough for them. They think they know better. They think they are smarter than everyone else. They think—since they control and have power in the virtual space, they think they get to play God. They think they can determine what qualifies as free speech.

Now, I have spoken before at length about why this is a problem, and right now I want to focus on what happened on the other side of that takedown.

The Post fought both Facebook and Twitter on this content moderation decision. They questioned it. They demanded answers. And after enormous pressure, both from the Post and in the public square, both Facebook and Twitter eventually walked back their moderation decisions and allowed their users to share this article. That they decided to censor the Post is bad enough; that they couldn't even cite a policy that they could back up their decision under pressure is even worse. They couldn't tell you why they took it down, what it violated in their community standards, and what they violated in their terms of service. They did not know.

What did they know? What they did know was that they were on Joe Biden's team. They wanted him to win, so they took issue with anything that they did not agree with. It did not fit their narrative.

Big Tech companies like Facebook and Twitter have an enormous amount of control over the flow of information. They were designed to be this way from the beginning. Millions of Americans used their feeds as a main source of news updates.

Bear in mind, the internet is a title I function of the 1996 Telecommunications Act—a title I. It is an information service. It is not a telecommunications service. It is not a news service.

This is something. It is a wonderful resource that should be the public square but only as long as you can count on it to put factual information in the pipeline, to not censor, and to not take sides.

This is why Americans have so many questions about how the companies make their content moderation decisions, and this is why the Judiciary Committee will hold this hearing tomorrow. If either of their companies had been able to come to the table with a simple, defensible explanation of why they chose to censor the New York Post, I don't think they would be in the position they are in right now. But they had no explanation. They didn't repent. They did cave, eventually, but they could not explain why they blocked it.

Mr. Zuckerberg and Mr. Dorsey are competent CEOs who know their businesses inside and out, and it is time for them to get down to the nitty-gritty and explain what happened. How is it that their content moderation practices are still so full of holes as to allow a content moderator—a single individual—to put their opinion in front of a post, to panic and blacklist an admittedly sensational but certainly newsworthy story without any evidence that it contained misinformation or hacked information or false or defamatory information? They did it because they could. They just did not like the story.

The ensuing scramble to walk back that decision is an indictment of their internal moderation processes. Whether it is algorithms or individuals, it is subjective.

The people who are responsible for this owe us answers, and we hope the hearing tomorrow will help lead to those answers.

It bears repeating that these companies are not just entertainment or social media companies. They have an inordinate amount of control over the flow of information, and because of this, they control what we see, what we hear, even what we say, and, thereby, what we think and how we vote.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. BOOZMAN). Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Kristi Haskins Johnson, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Mitch McConnell, Mike Crapo, Tom Cotton, David Perdue, Mike Rounds, Pat Roberts, Cindy Hyde-Smith, Kevin Cramer, Lindsey Graham, Thom Tillis, Tim Scott, James E. Risch, Michael B. Enzi, John Cornyn, Roger F. Wicker, John Thune, John Boozman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Kristi Haskins Johnson, of Mississippi, to be United States District Judge for the Southern District of Mississippi, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Montana (Mr. DAINES), the Senator from Florida (Mr. SCOTT), and the Senator from Indiana (Mr. YOUNG).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted yea and the Senator from Indiana (Mr. YOUNG) would have voted yea.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. COONS), the Senator from California (Ms. HARRIS), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER (Mr. SULLIVAN). Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 51, nays 38, as follows:

[Rollcall Vote No. 229 Ex.]

YEAS—51

Barrasso	Capito	Crapo
Blackburn	Cassidy	Cruz
Blunt	Collins	Enzi
Boozman	Cornyn	Ernst
Braun	Cotton	Fischer
Burr	Cramer	Gardner

Graham	Manchin	Rounds
Grassley	McConnell	Rubio
Hawley	McSally	Sasse
Hoeven	Moran	Scott (SC)
Hyde-Smith	Murkowski	Shelby
Inhofe	Paul	Sinema
Johnson	Perdue	Sullivan
Kennedy	Portman	Thune
Lankford	Risch	Tillis
Lee	Roberts	Toomey
Loeffler	Romney	Wicker

NAYS—38

Baldwin	Heinrich	Rosen
Bennet	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Cortez Masto	Markey	Udall
Duckworth	Menendez	Van Hollen
Durbin	Merkley	Warner
Feinstein	Murphy	Warren
Gillibrand	Peters	Wyden
Hassan	Reed	

NOT VOTING—11

Alexander	Daines	Scott (FL)
Blumenthal	Harris	Whitehouse
Cardin	Murray	Young
Coons	Sanders	

The PRESIDING OFFICER. The yeas are 51, and the nays are 38.

The motion is agreed to.

The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the postcloture time on the Johnson nomination expire at 11 a.m. tomorrow and the Senate vote on confirmation of the nomination. I further ask that if cloture is invoked on the Beaton nomination, the postcloture time expire at 2:15 p.m. tomorrow and the Senate vote on confirmation of the nomination. Finally, if any of the nominations are confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. WYDEN. Mr. President, the Senate recently voted to move forward on the National Defense Authorization Act, NDAA, the annual defense policy bill. The Senate took this procedural step by what is known as a voice vote, a process that does not record the final vote tally or how each Senator specifically voted, but a voice vote is not a sign of unanimous support for a measure, and I am submitting this statement to mark my opposition to this year's NDAA and to this process.

When the Senate debated and passed this bill for the first time, earlier this year, I voted no. I said at the time that I could not go along with a Republican plan to greenlight $740 billion in military spending while providing almost nothing to help Americans impacted by this unprecedented global pandemic.

I said that I could not vote for a defense bill with Federal agents actively occupying Portland and treating peaceful protestors like foreign enemies. Donald Trump ordered these occupiers into my hometown, uninvited, to crack down on Oregonians peacefully demanding an end to systemic racism.

Senator MERKLEY and I introduced an amendment to the NDAA that would have required Donald Trump to remove these unwanted forces from our State. The Senate majority blocked our amendment and told us that we were making things up while Trump's goons were shooting protestors with tear gas, rubber bullets, and other crowd control munitions.

I want to be clear that I support plenty of provisions in this NDAA and wrote or negotiated some of the language to improve the bill, but I must oppose the NDAA due to its flaws and its timing, in light of the lack of help for everyday Americans suffering from the economic downfall brought about by Donald Trump's inept response to a global pandemic. For this reason, I have no choice but to oppose.

TRIBUTE TO DR. MARK PETERS

Mr. RISCH. Mr. President, along with my colleague Senator MIKE CRAPO, I rise today to honor our friend Dr. Mark Peters. Dr. Peters, who led the Idaho National Lab INL—for 5 extraordinary years, will be stepping down from his position as director of the INL to pursue a new role with Battelle Energy Alliance.

Throughout his long and distinguished tenure at the INL, our national laboratories, and other highly respected research institutions, Dr. Peters has earned a reputation as a leading voice in the U.S. nuclear community. He is highly respected by Congress, the administration, industry, and stakeholders because of his knowledge and his engaging and inclusive style. Simply put, Dr. Peters is a giant in the nuclear industry. He has served as a senior advise to the U.S. Department of Energy on nuclear energy matters and as a fellow of the American Nuclear Society, a prestigious recognition for his outstanding accomplishments in nuclear science and technology.

As INL director, Mark led the State's fifth largest employer and skillfully managed its team of more than 4,000 scientists, engineers, and support staff at our country's premiere nuclear, cybersecurity, and scientific research laboratory. Thanks to his leadership, the Lab is thriving and its future is bright. It would be difficult to list every one of Mark's many accomplishments at the Lab, but there are several key achievements that have propelled the INL to new heights.

Mark played a pivotal role in getting the Nuclear Energy Innovation Capabilities Act signed into law. He also succeeded in bringing the National Reactor Innovation Center to Idaho, ensuring that the Lab will continue to lead the development and deployment of advanced nuclear reactor designs well into the future.

Furthermore, Dr. Peters was instrumental in growing the mission of the Lab. Mark invested time and energy into making the INL a world leader in industrial control systems cybersecurity to match its well-established reputation for nuclear energy. This research arm has helped ensure the safety and security of our Nation's critical infrastructure while acting as a boon to eastern Idaho's economy.

Recognizing the inherent opportunity in its expanding cybersecurity practice, Dr. Peters worked closely with the Sate of Idaho to construct two new buildings at the Lab's Research and Education Campus. These world-class centers facilitate cutting-edge research by government and private industry, while providing Idaho students with opportunities to develop modeling, simulation, and cybersecurity skills for in-demand careers in Idaho and beyond.

The Idaho Falls community not only benefited from Mark's leadership, but that of his wife, Ann Marie Peters. Her tireless efforts to expand programs and acquire the latest technologies at the College of Eastern Idaho have provided thousands of students with unprecedented high-quality educational opportunities. Throughout the community, Mark and Ann Marie are known for their willingness to take time out of their busy schedules to help young people navigate college and career opportunities and for their generous support of organizations like the Idaho Falls Arts Council and United Way.

We wish Mark, Ann Marie, and their family the very best in their new endeavor. We thank them for their service and dedication to making the Lab and surrounding communities such a vibrant place to work and call home. Eastern Idaho is a better place because of the Peters family, and for that, all of Idaho is deeply grateful.

ADDITIONAL STATEMENTS

TRIBUTE TO BLAKE HURST

● Mr. BLUNT. Mr. President, I rise today to congratulate Mr. Blake Hurst on an extraordinary career and well-deserved retirement. Blake has been an outstanding leader and voice for Missouri's agriculture industry and has played a vital role to elevate our State's national presence among the agricultural community when it comes

to advocacy on behalf of Missouri farmers and ranchers. Among his contributions to Missouri's agriculture industry, Blake has served with the Missouri Farm Bureau in a variety of capacities throughout his career, including as a district board member, vice president, and most recently as the organization's president for the last 10 years.

Mr. Hurst was elected in 2010 as the 14th president of Missouri Farm Bureau and will cap off a 25-year career with the Missouri Farm Bureau upon his well-earned retirement. A devoted family man, Blake Hurst and his wife Julie have three children, Lee, Ann, and Ben. The family raises corn and soybeans on their family operation in northwest Missouri. Blake also operates a wholesale greenhouse business with his wife, Julie; daughter, Lee; and sons-in-law, Ryan Harms and Matt Clutter. The family raises flowers in two acres of greenhouses.

In addition to his time consuming role at Missouri Farm Bureau, in his spare time, Blake also contributes as a freelance writer, with work appearing in the Wall Street Journal, The American, Weekly Standard, Wilson's Quarterly, Reader's Digest, Today's Farmer, and the Show Me magazine of Missouri Farm Bureau.

Mr. Hurst has had a tremendous career with the Missouri Farm Bureau and is one of the most forward-thinking agriculture leaders in America. Over the years, I have truly valued the working partnership and, most importantly, the friendship, that I have fostered with Blake. Blake brings a certain passion and tenacity when it comes to agriculture, whether it is fighting against costly and burdensome regulations from the U.S. Environmental Protection Agency, advocating for better management of our Nation's rivers and inland waterway system, defending the Renewable Fuels Standard, promoting healthcare services for rural America, or delivering assistance to producers that are impacted by natural disaster. He has demonstrated the ability to communicate big ideas and advocate for commonsense solutions that has been a big help to me and so many others across Missouri and the country. There is no one I would rather be in the trenches with than with Blake.

Blake and Julie have done so much for our State and understand it incredibly well. I look forward to their continued advice, success, and friendship. It is with great pleasure I wish Blake continued success in retirement and well-deserved time with his family.

Thank you, Blake, for all you have done and will continue to do for Missouri.●

TRIBUTE TO JO-ANN CLARK

● Ms. HASSAN. Mr. President, I am proud to recognize Jo-Ann Clark of Stratham as November's Granite Stater of the Month. Jo-Ann is a Gold Star mother who, 10 years ago, lost her son, Army Specialist Christopher Journeau, to suicide. After learning about the benefits that companion animals can bring to veterans who suffer from posttraumatic stress disorder—PTSD—the same condition that Christopher suffered from, Jo-Ann started an organization in her son's name to fund adoptions of shelter animals by veterans.

Jo-Ann's son, Christopher, served a year in Iraq during Operation Iraqi Freedom and returned home with undiagnosed PTSD. When Christopher took his own life 6 months later, Jo-Ann was devastated. Over time, she learned about the symptoms of PTSD and recognized that her son had exhibited these symptoms when he returned home from his deployment.

During her research, Jo-Ann also learned that, for some people, a companion animal can help to mitigate the impacts of PTSD. Jo-Ann began to research national organizations that help veterans adopt pets, but she found that many veterans faced significant hurdles in the process.

In response, Jo-Ann founded Chris' Pets for Vets to make it easier for veterans to adopt companion animals from local shelters. Among other things, the organization pays the pet adoption fees to ensure that cost isn't a barrier for any veteran.

Since its founding in 2015, Jo-Ann has helped approximately 400 veterans adopt companion animals at various shelters throughout New Hampshire. Despite health concerns that she herself has faced, Jo-Ann has invested an incredible amount of her time and energy into making Chris' Pets for Vets a success.

Jo-Ann's determination to turn her own loss into productive and positive support for veterans has helped hundreds of veterans avoid the confusion and despair that accompanies PTSD. Her commitment is also consistent with the Granite State's long tradition of military service and support for veterans. Jo-Ann understands the importance of supporting veterans in every aspect of their lives, and through Chris' Pets for Vets, she is both honoring her son's memory while making a real difference in veterans' lives. I am honored to recognize her efforts.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 4:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 8247. An act to make certain improvements relating to the transition of individuals to services from the Department of Veterans Affairs, suicide prevention for veterans, and care and services for women veterans, and for other purposes.

H.R. 8276. An act to authorize the President to posthumously award the Medal of Honor to Alwyn C. Cashe for acts of valor during Operation Iraqi Freedom.

The enrolled bills were subsequently signed by the President pro tempore (Mr. GRASSLEY).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WICKER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1427. A bill to amend the National Institute of Standards and Technology Act to improve the Network for Manufacturing Innovation Program, and for other purposes (Rept. No. 116–291).

S. 2204. A bill to allow the Federal Communications Commission to carry out a pilot program under which voice service providers could block certain automated calls, and for other purposes (Rept. No. 116–292).

S. 2346. A bill to improve the Fishery Resource Disaster Relief program of the National Marine Fisheries Service, and for other purposes (Rept. No. 116–293).

By Mr. WICKER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 3729. A bill to provide relief for the recipients of financial assistance awards from the Federal Motor Carrier Safety Administration, and for other purposes (Rept. No. 116–294).

By Mr. WICKER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2786. A bill to establish a Federal advisory committee to provide policy recommendations to the Secretary of Transportation on positioning the United States to take advantage of emerging opportunities for Arctic maritime transportation (Rept. No. 116–295).

By Mr. WICKER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 4162. A bill to provide certainty for airport funding (Rept. No. 116–296).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BARRASSO (for himself, Mr. WHITEHOUSE, Mr. CRAPO, and Mr. BOOKER):

S. 4897. A bill to reestablish United States global leadership in nuclear energy, revitalize domestic nuclear energy supply chain infrastructure, support the licensing of advanced nuclear technologies, and improve

the regulation of nuclear energy, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI (for herself and Ms. HASSAN):

S. 4898. A bill to amend title VI of the Social Security Act to extend the period during which States, Indian Tribes, and local governments may use Coronavirus Relief Fund payments; to the Committee on Finance.

By Mrs. BLACKBURN (for herself, Mr. HAWLEY, Mr. CRAMER, and Mr. RUBIO):

S. 4899. A bill to direct the Comptroller General of the United States to conduct a study to evaluate the activities of sister city partnerships operating within the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. BROWN (for himself, Mr. BLUMENTHAL, Ms. ERNST, and Mr. WHITEHOUSE):

S. 4900. A bill to require a pilot program on activities under the Transition Assistance Program for a reduction in suicide among veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. CORTEZ MASTO (for herself and Mr. PORTMAN):

S. 4901. A bill to require the Director of the National Institute of Standards and Technology to commission a study on the effect of the activities of China on standards for emerging technologies, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOOZMAN (for himself, Mr. BROWN, Mr. CASEY, Mr. DURBIN, and Mr. MORAN):

S. Res. 774. A resolution honoring the United Nations World Food Programme on the occasion of being awarded the 2020 Nobel Peace Prize; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 633

At the request of Mr. MORAN, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Louisiana (Mr. KENNEDY) and the Senator from Missouri (Mr. HAWLEY) were added as cosponsors of S. 633, a bill to award a Congressional Gold Medal to the members of the Women's Army Corps who were assigned to the 6888th Central Postal Directory Battalion, known as the ''Six Triple Eight''.

S. 959

At the request of Ms. COLLINS, the names of the Senator from Massachusetts (Ms. WARREN), the Senator from Ohio (Mr. BROWN) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 959, a bill to establish in the Smithsonian Institution a comprehensive women's history museum, and for other purposes.

S. 1665

At the request of Mr. HEINRICH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1665, a bill to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes.

S. 2054

At the request of Mr. MARKEY, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Missouri (Mr. HAWLEY) were added as cosponsors of S. 2054, a bill to posthumously award the Congressional Gold Medal, collectively, to Glen Doherty, Tyrone Woods, J. Christopher Stevens, and Sean Smith, in recognition of their contributions to the Nation.

S. 2803

At the request of Mr. BROWN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2803, a bill to provide Federal housing assistance on behalf of youths who are aging out of foster care, and for other purposes.

S. 3095

At the request of Mr. VAN HOLLEN, his name was added as a cosponsor of S. 3095, a bill to develop voluntary guidelines for accessible postsecondary electronic instructional materials and related technologies, and for other purposes.

S. 3221

At the request of Mr. BOOKER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 3221, a bill to place a moratorium on large concentrated animal feeding operations, to strengthen the Packers and Stockyards Act, 1921, to require country of origin labeling on beef, pork, and dairy products, and for other purposes.

S. 3471

At the request of Mr. RUBIO, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 3471, a bill to ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People's Republic of China do not enter the United States market, and for other purposes.

S. 3824

At the request of Ms. KLOBUCHAR, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 3824, a bill to require the Federal Trade Commission to submit a report to Congress on scams targeting seniors, and for other purposes.

S. 4086

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 4086, a bill amend title 38, United States Code, to revise the definition of Vietnam era for purposes of the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 4327

At the request of Mr. MARKEY, the names of the Senator from Texas (Mr. CRUZ) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 4327, a bill to establish the Taiwan Fellowship Program, and for other purposes.

S. 4384

At the request of Mr. SULLIVAN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Ohio (Mr. PORTMAN), the Senator from New Hampshire (Ms. HASSAN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 4384, a bill to require the Secretary of Veterans Affairs to address exposure by members of the Armed Forces to toxic substances at Karshi-Khanabad Air Base, Uzbekistan, and for other purposes.

S. 4422

At the request of Mr. WICKER, the name of the Senator from Georgia (Mrs. LOEFFLER) was added as a cosponsor of S. 4422, a bill to establish the Office of Minority Broadband Initiatives within the National Telecommunications and Information Administration, and for other purposes.

S. 4494

At the request of Ms. HASSAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 4494, a bill to amend title VI of the Social Security Act to extend the period with respect to which amounts under the Coronavirus Relief Fund may be expended.

S. 4613

At the request of Mr. BOOZMAN, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 4613, a bill to amend the Fairness to Contact Lens Consumers Act to prevent certain automated calls and to require notice of the availability of contact lens prescriptions to patients, and for other purposes.

S. 4659

At the request of Mr. MARKEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 4659, a bill to require a determination as to whether crimes committed against the Rohingya in Burma amount to genocide.

S. 4752

At the request of Ms. WARREN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 4752, a bill to establish the Truth and Healing Commission on Indian Boarding School Policy in the United States, and for other purposes.

S. 4805

At the request of Mr. CRUZ, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 4805, a bill to create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States.

S.J. RES. 76

At the request of Mr. CRUZ, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S.J. Res. 76, a joint resolution proposing an amendment to the Constitution of the United States to require

that the Supreme Court of the United States be composed of nine justices.

S. RES. 215

At the request of Mr. BRAUN, the name of the Senator from Georgia (Mrs. LOEFFLER) was added as a cosponsor of S. Res. 215, a resolution calling for greater religious and political freedoms in Cuba, and for other purposes.

S. RES. 578

At the request of Mr. WYDEN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 578, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 663

At the request of Mr. TOOMEY, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 663, a resolution supporting mask-wearing as an important measure to limit the spread of the Coronavirus Disease 2019 (COVID–19).

S. RES. 760

At the request of Mr. CORNYN, the names of the Senator from New Jersey (Mr. BOOKER), the Senator from Mississippi (Mrs. HYDE-SMITH) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 760, a resolution expressing the sense of the Senate that the atrocities perpetrated by the Government of the People's Republic of China against Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in the Xinjiang Uyghur Autonomous Region constitutes genocide.

S. RES. 762

At the request of Mr. BOOKER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 762, a resolution recognizing the disproportionate impact of COVID–19 on women and girls globally.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 774—HONORING THE UNITED NATIONS WORLD FOOD PROGRAMME ON THE OCCASION OF BEING AWARDED THE 2020 NOBEL PEACE PRIZE

Mr. BOOZMAN (for himself, Mr. BROWN, Mr. CASEY, Mr. DURBIN, and Mr. MORAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 774

Whereas, on October 9, 2020, the Norwegian Nobel Committee announced that the Nobel Peace Prize for 2020 has been awarded to the United Nations World Food Programme (referred to in this preamble as the ''WFP'') ''for its efforts to combat hunger, for its contribution to bettering conditions for peace in conflict-affected areas and for acting as a driving force in efforts to prevent the use of hunger as a weapon of war and conflict'';

Whereas the WFP is the largest humanitarian organization in the world that addresses hunger and promotes food security;

Whereas, in 2019, 135,000,000 people around the world suffered from acute hunger and the WFP provided nutrition assistance to nearly 100,000,000 people in 88 countries;

Whereas the 2020 coronavirus pandemic has contributed to a significant increase in the number of victims of hunger around the world, and the WFP has surged capacity in order to meet that compounded need;

Whereas the United States makes available more than 40 percent of the annual resources for the WFP;

Whereas the WFP has stated, ''Until the day we have a medical vaccine, food is the best vaccine against chaos''; and

Whereas the Norwegian Nobel Committee, in announcing the winner of the Nobel Peace Price for 2020, stated, ''The work of the World Food Programme to the benefit of humankind is an endeavour that all the nations of the world should be able to endorse and support'': Now, therefore, be it

Resolved, That the Senate—

(1) joins the other countries of the world in—

(A) affirming the mission of the United Nations World Food Programme (referred to in this resolution as the ''WFP'') on the occasion of being awarded the 2020 Nobel Peace Prize; and

(B) supporting the leadership of the WFP Executive Director, David Beasley, and the contributions of the more than 17,000 WFP staff worldwide; and

(2) remains committed to the goal of the international community to end hunger, achieve food security, and improve nutrition through the work of the WFP.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2682. Mr. MCCONNELL (for Mr. INHOFE) proposed an amendment to the bill H.R. 6395, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 2683. Mr. CORNYN (for Mr. SULLIVAN) proposed an amendment to the bill S. 2981, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

SA 2684. Mr. CORNYN proposed an amendment to the bill S. 3312, to establish a crisis stabilization and community reentry grant program, and for other purposes.

SA 2685. Mr. CORNYN proposed an amendment to the bill S. 2174, to expand the grants authorized under Jennifer's Law and Kristen's Act to include processing of unidentified remains, resolving missing persons cases, and for other purposes.

SA 2686. Mr. CORNYN (for Mr. ROBERTS) proposed an amendment to the bill S. 4054, to reauthorize the United States Grain Standards Act, and for other purposes.

SA 2687. Mr. CORNYN (for Mr. SCHUMER) proposed an amendment to the bill H.R. 1830, to require the Secretary of the Treasury to mint coins in commemoration of the National Purple Heart Hall of Honor.

TEXT OF AMENDMENTS

SA 2682. Mr. MCCONNELL (for Mr. INHOFE) proposed an amendment to the bill H.R. 6395, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2021''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

(4) Division D—Funding Tables.

(5) Division E—Additional Provisions.

(6) Division F—Intelligence Authorization Act for Fiscal Year 2021.

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

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

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Army Programs

SEC. 111. INTEGRATED AIR AND MISSILE DEFENSE ASSESSMENT.

(a) ASSESSMENT BY SECRETARY OF THE ARMY.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a classified assessment of the capability and capacity of current and planned integrated air and missile defense (IAMD) capabilities to meet combatant commander requirements for major operations against great-power competitors and other global operations in support of the National Defense Strategy.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include the following:

(A) Analysis and characterization of current and emerging threats, including the following:

(i) Cruise, hypersonic, and ballistic missiles.

(ii) Unmanned aerial systems.

(iii) Rockets.

(iv) Other indirect fire.

(v) Specific and meaningfully varied examples within each of subclauses (I) through (IV).

(B) Analysis of current and planned integrated air and missile defense capabilities to counter the threats analyzed and characterized under subparagraph (A), including the following:

(i) Projected timelines for development, procurement, and fielding of planned integrated air and missile defense capabilities.

(ii) Projected capability gaps.

(iii) Opportunities for acceleration or need for incorporation of interim capabilities to address current and projected gaps.

(C) Analysis of current and planned capacity to meet major contingency plan requirements and ongoing global operations of the combatant commands, including the following:

(i) Current and planned numbers of integrated air and missile defense systems and formations, including munitions.

(ii) Capacity gaps in addressing combatant command requirements.

(iii) Operations tempo stress on integrated air and missile defense formations and personnel.

(iv) Plans of the Secretary to continue to increase integrated air and missile defense personnel and formations.

(D) Assessment of integrated air and missile defense architecture and enabling command and control systems, including the following:

(i) A description of the integrated air and missile defense architecture and component counter unmanned aerial systems (C–UAS) sub-architecture.

(ii) Identification of the enabling command and control (C2) systems.

(iii) Inter-connectivity of the enabling command and control systems.

(iv) Compatibility of the enabling command and control systems with planned Joint All Domain Command and Control (JADC2) architecture.

(E) Assessment of proponency within the Army of integrated air and missile defense and counter unmanned aerial systems, including the following:

(i) A description of the current proponency structure.

(ii) Adequacy of the current proponency structure to facilitate Army executive agency integrated air and missile defense and counter unmanned aerial systems functions for the Department of Defense.

(iii) Benefits of establishing integrated air and missile defense and counter unmanned aerial systems centers of excellence to help focus Army and joint force efforts to achieving a functional integrated air and missile defense capability and capacity to meet requirements of the combatant commands.

(3) CHARACTERIZATION.—

(A) IN GENERAL.—In carrying out paragraph (2)(A), the Secretary shall avoid broad characterizations that do not sufficiently

distinguish between distinctly different threats in the same general class.

(B) EXAMPLE.—An example of a broad characterization to be avoided under such paragraph is ''cruise missiles'', since such characterization does not sufficiently distinguish between current cruise missiles and emerging hypersonic cruise missiles, which may require different capabilities to counter them.

(4) REPORT AND INTERIM BRIEFING.—

(A) INTERIM BRIEFING.—Not later than December 15, 2020, the Secretary shall provide the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a briefing on the assessment being conducted by the Secretary under paragraph (1).

(B) REPORT.—Not later than February 15, 2021, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the findings of the Secretary with respect to the assessment conducted under paragraph (1).

(b) REVIEW BY VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) REVIEW.—The Vice Chairman of the Joint Chiefs of Staff shall review the assessment being conducted under subsection (a)(1) for potential gaps in capability and capacity to meet requirements of the National Defense Strategy.

(2) REPORT.—Not later than April 15, 2021, the Vice Chairman of the Joint Chiefs of Staff shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the finding of the Vice Chairman with respect to the review conducted under paragraph (1).

SEC. 112. REPORT AND LIMITATION ON INTEGRATED VISUAL AUGMENTATION SYSTEM ACQUISITION.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than August 15, 2021, the Secretary of the Army shall submit to the congressional defense committees a report on the Integrated Visual Augmentation System (IVAS) subsequent to the completion of operational testing.

(2) ELEMENTS REQUIRED.—The report required by paragraph (1) shall include the following:

(A) Certification of the IVAS acquisition strategy, to include production model costs, full rate production schedule, and identification of any changes resulting from operational testing.

(B) Certification of technology levels being utilized in the full rate production model.

(C) Certification of operational suitability and soldier acceptability of the production model IVAS.

(b) LIMITATION ON USE OF FUNDS.—Not more than 50 percent of the amounts authorized to be appropriated by this Act for fiscal year 2021 for procurement of the Integrated Visual Augmentation System may be obligated or expended until the Secretary submits to the congressional defense committees the report required under subsection (a).

SEC. 113. MODIFICATIONS TO REQUIREMENT FOR AN INTERIM CRUISE MISSILE DEFENSE CAPABILITY.

(a) PLAN.—Not later than January 15, 2021, the Secretary of the Army shall submit to the congressional defense committees the plan, including a timeline, to operationally deploy or forward station the two batteries of interim cruise missile defense capability procured pursuant to section 112 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1660) in an operational theater or theaters.

(b) MODIFICATION OF WAIVER.—Section 112(b)(4) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1661) is amended to read as follows:

''(4) WAIVER.—The Secretary of the Army may waive the deadlines specified in paragraph (1):

''(A) For the deadline specified in paragraph (1)(A), if the Secretary determines that sufficient funds have not been appropriated to enable the Secretary to meet such deadline.

''(B) For the deadline specified in paragraph (1)(B), if the Secretary submits to the congressional defense committees a certification that—

''(i) allocating resources toward procurement of an integrated enduring capability would provide robust tiered and layered protection to the joint force; or

''(ii) additional time is required to complete training and preparation for operational capability.''.

Subtitle C—Navy Programs

SEC. 121. CONTRACT AUTHORITY FOR COLUMBIA-CLASS SUBMARINE PROGRAM.

(a) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into a contract, beginning with fiscal year 2021, for the procurement of up to two Columbia-class submarines.

(b) INCREMENTAL FUNDING.—With respect to a contract entered into under subsection (a), the Secretary of the Navy may use incremental funding to make payments under the contract.

(c) LIABILITY.—Any contract entered into under subsection (a) shall provide that—

(1) any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose; and

(2) total liability of the Federal Government for termination of any contract entered into shall be limited to the total amount of funding obligated to the contract at time of termination.

SEC. 122. LIMITATION ON NAVY MEDIUM AND LARGE UNMANNED SURFACE VESSELS.

(a) MILESTONE B APPROVAL REQUIREMENTS.—Milestone B approval may not be granted for a covered program unless such program accomplishes prior to and incorporates into such approval—

(1) qualification by the Senior Technical Authority of—

(A) at least two different main propulsion engines and ancillary equipment, including the fuel and lube oil systems; and

(B) at least two different electrical generators and ancillary equipment;

(2) final results of test programs of engineering development models or prototypes for critical systems specified by the Senior Technical Authority in their final form, fit, and function and in a realistic environment; and

(3) a determination by the milestone decision authority of the minimum number of vessels, discrete test events, performance parameters to be tested, and schedule required to complete initial operational test and evaluation and demonstrate operational suitability and operational effectiveness.

(b) QUALIFICATION REQUIREMENTS.—The qualification required in subsection (a)(1) shall include a land-based operational demonstration of such equipment in the vessel-representative form, fit, and function for not less than 1,080 continuous hours without preventative maintenance, corrective maintenance, emergent repair, or any other form of repair or maintenance.

(c) REQUIREMENT TO USE QUALIFIED ENGINES AND GENERATORS.—The Secretary of the Navy shall require that covered programs use only main propulsion engines and electrical generators that are qualified under subsection (a)(1).

(d) LIMITATION.—The Secretary of the Navy may not release a detail design or construction request for proposals or obligate funds from a procurement account for a covered program until such program receives Milestone B approval and the milestone decision authority notifies the congressional defense committees, in writing, of the actions taken to comply with the requirements under this section.

(e) DEFINITIONS.—In this section:

(1) The term ''covered program'' means a program for—

(A) medium unmanned surface vessels; or

(B) large unmanned surface vessels.

(2) The term ''Milestone B approval'' has the meaning given the term in section 2366(e)(7) of title 10, United States Code.

(3) The term ''milestone decision authority'' means the official within the Department of Defense designated with the overall responsibility and authority for acquisition decisions for the program, including authority to approve entry of the program into the next phase of the acquisition process.

(4) The term ''Senior Technical Authority'' has the meaning given the term in section 8669b of title 10, United States Code.

SEC. 123. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY WATERBORNE SECURITY BARRIERS.

Section 130(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1665), as amended by section 126 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''for fiscal year 2019 or fiscal year 2020'' and inserting ''for fiscal years 2019, 2020, or 2021''.

SEC. 124. PROCUREMENT AUTHORITIES FOR CERTAIN AMPHIBIOUS SHIPBUILDING PROGRAMS.

(a) CONTRACT AUTHORITY.—

(1) PROCUREMENT AUTHORIZED.—In fiscal year 2021, the Secretary of the Navy may enter into one or more contracts for the procurement of three San Antonio-class amphibious ships and one America-class amphibious ship.

(2) PROCUREMENT IN CONJUNCTION WITH EXISTING CONTRACTS.—The ships authorized to be procured under paragraph (1) may be procured as additions to existing contracts covering such programs.

(b) CERTIFICATION REQUIRED.—A contract may not be entered into under subsection (a) unless the Secretary of the Navy certifies to the congressional defense committees, in writing, not later than 30 days before entry into the contract, each of the following, which shall be prepared by the milestone decision authority for such programs:

(1) The use of such a contract is consistent with the Department of the Navy's projected force structure requirements for amphibious ships.

(2) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings under the preceding sentence, the Secretary shall include a written explanation of—

(A) the estimated end cost and appropriated funds by fiscal year, by hull, without the authority provided in subsection (a);

(B) the estimated end cost and appropriated funds by fiscal year, by hull, with the authority provided in subsection (a);

(C) the estimated cost savings or increase by fiscal year, by hull, with the authority provided in subsection (a);

(D) the discrete actions that will accomplish such cost savings or avoidance; and

(E) the contractual actions that will ensure the estimated cost savings are realized.

(3) There is a reasonable expectation that throughout the contemplated contract period the Secretary of the Navy will request funding for the contract at the level required to avoid contract cancellation.

(4) There is a stable design for the property to be acquired and the technical risks associated with such property are not excessive.

(5) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a) are realistic.

(6) The use of such a contract will promote the national security of the United States.

(7) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program (as defined under section 221 of title 10, United States Code) for such fiscal year will include the funding required to execute the program without cancellation.

(c) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more contracts for advance procurement associated with a vessel or vessels for which authorization to enter into a contract is provided under subsection (a), and for systems and subsystems associated with such vessels in economic order quantities when cost savings are achievable.

(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

(e) MILESTONE DECISION AUTHORITY DEFINED.—In this section. the term ''milestone decision authority'' has the meaning given the term in section 2366a(d) of title 10, United States Code.

SEC. 125. FIGHTER FORCE STRUCTURE ACQUISITION STRATEGY.

(a) REPORT REQUIRED.—Not later than March 1, 2021, the Secretary of the Navy shall submit to the congressional defense committees a report with a fighter force structure acquisition strategy that is aligned with the results of the independent studies required under section 1064 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1576).The strategy shall establish a minimum number of F–35 and Next Generation Air Dominance (NGAD) aircraft that the Navy and Marine Corps would be required to purchase each year to mitigate or manage strike fighter shortfalls.

(b) LIMITATION ON DEVIATION FROM STRATEGY.—The Department of the Navy may not deviate from the acquisition strategy established under subsection (a) until—

(1) the Secretary of the Navy receives a waiver and justification from the Secretary of Defense; and

(2) 30 days after the Secretary of the Navy notifies the congressional defense committees of the proposed deviation.

SEC. 126. TREATMENT OF SYSTEMS ADDED BY CONGRESS IN FUTURE PRESIDENT'S BUDGET REQUESTS.

A procurement quantity of a system authorized by Congress in a National Defense Authorization Act for a given fiscal year that is subsequently appropriated by Congress in an amount greater than the quantity of such system included in the President's annual budget request submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year shall not be included as a new procurement quantity in future annual budget requests.

SEC. 127. REPORT ON CARRIER WING COMPOSITION.

(a) REPORT.—Not later than May 1, 2021, the Secretary of the Navy, in consultation with the Chief of Naval Operations and Commandant of the Marine Corps, shall submit to the congressional defense committees a report on the optimal composition of the carrier air wing in 2030 and 2040, as well as alternative force design concepts.

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

(1) An analysis and justification used to reach the 50–50 mix of 4th and 5th generation aircraft for 2030.

(2) An analysis and justification for the optimal mix of carrier aircraft for 2040.

(3) A plan for incorporating unmanned aerial vehicles and associated communication capabilities to effectively implement the future force design.

SEC. 128. REPORT ON STRATEGY TO USE ALQ–249 NEXT GENERATION JAMMER TO ENSURE FULL SPECTRUM ELECTROMAGNETIC SUPERIORITY.

(a) REPORT.—Not later than July 30, 2021, the Secretary of the Navy, in consultation with the Vice Chairman of the Joint Chiefs, shall submit to the congressional defense committees report with a strategy to ensure full spectrum electromagnetic superiority using the ALQ–249 Next Generation Jammer.

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

(1) A description of the current procurement strategy of the ALQ–249 and the analysis of its capability to meet the RF frequency ranges required in a National Defense Strategy (NDS) conflict.

(2) An assessment of the ALQ–249's compatibility and ability to synchronize non-kinetic fires using other Joint Electronic Warfare (EW) platforms.

(3) A future model of an interlinked/interdependent electronic warfare menu of options for commanders at tactical, operational, and strategic levels.

Subtitle D—Air Force Programs

SEC. 141. ECONOMIC ORDER QUANTITY CONTRACTING AUTHORITY FOR F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) AUTHORITY FOR ADVANCE PROCUREMENT AND ECONOMIC ORDER QUANTITY.—The Secretary of Defense may enter into one or more contracts, beginning with the fiscal year 2020 program year, for the procurement of economic order quantities of material and equipment for the F–35 aircraft program for use in procurement contracts to be awarded for such program during fiscal years 2021 through 2023.

(b) LIMITATION.—The total amount obligated in fiscal year 2021 under all contracts entered into under subsection (a) shall not exceed $493,000,000.

(c) PRELIMINARY FINDINGS.—Before entering into a contract under subsection (a), the Secretary shall make each of the following findings with respect to such contract:

(1) The use of such a contract will result in significant savings of the total anticipated costs of carrying out the program through annual contracts.

(2) The minimum need for the property to be procured is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities.

(3) There is a reasonable expectation that, throughout the contemplated contract period, the Secretary will request funding for the contract at the level required to avoid contract cancellation.

(4) There is a stable design for the property to be procured, and the technical risks associated with such property are not excessive.

(5) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of an economic order quantity contract are realistic.

(6) Entering into the contract will promote the national security interests of the United States.

(d) CERTIFICATION REQUIREMENT.—Except as provided in subsection (e), the Secretary of Defense may not enter into a contract under subsection (a) until 30 days after the Secretary certifies to the congressional defense committees, in writing, that each of the following conditions is satisfied:

(1) A sufficient number of end items of the system being acquired under such contract have been delivered at or within the most recently available estimates of the program acquisition unit cost or procurement unit cost for such system to determine that the estimates of the unit costs are realistic.

(2) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for that fiscal year will include the funding required to execute the program without cancellation.

(3) The contract is a fixed-price type contract.

(4) The proposed contract provides for production at not less than minimum economic rates given the existing tooling and facilities.

(5) The Secretary has determined that each of the conditions described in paragraphs (1) through (6) of subsection (c) will be met by such contract and has provided the basis for such determination to the congressional defense committees.

(6) The determination under paragraph (5) was made after the completion of a cost analysis performed by the Director of Cost Assessment and Program Evaluation for the purpose of section 2334(f)(2) of title 10, United States Code, and the analysis supports that determination.

(e) EXCEPTION.—Notwithstanding subsection (d), the Secretary of Defense may enter into a contract under subsection (a) on or after December 1, 2020, if—

(1) the Director of Cost Assessment and Program Evaluation has not completed a cost analysis of the preliminary findings made by the Secretary under subsection (c) with respect to the contract;

(2) the Secretary certifies to the congressional defense committees, in writing, that each of the conditions described in paragraphs (1) through (5) of subsection (d) is satisfied; and

(3) a period of 30 days has elapsed following the date on which the Secretary submits the certification under paragraph (2).

SEC. 142. MINIMUM AIRCRAFT LEVELS FOR MAJOR MISSION AREAS.

(a) MINIMUM LEVELS.—Except as provided under subsection (b), the Secretary of the Air Force shall maintain the following minima, based on Primary Mission Aircraft Inventory (PMAI):

(1) 1,182 Fighter aircraft.

(2) 190 Attack Remotely Piloted Aircraft (RPA).

(3) 92 Bomber aircraft.

(4) 412 Tanker aircraft.

(5) 230 Tactical airlift aircraft.

(6) 235 Strategic airlift aircraft.

(7) 84 Strategic Intelligence, Surveillance, and Reconnaissance (ISR) aircraft.

(8) 106 Combat Search and Rescue (CSAR) aircraft.

(b) EXCEPTIONS.—The Secretary of the Air Force may reduce the number of aircraft in the PMAI of the Air Force below the minima specified in subsection (a) only if—

(1) the Secretary certifies to the congressional defense committees that such reduction is justified by the results of the new capability and requirements studies; and

(2) a period of 30 days has elapsed following the date on which the certification is made to the congressional defense committees under paragraph (1).

(c) APPLICABILITY.—The limitation in subsection (a) shall not apply to aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of mishaps, other damage, or being uneconomical to repair.

SEC. 143. MINIMUM OPERATIONAL SQUADRON LEVEL.

As soon as practicable after the date of the enactment of this Act and subject to the availability of appropriations, the Secretary of the Air Force shall seek to achieve a minimum of not fewer than 386 available operational squadrons, or equivalent organizational units, within the Air Force. In addition to the operational squadrons, the Secretary shall strive to achieve the following primary mission aircraft inventory (PMAI) numbers:

(1) 1,680 Fighter aircraft.

(2) 199 Persist attack remotely piloted aircraft (RPA).

(3) 225 Bomber aircraft.

(4) 500 Air refueling aircraft.

(5) 286 Tactical airlift aircraft.

(6) 284 Strategic airlift aircraft.

(7) 55 Command and control aircraft.

(8) 105 Combat search and rescue (CSAR) aircraft.

(9) 30 Intelligence, surveillance, and reconnaissance (ISR) aircraft.

(10) 179 Special operations aircraft.

(11) 40 Electronic warfare (EW) aircraft.

SEC. 144. MINIMUM AIR FORCE BOMBER AIRCRAFT LEVEL.

The Secretary of Defense shall submit to the congressional defense committees recommendations for a minimum number of bomber aircraft, including penetrating bombers in addition to B–52H aircraft, to enable the Air Force to carry out its long-range penetrating strike capability.

SEC. 145. F–35 GUN SYSTEM.

The Secretary of the Air Force shall begin the procurement process for an alternate 25mm ammunition solution that provides a true full-spectrum target engagement capability for the F–35A aircraft.

SEC. 146. PROHIBITION ON FUNDING FOR CLOSE AIR SUPPORT INTEGRATION GROUP.

No funds authorized to be appropriated by this Act may be obligated or expended for the Close Air Support Integration Group (CIG) or its subordinate units at Nellis Air Force Base, Nevada, and the Air Force may not utilize personnel or equipment in support of the CIG or its subordinate units.

SEC. 147. LIMITATION ON DIVESTMENT OF KC–10 AND KC–135 AIRCRAFT.

The Secretary of Defense may not divest KC–10 and KC–135 aircraft in excess of the following amounts:

(1) In fiscal year 2021, 6 KC–10 aircraft, including only 3 from primary mission aircraft inventory (PMAI).

(2) In fiscal year 2022, 12 KC–10 aircraft.

(3) In fiscal year 2023, 12 KC–10 and 14 KC–135 aircraft.

SEC. 148. LIMITATION ON RETIREMENT OF U–2 AND RQ–4 AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not take any action that would prevent the Air Force from maintaining the fleets of U–2 aircraft or RQ–4 aircraft in their current, or improved, configurations and capabilities until the Chairman of the Joint Requirements Oversight Council certifies in writing to the appropriate committees of Congress that the capability to be fielded at the same time or before the retirement of the U–2 aircraft or RQ–4 aircraft (as the case may be) would result in equal or greater capability available to the commanders of the combatant commands and would not result in less capacity available to the commanders of the combatant commands.

(b) WAIVER.—The Secretary of Defense may waive the certification requirement under subsection (a) with respect to U–2 aircraft or RQ–4 aircraft if the Secretary—

(1) determines, after analyzing sufficient and relevant data, that a loss in capacity and capability will not prevent the combatant commanders from accomplishing their missions at acceptable levels of risk; and

(2) provides to the appropriate committees of Congress a certification of such determination and supporting analysis.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

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

SEC. 149. LIMITATION ON DIVESTMENT OF F–15C AIRCRAFT IN THE EUROPEAN THEATER.

(a) IN GENERAL.—The Secretary of the Air Force may not divest F–15C aircraft in the European theater until the F–15EX aircraft is integrated into the Air Force and has begun bed down actions in the European theater.

(b) WAIVER.—The Secretary of Defense, after consultation with the Commander of the United States European Command (EUCOM), may waive the limitation under subsection (a) if the Secretary certifies to Congress the divestment is required for the national defense and that there exists sufficient resources at all times to meet NATO and EUCOM air superiority requirements for the European theater.

SEC. 150. AIR BASE DEFENSE DEVELOPMENT AND ACQUISITION STRATEGY.

(a) STRATEGY REQUIRED.—Not later than March 1, 2021, the Chief of Staff of the Air Force (CSAF), in consultation with the Chief of Staff of the Army (CSA), shall submit to the congressional defense committees a development and acquisition strategy to procure a capability to protect air bases and prepositioned sites in contested environments highlighted in the National Defense Strategy. The strategy should ensure a solution that is effective against current and emerging cruise missile and advanced hypersonic missile threats.

(b) LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS.—Not more than 50 percent of the funds authorized to be appropriated by this Act for fiscal year 2021 for operation and maintenance for the Office of the Secretary of the Air Force and the Office of the Secretary of the Army may be obligated or expended until 15 days after submission of the strategy required under subsection (a).

SEC. 151. REQUIRED SOLUTION FOR KC–46 AIRCRAFT REMOTE VISUAL SYSTEM LIMITATIONS.

The Secretary of the Air Force shall develop and implement a complete, one-time solution to the KC–46 aircraft remote visual system (RVS) operational limitations. Not later than October 1, 2020, the Secretary shall submit to the congressional defense committees an implementation strategy for the solution.

SEC. 152. ANALYSIS OF REQUIREMENTS AND ADVANCED BATTLE MANAGEMENT SYSTEM CAPABILITIES.

(a) ANALYSIS.—Not later than April 1, 2021, the Secretary of the Air Force, in consultation with the commanders of the combatant commands, shall develop an analysis of current and future moving target indicator requirements across the combatant commands and operational and tactical level command and control capabilities the Advanced Battle Management System (ABMS) will require when fielded.

(b) JROC REQUIREMENTS.—

(1) IN GENERAL.—Not later than 60 days after the Secretary of the Air Force develops the analysis under subsection (a), the Joint Requirements Oversight Council (JROC) shall certify that requirements for ABMS incorporate the findings of the analysis.

(2) CONGRESSIONAL NOTIFICATION.—The Joint Requirements Oversight Council (JROC) shall notify the congressional defense committees upon making the certification required under paragraph (1) and provide a briefing on the requirements and findings described in such paragraph not later than 30 days after such notification.

SEC. 153. STUDIES ON MEASURES TO ASSESS COST-PER-EFFECT FOR KEY MISSION AREAS.

(a) IN GENERAL.—Not later than January 1, 2021, the Secretary of the Air Force shall provide for the performance of two independent studies to devise new measures to assess cost-per-effect for key mission areas. One of the studies shall be conducted by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and one of the studies shall be conducted by a federally funded research and development center.

(b) SCOPE.—Each study conducted pursuant to subsection (a) shall address the following matters:

(1) Number of weapon systems required to meet a specified mission goal.

(2) Number of personnel required to meet a specified mission goal.

(3) Associated operation and maintenance costs necessary to facilitate respective operational constructs.

(4) Basing requirements for respective force constructs.

(5) Mission support elements required to facilitate specified operations.

(6) Defensive measures required to facilitate viable mission operations.

(7) Attrition due to enemy countermeasures and other loss factors associated with respective technologies.

(8) Associated weapon effects costs compared to alternative forms of power projection.

(c) IMPLEMENTATION OF MEASURES.—The Secretary of the Air Force shall, as appropriate, incorporate the findings of the studies conducted pursuant to subsection (a) in the Air Force's future force development process. The measures—

(1) should be domain and platform agnostic;

(2) should focus on how best to achieve mission goals in future operations; and

(3) shall consider including harnessing cost-per-effect assessments as a key performance parameter within the Department of Defense's Joint Capabilities Integration and Development System (JCIDS) requirements process.

SEC. 154. PLAN FOR OPERATIONAL TEST AND UTILITY EVALUATION OF SYSTEMS FOR LOW-COST ATTRIBUTABLE AIRCRAFT TECHNOLOGY PROGRAM.

Not later than October 1, 2020, the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics shall—

(a) submit to the congressional defense committees an executable plan for the operational test and utility evaluation of the systems of the Low-Cost Attributable Aircraft Technology (LCAAT) program of the Air Force; and

(b) brief the congressional defense committees on such plan.

SEC. 155. PROHIBITION ON RETIREMENT OR DIVESTMENT OF A–10 AIRCRAFT.

The Secretary of Defense may not during fiscal year 2021 divest or retire any A–10 aircraft, in order to ensure ongoing capabilities to counter violent extremism and provide close air support and combat search and rescue in accordance with the National Defense Strategy.

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

SEC. 171. BUDGETING FOR LIFE-CYCLE COST OF AIRCRAFT FOR THE NAVY, ARMY, AND AIR FORCE: ANNUAL PLAN AND CERTIFICATION.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:

''§ 231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: Annual plan and certification

''(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees—

''(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy, the Department of the Army, and the Department of the Air Force developed in accordance with this section; and

''(2) a certification by the Secretary that both the budget for such fiscal year and the future years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

''(1) Fighter aircraft.

''(2) Attack aircraft.

''(3) Bomber aircraft.

''(4) Intertheater lift aircraft.

''(5) Intratheater lift aircraft.

''(6) Intelligence, surveillance, and reconnaissance aircraft.

''(7) Tanker aircraft.

''(8) Remotely piloted aircraft.

''(9) Rotary-wing aircraft.

''(10) Operational support and executive lift aircraft.

''(11) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

''(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national military strategy of the United States as set forth in the most recent National Defense Strategy submitted under section 113(g) of title 10, United States Code, and National Military Strategy submitted under section 153(b) of title 10, United States Code.

''(2) Each annual aircraft procurement plan shall include the following:

''(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy, the Department of the Army, and the Department of the Air Force over the next 30 fiscal years.

''(B) A description of the necessary aviation force structure to meet the requirements of the national military strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

''(C) The estimated levels of annual investment funding necessary to carry out each aircraft program, together with a discussion of the procurement strategies on which such estimated levels of annual investment funding are based, set forth in aggregate for the Department of Defense and in aggregate for each military department.

''(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

''(E) For each of the cost estimates required by subparagraphs (C) and (D)—

''(i) a description of whether the cost estimate is derived from the cost estimate position of the military department or derived from the cost estimate position of the Office of Cost Analysis and Program Evaluation;

''(ii) if the cost estimate position of the military department and the cost estimate position of the Office of Cost Analysis and Program Evaluation differ by more than 5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference;

''(iii) the confidence or certainty level associated with the cost estimate for each aircraft program; and

''(iv) a certification that cost between different services and aircraft are based on similar components in the life-cycle cost of each program.

''(F) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy, the Department of the Army, and the Department of the Air Force meet the national security requirements of the United States.

''(3) For any cost estimate required by paragraph (2)(C) or (D), for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan, shall be sourced from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft plan is prepared.

''(4) The annual aircraft procurement plan shall be submitted in unclassified form and shall contain a classified annex. A summary version of the unclassified report shall be made available to the public.

''(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for the Department of the Navy, the Department of the Army, or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. The assessment shall be coordinated in advance with the commanders of the combatant commands.

''(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense. Each such report shall include the following, for the year covered by the report:

''(A) The total number of aircraft in the inventory.

''(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

''(i) Primary aircraft.

''(ii) Backup aircraft.

''(iii) Attrition and reconstitution reserve aircraft.

''(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

''(i) Bailment aircraft.

''(ii) Drone aircraft.

''(iii) Aircraft for sale or other transfer to foreign governments.

''(iv) Leased or loaned aircraft.

''(v) Aircraft for maintenance training.

''(vi) Aircraft for reclamation.

''(vii) Aircraft in storage.

''(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

''(2) Each report submitted under this subsection shall set forth each item described in paragraph (1) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.

''(f) DEFINITION OF BUDGET.—In this section, the term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:

''231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: Annual plan and certification.''.

SEC. 172. AUTHORITY TO USE F–35 AIRCRAFT WITHHELD FROM DELIVERY TO GOVERNMENT OF TURKEY.

The Secretary of the Air Force is authorized to utilize, modify, and operate the 6 F–35 aircraft that were accepted by the Government of Turkey but never delivered because Turkey was suspended from the F–35 program.

SEC. 173. TRANSFER FROM COMMANDER OF UNITED STATES STRATEGIC COMMAND TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF OF RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS.

(a) TRANSFER.—Not later than one year after the date of the enactment of this Act and subject to subsection (c), the Secretary of Defense shall transition to the Chairman of the Joint Chiefs of Staff as a Chairman's Controlled Activity all of the responsibilities and functions of the Commander of United States Strategic Command that are germane to electromagnetic spectrum operations, including—

(1) advocacy for joint electronic warfare capabilities,

(2) providing contingency electronic warfare support to other combatant commands, and

(3) supporting combatant command joint training and planning related to electromagnetic spectrum operations.

(b) RESPONSIBILITY OF VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AS THE ELECTRONIC WARFARE SENIOR DESIGNATED OFFICIAL.—The Vice Chairman of the Joint Chiefs of Staff, as the Electronic Warfare Senior Designated Official, shall be responsible for the following:

(1) Executing the functions transitioned to the Chairman of the Joint Chiefs of Staff under subsection (a).

(2) Overseeing, with the Chief Information Officer of the Department of Defense, the development and implementation of the Electromagnetic Spectrum Superiority Strategy of the Department of Defense and subsequent Department-wide electromagnetic spectrum and electronic warfare strategies.

(3) Managing the Joint Electronic Warfare Center and the Joint Electromagnetic Preparedness for Advanced Combat organizations.

(4) Overseeing, through the Joint Requirements Oversight Council and the Electromagnetic Spectrum Operations cross-functional team, the acquisition activities of the military services as they relate to electromagnetic spectrum operations.

(5) Overseeing and, as appropriate, setting standards for the individual and unit training programs of the military services and the joint training and mission rehearsal programs of the combatant commands as they relate to electromagnetic spectrum operations.

(6) Overseeing the development of tactics, techniques, and procedures germane to electromagnetic spectrum operations.

(7) Overseeing the integration of electromagnetic spectrum operations into operation plans and contingency plans.

(8) Developing and integrating into the joint warfighting concept operational concepts for electromagnetic spectrum operations, including the following:

(A) The roles and responsibilities of each of the military services and their primary contributions to the joint force.

(B) The primary targets for offensive electromagnetic spectrum operations and their alignment to the military services and relevant capabilities.

(C) The armed forces' positioning, scheme of maneuver, kill chains, and tactics, techniques, and procedures, as appropriate, to conduct offensive electromagnetic spectrum operations.

(D) The armed forces' positioning, scheme of maneuver, kill chains, and tactics, techniques, and procedures, as appropriate, to detect, disrupt, avoid, or render ineffective adversary electromagnetic spectrum operations.

(c) PERIOD OF EFFECT OF TRANSFER.—

(1) IN GENERAL.—The transfer required by subsection (a) and the responsibilities specified in subsection (b) shall remain in effect until such date as the Chairman of the Joint Chiefs of Staff considers appropriate, except that such date shall not be earlier than the date that is 180 days after the date on which the Chairman submits to the congressional defense committees notice that—

(A) the Chairman has made a determination that—

(i) the military services', geographic combatant commands', and functional combatant commands' electromagnetic spectrum operations expertise, capabilities, and execution are sufficiently robust; and

(ii) an alternative arrangement described in paragraph (2) is justified; and

(B) the Chairman intends to transfer responsibilities and activities in order to carry out such alternative arrangement.

(2) ALTERNATIVE ARRANGEMENT DESCRIBED.—An alternative arrangement described in this paragraph is an arrangement in which certain oversight, advocacy, and coordination functions allotted to the Chairman or Vice Chairman of the Joint Chiefs of Staff by subsections (a) and (b) are performed either by a single combatant command or by the individual geographic and functional combatant commands responsible for executing electromagnetic spectrum operations with long-term supervision by the Chairman or Vice Chairman of the Joint Chiefs of Staff.

(d) EVALUATIONS OF ARMED FORCES.—

(1) IN GENERAL.—The Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Chief of Space Operations shall each conduct and complete an evaluation of the armed forces for their respective military services and their ability to perform the electromagnetic spectrum operations missions required of them in—

(A) the Electromagnetic Spectrum Superiority Strategy;

(B) the Joint Staff-developed concept of operations; and

(C) the operation and contingency plans of the combatant commanders.

(2) ELEMENTS.—Each evaluation under paragraph (1) shall include assessment of the following:

(A) Current programs of record, including—

(i) the ability of weapon systems to perform missions in contested electromagnetic spectrum environments; and

(ii) the ability of electronic warfare capabilities to disrupt adversary operations.

(B) Future programs of record, including—

(i) the need for distributed or network-centric electronic warfare and signals intelligence capabilities; and

(ii) the need for automated and machine learning- or artificial intelligence-assisted electronic warfare capabilities.

(C) Order of battle.

(D) Individual and unit training.

(E) Tactics, techniques, and procedures, including—

(i) maneuver, distribution of assets, and the use of decoys; and

(ii) integration of nonkinetic and kinetic fires.

(e) EVALUATION OF COMBATANT COMMANDS.—

(1) IN GENERAL.—The Commander of the United States European Command, the Commander of the United States Pacific Command, and the Commander of the United States Central Command shall each conduct and complete an evaluation of the plans and posture of their respective commands to execute the electromagnetic spectrum operations envisioned in—

(A) the Electromagnetic Spectrum Superiority Strategy; and

(B) the Joint Staff-developed concept of operations.

(2) ELEMENTS.—Each evaluation under paragraph (1) shall include assessment of the following:

(A) Operation and contingency plans.

(B) The manning, organizational alignment, and capability of joint electromagnetic spectrum operations cells.

(C) Mission rehearsal and exercises.

(D) Force positioning, posture, and readiness.

(f) SEMIANNUAL BRIEFING.—Not less frequently than twice each year until January 1, 2026, the Vice Chairman of the Joint Chiefs of Staff shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the implementation of this section by each of the Joint Staff, the military services, and the combatant commands.

SEC. 174. CRYPTOGRAPHIC MODERNIZATION SCHEDULES.

(a) CRYPTOGRAPHIC MODERNIZATION SCHEDULES REQUIRED.—Each of the Secretaries of the military departments and the heads of relevant defense agencies and field activities shall establish and maintain a cryptographic modernization schedule that specifies, for each pertinent weapon system, command and control system, or data link, including those that use commercial encryption technologies, as relevant, the following:

(1) The expiration date or cease key date for applicable cryptographic algorithms.

(2) Anticipated key extension requests for systems where cryptographic modernization is assessed to be overly burdensome and expensive or to provide limited operational utility.

(3) The funding and deployment schedule for modernized cryptographic algorithms, keys, and equipment over the Future Years Defense Program.

(b) REQUIREMENTS FOR CHIEF INFORMATION OFFICER.—The Chief Information Officer of the Department of Defense shall—

(1) oversee the construction and implementation of the cryptographic modernization schedules required by subsection (a);

(2) establish and maintain an integrated cryptographic modernization schedule for the entire Department, collating the cryptographic modernization schedules required under subsection (a); and

(3) in coordination with the Director of the National Security Agency and the Joint Staff Director for Command, Control, Communications, and Computers/Cyber, use the budget certification, standard-setting, and policy-making authorities provided in section 142 of title 10, United States Code, to amend military service and defense agency and field activity plans for key extension requests and cryptographic modernization funding and deployment that pose unacceptable risk to military operations.

(c) ANNUAL NOTICES.—Not later than January 1, 2022, and not less frequently than once each year thereafter until January 1, 2026, the Chief Information Officer of the Department and the Joint Staff Director for Command, Control, Communications, and Computers/Cyber shall jointly submit to the congressional defense committees notification of all—

(1) delays to or planned delays of military service and defense agency and field activity funding and deployment of modernized cryptographic algorithms, keys, and equipment over the previous year; and

(2) changes in plans or schedules surrounding key extension requests and waivers, including—

(A) unscheduled or unanticipated key extension requests; and

(B) unscheduled or unanticipated waivers and nonwaivers of scheduled or anticipated key extension requests.

SEC. 175. PROHIBITION ON PURCHASE OF ARMED OVERWATCH AIRCRAFT.

The Secretary of the Air Force may not purchase any aircraft for the Air Force Special Operations Command for the purpose of ''armed overwatch'' until such time as the Chief of Staff of the Air Force certifies to the congressional defense committees that general purpose forces of the Air Force do not have the skill or capacity to provide close air support and armed overwatch to United States forces deployed operationally.

SEC. 176. SPECIAL OPERATIONS ARMED OVERWATCH.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for the Department of Defense may be used to acquire armed overwatch aircraft for the United States Special Operations Command, and the Department of Defense may not acquire armed overwatch aircraft for the United States Special Operations Command in fiscal year 2021.

(b) ANALYSIS REQUIRED.—

(1) IN GENERAL.—Not later than July 1, 2021, the Secretary of Defense, in coordination with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Commander of the United States Special Operations Command, shall conduct an analysis to define the special operations-peculiar requirements for armed

overwatch aircraft and to determine whether acquisition of a new special operations-peculiar platform is the most cost effective means of fulfilling such requirements.

(2) ELEMENTS.—At a minimum, the analysis of alternatives required under paragraph (1) shall include—

(A) a description of the concept of operations for employing armed overwatch aircraft in support of ground forces;

(B) an identification of geographic regions in which armed overwatch aircraft could be deployed;

(C) an identification of the most likely antiaircraft threats in geographic areas where armed overwatch aircraft will be deployed and possible countermeasures to defeat such threats;

(D) a defined requirement for special operations-peculiar armed overwatch aircraft, including an identification of threshold and objective performance parameters for armed overwatch aircraft;

(E) an analysis of alternatives comparing various manned and unmanned aircraft in the current aircraft inventory of the United States Special Operations Command and a new platform for meeting requirements for the armed overwatch mission, including for each alternative considered;

(F) an identification of any necessary aircraft modifications and the associated cost;

(G) the annual cost of operating and sustaining such aircraft;

(H) an identification of any required military construction costs;

(I) an explanation of how the acquisition of a new armed overwatch aircraft would impact the overall fleet of special operations-peculiar aircraft and the availability of aircrews and maintainers;

(J) an explanation of why existing Air Force and United States Special Operations Command close air support and airborne intelligence capabilities are insufficient for the armed overwatch mission; and

(K) any other matters determined relevant by the Secretary of Defense.

SEC. 177. AUTONOMIC LOGISTICS INFORMATION SYSTEM REDESIGN STRATEGY.

Not later than October 1, 2020, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the F–35 Program Executive Officer, shall—

(1) submit to the congressional defense committees a report describing a program-wide process for measuring, collecting, and tracking information on how the Autonomic Logistics Information System (ALIS) is affecting the performance of the F–35 fleet, including its effects on mission capability rates; and

(2) implement a strategy for the redesign of ALIS, including the identification and assessment of goals, key risks or uncertainties, and costs of redesigning the system.

SEC. 178. CONTRACT AVIATION SERVICES IN A COUNTRY OR IN AIRSPACE IN WHICH A SPECIAL FEDERAL AVIATION REGULATION APPLIES.

(a) IN GENERAL.—When the Department of Defense contracts for aviation services to be performed in a foreign country, or in airspace, in which a Special Federal Aviation Regulation issued by the Federal Aviation Administration would preclude operation of such aviation services by an air carrier or commercial operator of the United States, the Secretary of Defense (or a designee of the Secretary) shall—

(1) obtain approval from the Administrator of the Federal Aviation Administration (or a designee of the Administrator) for the air carrier or commercial operator of the United States to deviate from the Special Federal Aviation Regulation to the extent necessary to perform such aviation services;

(2) designate the aircraft of the air carrier or commercial operator of the United States to be State Aircraft of the United States when performing such aviation services; or

(3) use organic aircraft to perform such aviation services in lieu of aircraft of an air carrier or commercial operator of the United States.

(b) CONSTRUCTION OF DESIGNATION.—The designation of aircraft of an air carrier or commercial operator of the United States as State Aircraft of the United States under subsection (a)(2) shall have no effect on Federal Aviation Administration requirements for—

(1) safety oversight responsibility for the operation of aircraft so designated, except for those activities prohibited or restricted by an applicable Special Federal Aviation Regulation; and

(2) any previously issued nonpremium aviation insurance or reinsurance policy issued to the air carrier or commercial operator of the United States for the duration of aviation services performed as a State Aircraft of the United States under that subsection.

SEC. 179. F–35 AIRCRAFT MUNITIONS.

The Secretary of the Air Force and the Secretary of the Navy shall qualify and certify, for the use of United States forces, additional munitions on the F–35 aircraft that are already qualified on NATO member F–35 partner aircraft.

SEC. 180. AIRBORNE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE ACQUISITION ROADMAP FOR UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) IN GENERAL.—Not later than December 1, 2021, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Commander of the United States Special Operations Command shall jointly submit to the congressional defense committees an acquisition roadmap to meet the manned and unmanned airborne intelligence, surveillance, and reconnaissance requirements of United States Special Operations Forces.

(b) ELEMENTS.—The roadmap required under subsection (a) shall include, at a minimum, the following:

(1) A description of the current platform requirements for manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities to support United States Special Operations Forces.

(2) An analysis of the remaining service life of existing manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities currently operated by United States Special Operations Forces.

(3) An identification of any current or anticipated special operations-peculiar capability gaps.

(4) A description of the future manned and unmanned intelligence, surveillance, and reconnaissance platform requirements of the United States Special Operations Forces, including range, payload, endurance, ability to operate in contested environments, and other requirements as appropriate.

(5) An explanation of the anticipated mix of manned and unmanned aircraft, number of platforms, and associated aircrew and maintainers.

(6) An explanation of the extent to which service-provided manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities will be required in support of United States Special Operations Forces and how such capabilities will supplement and integrate with the organic capabilities possessed by United States Special Operations Forces.

(7) Any other matters deemed relevant by the Assistant Secretary and Commander.

SEC. 181. REQUIREMENT TO ACCELERATE THE FIELDING AND DEVELOPMENT OF COUNTER UNMANNED AERIAL SYSTEMS ACROSS THE JOINT FORCE.

(a) PRIORITY OBJECTIVES FOR EXECUTIVE AGENT FOR C–UAS.—The Executive Agent of the Joint Counter Small Unmanned Aerial Systems (C-sUAS) Office, as designated by the Under Secretary of Defense, Acquisition and Sustainment, shall prioritize the following objectives:

(1) Select counter unmanned aerial systems that can be fielded as early as fiscal year 2021 to meet immediate operational needs in countering Group 1, 2, and 3 unmanned aerial systems with the potential to expand to other larger systems.

(2) Devise and execute a near-term plan to develop and field a select set of counter unmanned aerial systems to meet joint force requirements, beginning in fiscal year 2021.

(b) FIELDING C–UAS SYSTEMS IN FISCAL YEAR 2021.—Pursuant to subsection (a)(1), the Executive Agent shall prioritize the selection of counter unmanned aerial systems that can be fielded in fiscal year 2021 with specific emphasis on systems that—

(1) have undergone effective combat validations;

(2) meet the operational demands of deployed forces facing the most significant threats, especially unmanned aerial systems that are not remotely piloted or are not reliant on a command link; and

(3) utilize autonomous systems and processes that increase operational effectiveness, reduce the manning demands on operational forces, and limit the need for government-funded contractor logistics support.

(c) NEAR-TERM DEVELOPMENT PLAN.—The plan for the near-term development of counter unmanned aerial systems prioritized under subsection (a)(2) shall ensure, at a minimum, that the development of such systems—

(1) builds, as much as practicable, upon systems that were selected for fielding in fiscal year 2021 and the criteria prioritized for their selection, as specified in subsection (b);

(2) reduces or accelerates the timeline for initial operational capability and full operational capability;

(3) utilizes a software-defined, family-of-systems approach that enables the flexible and continuous integration of different types of sensors and mitigation solutions based on the different demands of particular military installations and deployed forces, physical geographies, and threat profiles; and

(4) gives preference to commercial items, as required in section 3307 of title 41, United States Code, when making selections of counter unmanned aerial systems or component parts, including a common command and control system.

(d) BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Executive Agent shall brief the congressional defense committees on the selection process for counter unmanned aerial systems capabilities prioritized under paragraph (1) of subsection (a) and the plan prioritized under paragraph (2) of such subsection.

(e) OVERSIGHT.—The Executive Agent shall—

(1) oversee the program management and execution of all counter unmanned aerial systems being developed within the military departments on the day before the date of the enactment of this Act; and

(2) ensure that the plan prioritized under subsection (a)(2) guides future programmatic and funding decisions for activities relating to counter unmanned aerial systems, including cancellation of such activities.

SEC. 182. JOINT ALL DOMAIN COMMAND AND CONTROL REQUIREMENTS.

(a) PRODUCTION OF REQUIREMENTS BY JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Not

later than October 1, 2020, the Joint Requirements and Oversight Council (JROC) shall produce requirements for the Joint All Domain Command and Control (JADC2) program.

(b) AIR FORCE CERTIFICATION.—Immediately after the certification of requirements produced under subsection (a), the Chief of Staff of the Air Force shall submit to the congressional defense committees a certification that the current JADC2 effort, including programmatic and architecture efforts, being led by the Air Force will meet the requirements laid out by the JROC.

(c) CERTIFICATION BY OTHER SERVICES.—Not later than January 1, 2021, the chief of each other military service shall submit to the congressional defense committees a certification whether that service's efforts on multi-domain command and control are compatible with the Air Force-led JADC2 architecture.

(d) BUDGETING.—The Secretary of Defense shall incorporate the expected costs for full development and implementation of the JADC2 program across the Department in the President's budget submission to Congress for fiscal year 2022 under section 1105 of title 31, United States Code.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. DESIGNATION AND ACTIVITIES OF SENIOR OFFICIALS FOR CRITICAL TECHNOLOGY AREAS SUPPORTIVE OF THE NATIONAL DEFENSE STRATEGY.

(a) DESIGNATION OF SENIOR OFFICIALS.—The Under Secretary for Research and Engineering shall designate a set of senior officials to coordinate research and engineering in such technology areas as the Under Secretary considers critical for the support of the National Defense Strategy.

(b) DUTIES.—The duties of the senior officials designated under subsection (a) shall include, within their respective technology areas—

(1) developing and continuously updating research and technology development roadmaps, associated funding strategies, and associated technology transition strategies to ensure effective and efficient development of new capabilities and operational use of appropriate technologies;

(2) annual assessments of workforce, infrastructure, and industrial base capabilities and capacity to support the roadmaps developed under paragraph (1) and the goals of the National Defense Strategy;

(3) reviewing the relevant research and engineering budgets of appropriate organizations within the Department of Defense, including the military services, and advising the Under Secretary on—

(A) the consistency of the budgets with the roadmaps developed under paragraph (1);

(B) any technical and programmatic risks to achieving the research and technology development goals of the National Defense Strategy; and

(C) projects and activities with unwanted or inefficient duplication, including with other government agencies and the commercial sector, lack of appropriate coordination with relevant organizations, or inappropriate alignment with organizational missions and capabilities;

(4) coordinating research and engineering activities of the Department with appropriate international, interagency, and private sector organizations; and

(5) tasking the appropriate intelligence agencies to develop a direct comparison between the capabilities of the United States and the capabilities of adversaries of the United States.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than December 1, 2021, and not later than December 1 of each year thereafter until December 1, 2025, the Under Secretary shall submit to the congressional defense committees a report of successful examples of research and engineering activities that have—

(A) achieved significant technical progress;

(B) transitioned to formal acquisition programs;

(C) transitioned into operational use; or

(D) transferred for further commercial development or commercial sales.

(2) FORM.—Each report submitted under paragraph (1) shall be submitted in a publicly releasable format, but may include a classified annex.

(d) COORDINATION OF RESEARCH AND ENGINEERING ACTIVITIES.—The Service Acquisition Executive for each military services and the Director of the Defense Advanced Research Projects Agency shall each identify senior officials to ensure coordination of appropriate research and engineering activities with each of the senior officials designated under subsection (a).

SEC. 212. GOVERNANCE OF FIFTH-GENERATION WIRELESS NETWORKING IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—In carrying out the responsibilities established in section 142 of title 10, United States Code, the Chief Information Officer (CIO) of the Department of Defense shall—

(1) lead the cross-functional team established pursuant to subsection (c); and

(2) serve as the senior designated official for fifth-generation wireless networking (commonly known as ''5G'') policy, oversight, guidance, research, and coordination in the Department.

(b) RESPONSIBILITIES.—The Chief Information Officer shall have, with respect to authorities referenced in subsection (a), the following responsibilities:

(1) Proposing governance, management, and organizational policy for fifth-generation wireless networking to the Secretary of Defense, in consultation with the heads of the constituent organizations of the cross-functional team established pursuant to subsection (c).

(2) Leading the cross-functional team established pursuant to subsection (c).

(c) CROSS-FUNCTIONAL TEAM FOR FIFTH-GENERATION WIRELESS NETWORKING.—

(1) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall, in accordance with section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), establish a cross-functional team for fifth-generation wireless networking in order—

(A) to advance the adoption of commercially available next generation wireless communication technologies, capabilities, security, and applications by the Department of Defense and the defense industrial base; and

(B) to support public-private partnership between the Department and industry regarding fifth-generation wireless networking.

(2) PURPOSE.—The purpose of the cross-functional team established pursuant to paragraph (1) shall be the—

(A) oversight of the implementation of the strategy developed as required by section 254 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) for harnessing fifth-generation wireless networking technologies, coordinated across all relevant elements of the Department;

(B) coordination of research and development, implementation and acquisition activities, warfighting concept development, spectrum policy, industrial policy and commercial outreach and partnership relating to fifth-generation wireless networking in the Department, and interagency and international engagement;

(C) integration of the Department's fifth-generation wireless networking programs and policies with major Department initiatives, programs, and policies surrounding secure microelectronics and command and control; and

(D) oversight, coordination, execution, and leadership of initiatives to advance fifth-generation wireless network technologies and associated applications developed for the Department.

(d) ROLES AND RESPONSIBILITIES.—The Secretary of Defense, through the cross-functional team established under subsection (c), shall define the roles of the organizations within the Office of the Secretary of Defense, Department of Defense intelligence components, military services, defense agencies and field activities, combatant commands, and the Joint Staff, for fifth-generation wireless networking policy and programs within the Department.

(e) BRIEFING.—Not later than March 15, 2021, the Secretary shall submit to the congressional defense committees a briefing on the establishment of the cross-functional team pursuant to subsection (c) and the roles and responsibilities defined pursuant to subsection (d).

(f) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed as providing the Chief Information Officer immediate responsibility for the Department's activities in fifth-generation wireless networking experimentation and science and technology development.

(2) PURVIEW OF EXPERIMENTATION AND SCIENCE AND TECHNOLOGY DEVELOPMENT.—The activities described in paragraph (1) shall remain within the purview of the Under Secretary of Defense for Research and Engineering, but shall inform and be informed by the activities of the cross-functional team established pursuant to subsection (c).

SEC. 213. APPLICATION OF ARTIFICIAL INTELLIGENCE TO THE DEFENSE REFORM PILLAR OF THE NATIONAL DEFENSE STRATEGY.

(a) IDENTIFICATION OF USE CASES.—The Secretary of Defense, acting through such officers and employees of the Department of Defense as the Secretary considers appropriate, including the chief data officers and chief management officers of the military departments, shall identify a set of no fewer than five use cases of the application of existing artificial intelligence enabled systems to support improved management of enterprise acquisition, personnel, audit, or financial management functions, or other appropriate management functions, that are consistent with reform efforts that support the National Defense Strategy.

(b) PROTOTYPING ACTIVITIES ALIGNED TO USE CASES.—The Secretary, acting through the Under Secretary of Defense for Research and Engineering and in coordination with the Director of the Joint Artificial Intelligence Center and such other officers and employees as the Secretary considers appropriate, shall pilot technology development and prototyping activities that leverage commercially available technologies and systems to demonstrate new artificial intelligence enabled capabilities to support the use cases identified under subsection (a).

(c) BRIEFING.—Not later than October 1, 2021, the Secretary shall provide to the congressional defense committees a briefing summarizing the activities carried out under this section.

SEC. 214. EXTENSION OF AUTHORITIES TO ENHANCE INNOVATION AT DEPARTMENT OF DEFENSE LABORATORIES.

(a) EXTENSION OF PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.—Section 233(e) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2358 note) is amended by striking ''September 30, 2022'' and inserting ''September 30, 2025''.

(b) EXTENSION OF PILOT PROGRAM TO IMPROVE INCENTIVES FOR TECHNOLOGY TRANSFER FROM DEPARTMENT OF DEFENSE LABORATORIES.—Subsection (e) of section 233 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2514 note) is amended to read as follows:

''(e) SUNSET.—The pilot program under this section shall terminate on September 30, 2025.''.

SEC. 215. UPDATES TO DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 234 of the John S. McCain National Defense Authorization Act for Fiscal year 2019 (Public Law 115–232; 10 U.S.C. 2358 note), as amended by section 220 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

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

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

''(e) USE OF QUANTUM COMPUTING CAPABILITIES.—The Secretary of each military department shall—

''(1) develop and annually update a list of technical problems and research challenges which are likely to be addressable by quantum computers available for use within in the next one to three years, with a priority for technical problems and challenges where quantum computing systems have performance advantages over traditional computing systems, in order to enhance the capabilities of such quantum computers and support the addressing of relevant technical problems and research challenges; and

''(2) establish programs and enter into agreements with appropriate medium and small businesses with functional quantum computing capabilities to provide such private sector capabilities to government, industry, and academic researchers working on relevant technical problems and research activities.''.

SEC. 216. PROGRAM OF PART-TIME AND TERM EMPLOYMENT AT DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF FACULTY AND STUDENTS FROM INSTITUTIONS OF HIGHER EDUCATION.

(a) PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a program to provide part-time or term employment in Department of Defense science and technology reinvention laboratories for—

(1) faculty of institutions of higher education who have expertise in science, technology, engineering, or mathematics to conduct research projects in such laboratories; and

(2) students at such institutions to assist such faculty in conducting such research projects.

(b) NUMBER OF POSITIONS.—

(1) IN GENERAL.—Not later than one year after the date of the commencement of the program established under subsection (a), the Secretary shall, under such program, establish at least 10 positions of employment described in such subsection for faculty described in paragraph (1) of such subsection.

(2) ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING.—Of the positions established under paragraph (1), at least five of such positions shall be for faculty conducting research in the area of artificial intelligence and machine learning.

(c) SELECTION.—The Secretary, acting through the directors of the laboratories described in subsection (a), shall select faculty described in paragraph (1) of such subsection for participation in the program established under such subsection on the basis of—

(1) the academic credentials and research experience of the faculty;

(2) the potential contribution to Department objectives by the research that will be conducted by the faculty under the program; and

(3) the qualifications of any students who will be assisting the faculty in such research and the role and credentials of such students.

(d) AUTHORITIES.—In carrying out the program established under subsection (a), the Secretary and the directors of the laboratories described in such subsection may—

(1) use any hiring authority available to the Secretary or the directors, including any authority available under a laboratory demonstration program, direct hiring authority under section 1599h of title 10, United States Code, and expert hiring authority under section 3109 of title 5, United States Code;

(2) utilize cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) to enable sharing of research and expertise with institutions of higher education and the private sector; and

(3) provide referral bonuses to program participants who identify students to assist in a research project under the program or to participate in laboratory internship programs and the Pathways Internship Program.

(e) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter until the date that is three years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the program established under subsection (a).

(2) CONTENTS OF FIRST REPORT.—The first report submitted under paragraph (1) shall address, at a minimum, the following:

(A) The number of faculty and students employed under the program.

(B) The laboratories employing such faculty and students.

(C) The types of research conducted or to be conducted by such faculty or students.

(3) CONTENTS OF SUBSEQUENT REPORTS.—Each report submitted under paragraph (1) after the first report shall address, at a minimum, the following:

(A) The matters set forth in subparagraphs (A) through (C) of paragraph (2).

(B) The number of interns and recent college graduates hired pursuant to referrals under subsection (d)(3).

(C) The results of research conducted under the program.

(f) DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.—In this section, the term ''Department of Defense science and technology reinvention laboratory'' means the entities designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note).

SEC. 217. IMPROVEMENTS TO TECHNOLOGY AND NATIONAL SECURITY FELLOWSHIP OF DEPARTMENT OF DEFENSE.

(a) MODIFICATION REGARDING BASIC PAY.—Subsection (a)(4)(A) of section 235 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by striking ''equivalent to'' and inserting ''not less than''; and

(2) by inserting ''and not more than the rate of basic pay payable for a position at level 15 of such schedule'' before the semicolon.

(b) BACKGROUND CHECKS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(3) BACKGROUND CHECK REQUIREMENT.—No individual may participate in the fellows program without first undergoing a background check that the Secretary considers appropriate for participation in the fellows program.''.

SEC. 218. DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, AND DEPLOYMENT OF TECHNOLOGY TO SUPPORT WATER SUSTAINMENT.

(a) IN GENERAL.—The Secretary of Defense shall research, develop, and deploy advanced technologies that support water sustainment with technologies that capture ambient humidity and harvest, recycle, and reuse water.

(b) GOAL.—Under subsection (a), the Secretary shall seek to develop water systems that reduce weight and logistics support and transition such advanced technologies for use by expeditionary forces by January 1, 2025.

(c) MODULAR PLATFORMS.—In carrying out subsection (a), the Secretary shall develop the following:

(1) Modular platforms that are easily transportable.

(2) Trailer mounted systems that will reduce resupply.

(3) Storage requirements at forward operating bases.

(d) PARTNERSHIPS AND EXISTING TECHNIQUES AND TECHNOLOGIES.—In carrying out subsection (a), the Secretary shall seek—

(1) to enter into partnerships with foreign militaries and organizations that have proven they have the ability to operate in water constrained areas;

(2) to leverage existing techniques and technologies; and

(3) to apply such techniques and technologies to military operations carried out by the United States.

(e) COMMERCIAL OFF-THE-SHELF TECHNOLOGIES.—In carrying out subsection (a), in addition to technology described in such subsection, the Secretary shall consider using commercial off-the-shelf technologies for cost savings and near ready deployment technologies to enable warfighters to be more self-sufficient.

(f) CROSS FUNCTIONAL TEAMS.—In carrying out subsection (a), the Secretary shall establish cross functional teams to determine regions where deployment of water harvesting technologies could reduce conflict and potentially eliminate the need for the presence of the Armed Forces.

SEC. 219. DEVELOPMENT AND TESTING OF HYPERSONIC CAPABILITIES.

(a) SENSE OF CONGRESS ON HYPERSONIC CAPABILITIES.—It is the sense of Congress that development of hypersonic capabilities is a key element of the National Defense Strategy.

(b) IMPROVING GROUND-BASED TEST FACILITIES.—The Secretary of Defense shall take such actions as may be necessary to improve ground-based test facilities for the development of hypersonic capabilities, such as improving wind tunnels.

(c) INCREASING FLIGHT TEST RATE.—The Secretary shall increase the flight test rate to expedite the maturation and fielding of hypersonic technologies.

(d) STRATEGY AND PLAN.—

(1) IN GENERAL.—Not later than December 30, 2020, the Under Secretary of Defense for Research and Engineering, in consultation with the Chief of Staff of the Air Force, shall submit to the congressional defense committees an executable strategy and plan to field air-launched and air-breathing hypersonic weapons capability before the date that is three years after the date of the enactment of this Act.

(2) TESTING AND INFRASTRUCTURE.—The strategy and plan submitted under paragraph (1) shall cover required investments in testing and infrastructure to address the need for both flight and ground testing.

SEC. 220. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF DEPARTMENT OF DEFENSE RESEARCH AND DEVELOPMENT GRANTS.

(a) DISCLOSURE REQUIREMENTS.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2374b. Disclosure requirements for recipients of research and development grants

''An individual or entity (including a State or local government) that receives Department of Defense grant funds for research and development shall clearly state in any statement, press release, or other document describing the program, project, or activity funded through such grant funds, other than a communication containing not more than 280 characters, the dollar amount of Department grant funds made available for the program, project, or activity.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by adding at the end the following new item:

''2374b. Disclosure requirements for recipients of research and development grants.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2021, and shall apply with respect to grants for research and development that are awarded by the Department of Defense on or after that date.

Subtitle C—Plans, Reports, and Other Matters

SEC. 231. ASSESSMENT ON UNITED STATES NATIONAL SECURITY EMERGING BIOTECHNOLOGY EFFORTS AND CAPABILITIES AND COMPARISON WITH ADVERSARIES.

(a) ASSESSMENT AND COMPARISON REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Intelligence, shall conduct an assessment and direct comparison of capabilities in emerging biotechnologies for national security purposes, including applications in material, manufacturing, and health, between the capabilities of the United States and the capabilities of adversaries of the United States.

(2) ELEMENTS.—The assessment and comparison carried out under paragraph (1) shall include the following:

(A) An evaluation of the quantity, quality, and progress of United States fundamental and applied research for emerging biotechnology initiatives for national security purposes.

(B) An assessment of the resourcing of United States efforts to harness emerging biotechnology capabilities for national security purposes, including the supporting facilities, test infrastructure, and workforce.

(C) An intelligence assessment of adversary emerging biotechnology capabilities and research as well as an assessment of adversary intent and willingness to use emerging biotechnologies for national security purposes.

(D) An assessment of the analytic and operational subject matter expertise necessary to assess rapidly-evolving foreign military developments in biotechnology, and the current state of the workforce in the intelligence community

(E) Recommendations to improve and accelerate United States capabilities in emerging biotechnologies and the associated intelligence community expertise.

(F) Such other matters as the Secretary considers appropriate.

(b) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2021, the Secretary shall submit to the congressional defense committees a report on the assessment carried out under subsection (a).

(2) FORM.—The report submitted under paragraph (1) shall be submitted in the following formats—

(A) unclassified form, which may include a classified annex; and

(B) publically releasable form, representing appropriate information from the report under subparagraph (A).

(c) DEFINITION OF INTELLIGENCE COMMUNITY.—In this subsection, the term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 232. INDEPENDENT COMPARATIVE ANALYSIS OF EFFORTS BY CHINA AND THE UNITED STATES TO RECRUIT AND RETAIN RESEARCHERS IN NATIONAL SECURITY-RELATED FIELDS.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the National Academies of Sciences, Engineering, and Medicine to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 60 days after the date of the enactment of this Act.

(b) REVIEW.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies of Sciences, Engineering, and Medicine under this section, the National Academies of Sciences, Engineering, and Medicine shall carry out a comparative analysis of efforts by China and the United States Government to recruit and retain domestic and foreign researchers and develop recommendations for the Department of Defense.

(2) ELEMENTS.—The comparative analysis carried out under paragraph (1) and the recommendations developed under such paragraph shall include the following:

(A) A list of the ''talent programs'' used by China and a list of the incentive programs used by the United States to recruit and retain relevant researchers.

(B) The types of researchers, scientists, other technical experts, and fields targeted by each talent program listed under subparagraph (A).

(C) The number of researchers in academia, the Department of Defense Science and Technology Reinvention Laboratories, and national security science and engineering programs of the National Nuclear Security Administration targeted by the talent programs listed under subparagraph (A).

(D) The number of personnel currently participating in the talent programs listed under subparagraph (A) and the number of researchers currently participating in the incentive programs listed under such subparagraph.

(E) The incentives offered by each of the talent programs listed under subparagraph (A) and a description of the incentives offered through incentive programs under such subparagraph to recruit and retain researchers, scientists, and other technical experts.

(F) A characterization of the national security, economic, and scientific benefits China gains through the talent programs listed under subparagraph (A) and a description of similar gains accrued to the United States through incentive programs listed under such subparagraph.

(G) A list of findings and recommendations relating to policies that can be implemented by the United States, especially the Department of Defense, to improve the relative effectiveness of United States activities to recruit and retain researchers, scientists, and other technical experts relative to China.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the execution of an agreement under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall submit to the congressional defense committees a report on the findings National Academies of Sciences, Engineering, and Medicine with respect to the review carried out under this section and the recommendations developed under this section.

(2) FORM.—The report submitted under paragraph (1) shall be submitted in a publicly releasable and unclassified formats, but may include a classified annex.

SEC. 233. DEPARTMENT OF DEFENSE DEMONSTRATION OF VIRTUALIZED RADIO ACCESS NETWORK AND MASSIVE MULTIPLE INPUT MULTIPLE OUTPUT RADIO ARRAYS FOR FIFTH GENERATION WIRELESS NETWORKING.

(a) DEMONSTRATION REQUIRED.—The Secretary of Defense shall carry out a demonstration to demonstrate the maturity, performance, and cost of covered technologies in order to provide additional options for providers of fifth-generation (5G) wireless networking services.

(b) COVERED TECHNOLOGIES.—For purposes of this section, a covered technology is—

(1) a disaggregated or virtualized radio access network and core where components can be provided by different vendors and interoperate through open protocols and interfaces; and

(2) one or more massive multiple input and multiple output radio arrays provided by United States companies that have the potential to compete favorably with radios produced by foreign companies in terms of cost, performance, and efficiency.

(c) LOCATION.—The Secretary shall carry out the demonstration under subsection (a) at at least one site where the Secretary of Defense plans to deploy a fifth-generation wireless network.

(d) COORDINATION.—The Secretary shall carry out the demonstration under subsection (a) in coordination with at least one major United States wireless network service provider.

SEC. 234. INDEPENDENT TECHNICAL REVIEW OF FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the National Academies of Sciences, Engineering, and Medicine to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) INDEPENDENT TECHNICAL REVIEW.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies of Sciences, Engineering, and Medicine under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall carry out an independent technical review of the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48), to the extent that such order and authorization affects the devices, operations, or activities of the Department of Defense.

(2) ELEMENTS.—The independent technical review carried out under paragraph (1) shall include the following:

(A) Comparison of the two different approaches on which the Commission relied for the order and authorized described in paragraph (1) to evaluate the potential harmful interference concerns relating to Global Positioning System devices, with a recommendation on which method most effectively mitigates risks of harmful interference with Global Positioning System devices of the Department, or relating to or with the potential to affect the operations and activities of the Department.

(B) Assessment of the potential for harmful interference to mobile satellite services, including commercial services and Global Positioning System services of the Department, or relating to or with the potential to affect the operations and activities of the Department.

(C) Review of the feasibility, practicality, and effectiveness of the proposed mitigation measures relating to, or with the potential to affect, the devices, operations, or activities of the Department.

(D) Development of recommendations associated with the findings of the National Academies of Sciences, Engineering, and Medicine in carrying out the independent technical review.

(E) Such other matters as the National Academies of Sciences, Engineering, and Medicine determines relevant.

(c) REPORT.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies of Sciences, Engineering, and Medicine under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall, not later than nine months after the date of the execution of such agreement, the National Academies of Sciences, Engineering, and Medicine shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the National Academies of Sciences, Engineering, and Medicine with respect to the independent technical review carried out under subsection (b) and the recommendations developed pursuant to such review.

(2) FORM.—The report submitted under paragraph (1) shall be submitted in a publicly releasable and unclassified formats, but may include a classified annex.

SEC. 235. REPORT ON MICRO NUCLEAR REACTOR PROGRAMS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the appropriate congressional committees a report on the micro nuclear reactor programs of the Department of Defense.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) Potential operational uses on United States and non-United States territory, including both mobile and fixed systems.

(2) Cost and schedule estimates for each new or ongoing program to reach initial operational capability, including the timeline for transition of any program currently funded using defense-wide funds to one or more military services and the identified transition partner in such military services.

(3) In consultation with the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense programs, an assessment of physical security requirements for use of such reactors on domestic military installations and non-United States nondomestic installations or locations, including fully permissive, semi-permissive, and remote environments, including a preliminary design basis threat analysis.

(4) In coordination with the Secretary of State—

(A) an assessment of any agreements or changes to agreements that would be required for use of such reactors on non-United States territory;

(B) an assessment of applicability of foreign regulations or International Atomic Energy Agency safeguards for use on non-United States territory; and

(C) other policy implications of deployment of such systems on non-United States territory.

(5) In coordination with the Chairman of the Nuclear Regulatory Commission, a summary of licensing requirements for operation of such systems on United States territory.

(6) A summary of requirements pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for development and operation on United States territory.

(7) In consultation with the General Counsel of the Department of Defense, an assessment of any issues relating to indemnification for operation on United States or non-United States territory and any other relevant legal matters.

(8) In coordination with the Secretary of State and the Secretary of Energy, a determination of whether development, production, and deployment of such systems would require unobligated enriched uranium fuel.

(9) If the determination in paragraph (8) is that unobligated fuel would be required, in coordination with the Administrator for Nuclear Security, an assessment of the availability of such unobligated enriched uranium fuel, by year, for the estimated life of the program, considered with other United States Government demands for such fuel, including tritium production, naval nuclear propulsion, and medical isotope production.

(10) Any other considerations the Secretary determines relevant.

(c) CONSULTATION.—In addition to consultation and coordination required under subsection (b), the Secretary shall, in producing the report required by subsection (a), consult with the Secretary of the Army, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, the Director of Naval Nuclear Propulsion, and such other officials as the Secretary considers necessary.

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

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Foreign Affairs of the House of Representatives.

(2) The term ''micro nuclear reactor''means a nuclear reactor with a production capacity of less than 20 megawatts.

SEC. 236. MODIFICATION TO TEST RESOURCE MANAGEMENT CENTER STRATEGIC PLAN REPORTING CYCLE AND CONTENTS.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 196 of title 10, United States Code, is amended—

(1) in subsections (c)(1)(C) and (e)(2)(B), by inserting ''quadrennial'' before ''strategic plan''; and

(2) in subsection (d)—

(A) in the heading, by inserting ''QUADRENNIAL'' before ''STRATEGIC PLAN''; and

(B) by inserting ''quadrennial'' before ''strategic plan'' each place it occurs.

(b) TIMING AND COVERAGE OF PLAN.—Subsection (d)(1) of such section, as amended by subsection (a)(2), is further amended—

(1) in the first sentence, by striking ''two fiscal years'' and inserting ''four fiscal years, and within one year after release of the National Defense Strategy,'' ; and

(2) in the second sentence, by striking ''thirty fiscal years'' and inserting ''15 fiscal years''.

(c) AMENDMENT TO CONTENTS OF PLAN.—Subsection (d)(2) of such section, as amended by subsection (a)(2), is further amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively; and

(3) in subparagraph (B), as redesignated by paragraph (2), by striking ''based on current'' and all that follows through the end and inserting ''for test and evaluation of the Department of Defense major weapon systems based on current and emerging threats.''.

(d) ANNUAL UPDATE TO PLAN.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(5)(A) In addition to the quadrennial strategic plan completed under paragraph (1), the Director of the Department of Defense Test Resource Management Center shall also complete an annual update to the quadrennial strategic plan.

''(B) Each annual update completed under subparagraph (A) shall include the following:

''(i) A summary of changes to the assessment provided in the most recent quadrennial strategic plan.

''(ii) Comments and recommendations the Director considers appropriate.

''(iii) Test and evaluation challenges raised since the completion of the most recent quadrennial strategic plan.

''(iv) Actions taken or planned to address such challenges.''.

(e) TECHNICAL CORRECTION.—Subsection (d)(1) of such, as amended by subsections (a)(2) and (b), is further amended by striking ''Test Resources Management Center'' and inserting ''Test Resource Management Center''.

SEC. 237. LIMITATION ON CONTRACT AWARDS FOR CERTAIN UNMANNED VESSELS.

(a) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2021 by section 201 for research, development, test, and evaluation may be used for the award of a contract for a covered vessel until the date that is 30 days after the date on which the Under Secretary of Defense for Research and Engineering submits to the congressional defense committees a report and certification described in subsection (c) for such contract and covered vessel.

(b) COVERED VESSELS.—For purposes of this section, a covered vessel is one of the following:

(1) A large unmanned surface vessel (LUSV).

(2) A medium unmanned surface vehicle (MUSV).

(3) A large displacement unmanned undersea vehicle (LDUUV).

(4) An extra-large unmanned undersea vehicle (XLUUV).

(c) REPORT AND CERTIFICATION DESCRIBED.—A report and certification described in this subsection regarding a contract for a covered vessel is—

(1) a report—

(A) submitted to the congressional defense committees not later than 60 days after the date of the completion of an independent technical risk assessment for such covered vessel; and

(B) on the findings of the Under Secretary with respect to such assessment; and

(2) a certification, submitted to the congressional defense committees with the report described in paragraph (1), that certifies that—

(A) the Under Secretary has determined, in conjunction with the Senior Technical Authority designated under section 8669b(a)(1) of title 10, United States Code, for the class of naval vessels that includes the covered vessel, that the critical mission, hull, mechanical, and electrical subsystems of the covered vessel—

(i) have been demonstrated in vessel-representative form, fit, and function; and

(ii) have achieved performance levels equal to or greater than applicable Department of Defense threshold requirements for such class of vessels; and

(B) such contract is necessary to meet Department research, development, test, and evaluation objectives for such covered vessel that cannot otherwise be met through further land-based subsystem prototyping or other demonstration approaches.

(d) CRITICAL MISSION, HULL, MECHANICAL, AND ELECTRICAL SUBSYSTEMS DEFINED.—In this section, the term ''critical mission, hull, mechanical, and electrical subsystems'', with respect to a covered vessel, includes the following subsystems:

(1) Command, control, communications, computers, intelligence, surveillance, and reconnaissance.

(2) Autonomous vessel navigation, vessel control, contact management, and contact avoidance.

(3) Communications security, including cryptopgraphy, encryption, and decryption.

(4) Main engines, including the lube oil, fuel oil, and other supporting systems.

(5) Electrical generation and distribution, including supporting systems.

(6) Military payloads.

(7) Any other subsystem identified as critical by the Senior Technical Authority designated under section 8669b(a)(1) of title 10, United States Code, for the class of naval vessels that includes the covered vessel.

SEC. 238. DOCUMENTATION RELATING TO THE ADVANCED BATTLE MANAGEMENT SYSTEM.

(a) DOCUMENTATION REQUIRED.—Immediately upon the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees the following documentation relating to the Advanced Battle Management System:

(1) A list that identifies each program, project, and activity that contributes to the architecture of the Advanced Battle Management System.

(2) The final analysis of alternatives for the Advanced Battle Management System.

(3) The requirements for the networked data architecture necessary for the Advanced Battle Management System to provide multidomain command and control and battle management capabilities and a development schedule for such architecture.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2021 for operations and maintenance for the Office of the Secretary of the Air Force, not more than 25 percent may be obligated until the date that is 30 days after the date on which the Secretary of the Air Force submits to the congressional defense committees the documentation required by subsection (a) and the Vice Chairman of the Vice Chairman of the Joint Chiefs certifies the documentation.

(c) ADVANCED BATTLE MANAGEMENT SYSTEM.—In this section, the term ''Advanced Battle Management System'' means the Advanced Battle Management System of Systems capability of the Air Force, including each program, project, and activity that contributes to such capability.

SEC. 239. ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST SPECIAL PURPOSE ADJUNCT TO ADDRESS COMPUTATIONAL THINKING.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a special purpose test adjunct to the Armed Services Vocational Aptitude Battery test to address computational thinking skills relevant to military applications, including problem decomposition, abstraction, pattern recognition, analytical ability, the identification of variables involved in data representation, and the ability to create algorithms and solution expressions.

SEC. 240. REPORT ON USE OF TESTING FACILITIES TO RESEARCH AND DEVELOP HYPERSONIC TECHNOLOGY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the costs and benefits of the use and potential refurbishment of existing operating and mothballed Federal research and testing facilities to support hypersonics activities of the Department of Defense.

SEC. 241. STUDY AND PLAN ON THE USE OF ADDITIVE MANUFACTURING AND THREE-DIMENSIONAL BIOPRINTING IN SUPPORT OF THE WARFIGHTER.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of additive manufacturing and three-dimensional bioprinting across the Military Health System.

(b) ELEMENTS.—The study required by subsection (a) shall examine the activities currently underway by each of the military services and the Department agencies, including costs, sources of funding, oversight, collaboration, and outcomes.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study conducted under subsection (a).

SEC. 242. ELEMENT IN ANNUAL REPORTS ON CYBER SCIENCE AND TECHNOLOGY ACTIVITIES ON WORK WITH ACADEMIC CONSORTIA ON HIGH PRIORITY CYBERSECURITY RESEARCH ACTIVITIES IN DEPARTMENT OF DEFENSE CAPABILITIES.

Section 257(b)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Sta. 1291) is amended by adding at end the following new subparagraph:

''(J) Efforts to work with academic consortia on high priority cybersecurity research activities.''.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. MODIFICATIONS AND TECHNICAL CORRECTIONS TO ENSURE RESTORATION OF CONTAMINATION BY PERFLUOROOCTANE SULFONATE AND PERFLUOROOCTANOIC ACID.

(a) DEFINITION FOR PFOA AND PFOS.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4) The term 'perfluorooctane sulfonate' means perfluorooctane sulfonic acid or sulfonate (commonly referred to as 'PFOS') (Chemical Abstracts Service No. 1763–23–1) and the salts associated with perfluorooctane sulfonic acid or sulfonate (Chemical Abstracts Service Nos. 2795–39–3, 29457–72–5, 56773–42–3, 29081–56–9, and 70225–14–8).

''(5) The term 'perfluorooctanoic acid' means perfluorooctanoic acid (commonly referred to as 'PFOA') (Chemical Abstracts Service No. 335–67–1) and the salts associated with perfluorooctanoic acid (Chemical Abstracts Service Nos. 3825–26–1, 335–95–5, and 68141–02–6).''.

(b) MODIFICATION OF ENVIRONMENTAL RESTORATION ACCOUNTS.—Section 2703 of such title is amended—

(1) in subsection (e)(2), by striking ''environmental'';

(2) in subsection (f), by striking ''to the Environmental Restoration Account, Defense, or to any environmental restoration account of a military department,'' and inserting ''or transferred to an account established under subsection (a)'';

(3) by striking subsection (g) and inserting the following:

''(g) SOLE SOURCE OF FUNDS FOR RESPONSES UNDER THIS CHAPTER.—Except as provided in subsection (h), the sole source of funds for all phases of a response under this chapter shall be the applicable environmental restoration account established under subsection (a).''; and

(4) in subsection (h)—

(A) in the subsection heading, by striking ''ENVIRONMENTAL REMEDIATION'' and inserting ''RESPONSES''; and

(B) by striking ''services procured under section 2701(d)(1) of this title'' and inserting ''a response''.

(c) MODIFICATION OF AUTHORITY FOR ENVIRONMENTAL RESTORATION PROJECTS OF NATIONAL GUARD.—

(1) IN GENERAL.—Section 2707(e) of such title is amended—

(A) by striking ''Notwithstanding'' and inserting ''(1) Notwithstanding'';

(B) by inserting ''where military activities are conducted by the National Guard of a State under title 32'' after ''facility''; and

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

''(2) The Secretary concerned may use the authority under section 2701(d) of this title to carry out environmental restoration projects under paragraph (1).''.

(2) CORRECTION OF DEFINITION OF FACILITY.—Paragraph (2) of section 2700 of such title is amended—

(A) in subparagraph (A), by striking ''(A) The terms'' and inserting ''The terms''; and

(B) by striking subparagraph (B).

(d) EXTENSION OF CONTRACT AUTHORITY.—Section 2708(b) of such title is amended—

(1) in paragraph (1), by striking ''fiscal years 1992 through 1996'' and inserting ''a period specified in paragraph (3)''; and

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

''(3) A period specified in this paragraph is—

''(A) the period of fiscal years 1992 through 1996; or

''(B) on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021.''.

(e) TECHNICAL CONSISTENCY FOR MUNITIONS RESPONSE.—

(1) PROGRAM GOALS.—Section 2701(b)(2) of such title is amended by striking ''of unexploded ordnance'' and inserting ''of unexploded ordnance, discarded military munitions, and munitions constituents in a manner consistent with section 2710 of this title''.

(2) ENVIRONMENTAL RESTORATION ACCOUNTS.—Section 2703(b) of such title is amended by striking the second sentence and inserting the following new sentence: ''Such remediation shall be conducted in a manner consistent with section 2710 of this title.''.

(3) TRANSFER OF DEFINITIONS.—

(A) TRANSFER.—Paragraphs (2) and (3) of section 2710(e) of such title are—

(i) transferred to section 2700 of such title;

(ii) added at the end of such section; and

(iii) redesignated as paragraphs (6) and (7), respectively.

(B) REDESIGNATION OF DEFINITIONS.—Section 2710(e) of such title is amended by redesignating paragraphs (4) through (7) as paragraphs (2) through (5), respectively.

(4) CONFORMING AMENDMENTS.—Section 313(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2710 note) is amended—

(A) in paragraph (2)—

(i) by striking '' 'discarded military munitions', 'munitions constituents', and 'defense sites' '' and inserting '' 'discarded military munitions' and 'munitions constituents' ''; and

(ii) by striking ''section 2710(e)'' and inserting ''section 2700''; and

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

''(3) The term 'defense site' has the meaning given such term in section 2710(e) of such title.''.

(f) TECHNICAL CORRECTION REGARDING COOPERATIVE AGREEMENTS.—Section 332(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, in the matter preceding subparagraph (A), by striking ''shall meet or exceed the most stringent of the following'' and inserting ''relating to a response shall reflect application to the response of the most protective of the following''.

SEC. 312. READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM TECHNICAL EDITS AND CLARIFICATION.

(a) USE OF FUNDS.—Section 2684a(i) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Funds obligated to carry out an agreement under this section shall be available for use with regard to any property in the geographic scope specified in the agreement—

''(A) at the time the funds are obligated; and

''(B) in any subsequent modification to the agreement.''.

(b) CLARIFICATION OF REFERENCES TO ELIGIBLE ENTITIES.—

(1) DEFINITION.—Subsection (b) of section 2684a of title 10, United States Code, is amended, in the matter preceding paragraph (1), by striking ''An agreement under this section may be entered into with'' and inserting ''For purposes of this section, an eligible entity is''.

(2) ACQUISITION OF PROPERTY AND INTERESTS.—Subsection (d)(1) of such section is amended by striking ''the entity or entities'' each place it appears and inserting ''an eligible entity or entities''.

(3) RETROACTIVE APPLICATION.—The amendments made by paragraphs (1) and (2) shall apply to any agreement entered into under section 2684a of title 10, United States Code, on or after December 2, 2002.

SEC. 313. SURVEY AND MARKET RESEARCH OF TECHNOLOGIES FOR PHASE OUT BY DEPARTMENT OF DEFENSE OF USE OF FLUORINATED AQUEOUS FILM-FORMING FOAM.

(a) SURVEY OF TECHNOLOGIES AND MARKET RESEARCH.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a survey and market research of relevant technologies, other than fire-fighting agent solutions, to determine whether any such technologies are available and can be adapted quickly for use by the Department of Defense to execute the phase-out by the Department of the use of fluorinated aqueous film-forming foam.

(2) TECHNOLOGIES INCLUDED.—The technologies surveyed or researched under paragraph (1) shall include the following:

(A) Hangar flooring systems.

(B) Liquid drainage flood assemblies.

(C) Fire-fighting agent delivery systems.

(D) Containment systems.

(E) Such other relevant technologies as the Secretary determines appropriate.

(b) BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall brief the congressional defense committees on the results of the survey and market research conducted under subsection (a).

(2) ELEMENTS OF BRIEFING.—The briefing required under paragraph (1) shall include the following:

(A) A description of the technologies surveyed and researched under subsection (a).

(B) An identification of any such technologies that were considered for further testing or analysis.

(C) An identification of any other technologies useful for the phase-out by the Department of the use of fluorinated aqueous film-forming foam that are undergoing additional analysis for possible application within the Department.

SEC. 314. MODIFICATION OF AUTHORITY TO CARRY OUT MILITARY INSTALLATION RESILIENCE PROJECTS.

(a) MODIFICATION OF AUTHORITY.—Section 2815 of title 10, United States Code is amended—

(1) in subsection (a), by inserting ''(except as provided in subsections (d)(3) and (e))'' before the period at the end;

(2) in subsection (c), by striking ''A project'' and inserting ''Except as provided in subsection (e)(2), a project'';

(3) by redesignating subsection (d) as subsection (f); and

(4) by inserting after subsection (c) the following new subsections:

''(d) LOCATION OF PROJECTS.—Projects carried out pursuant to this section may be carried out—

''(1) on a military installation;

''(2) on a facility used by the Department of Defense that is owned and operated by a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, even if the facility is not under the jurisdiction of the Department of Defense, if the Secretary of Defense determines that the facility is subject to significant use by the armed forces for testing or training; or

''(3) outside of a military installation or facility described in paragraph (2) if the Secretary concerned determines that the project would preserve or enhance the resilience of—

''(A) a military installation;

''(B) a facility described in paragraph (2); or

''(C) community infrastructure determined by the Secretary concerned to be necessary to maintain, improve, or rapidly reestablish installation mission assurance and mission-essential functions.

''(e) ALTERNATIVE FUNDING SOURCE.—(1) In carrying out a project under this section, the Secretary concerned may use amounts available for operation and maintenance for the military department concerned if the Secretary concerned submits a notification to the congressional defense committees of the decision to carry out the project using such amounts and includes in the notification—

''(A) the current estimate of the cost of the project;

''(B) the source of funds for the project; and

''(C) a certification that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be.

''(2) A project carried out under this section using amounts under paragraph (1) may be carried out only after the end of the 7-day period beginning on the date on which a copy of the notification described in paragraph (1) is provided in an electronic medium pursuant to section 480 of this title.

''(3) The maximum aggregate amount that the Secretary concerned may obligate from amounts available to the military department concerned for operation and maintenance in any fiscal year for projects under the authority of this subsection is $100,000,000.''.

(b) CONSIDERATION OF MILITARY INSTALLATION RESILIENCE IN AGREEMENTS AND INTERAGENCY COOPERATION.—Section 2684a of such title is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B)—

(i) by striking clause (ii); and

(ii) in clause (i)—

(I) by striking ''(i)''; and

(II) by striking ''; or'' and inserting a semicolon;

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

(C) by inserting after paragraph (2) the following new paragraph (3):

''(3) maintaining or improving military installation resilience; or''; and

(2) by amending subsection (h) to read as follows:

''(h) INTERAGENCY COOPERATION IN CONSERVATION AND RESILIENCE PROGRAMS TO AVOID OR REDUCE ADVERSE IMPACTS ON MILITARY INSTALLATION RESILIENCE AND MILITARY READINESS ACTIVITIES.—In order to facilitate interagency cooperation and enhance the effectiveness of actions that will protect the environment, military installation resilience, and military readiness, the recipient of funds provided pursuant to an agreement under this section or under the Sikes Act (16 U.S.C. 670 et seq.) may, with regard to the lands and waters within the scope of the agreement, use such funds to satisfy any matching funds or cost-sharing requirement of any conservation or resilience program of any Federal agency notwithstanding any limitation of such program on the source of matching or cost-sharing funds.''.

SEC. 315. NATIVE AMERICAN INDIAN LANDS ENVIRONMENTAL MITIGATION PROGRAM.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2712. Native American lands environmental mitigation program

''(a) ESTABLISHMENT.—The Secretary of Defense may establish and carry out a program to mitigate the environmental effects of actions by the Department of Defense on Indian lands and culturally connected locations.

''(b) PROGRAM ACTIVITIES.—The activities that may be carried out under the program established under subsection (a) are the following:

''(1) Identification, investigation, and documentation of suspected environmental effects attributable to past actions by the Department of Defense.

''(2) Development of mitigation options for such environmental effects, including development of cost-to-complete estimates and a system for prioritizing mitigation actions.

''(3) Direct mitigation actions that the Secretary determines are necessary and appropriate to mitigate the adverse environmental effects of past actions by the Department.

''(4) Demolition and removal of unsafe buildings and structures used by, under the jurisdiction of, or formerly used by or under the jurisdiction of the Department.

''(5) Training, technical assistance, and administrative support to facilitate the meaningful participation of Indian tribes in mitigation actions under the program.

''(6) Development and execution of a policy governing consultation with Indian tribes that have been or may be affected by action by the Department, including training personnel of the Department to ensure compliance with the policy.

''(c) COOPERATIVE AGREEMENTS.—(1) In carrying out the program established under subsection (a), the Secretary of Defense may enter into a cooperative agreement with an Indian tribe or an instrumentality of tribal government.

''(2) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit of the United States Government.

''(3) A cooperative agreement under this section for the procurement of severable services may begin in one fiscal year and end in another fiscal year only if the total period of performance does not exceed two calendar years.

''(d) DEFINITIONS.—In this section:

''(1) The term 'Indian land' includes—

''(A) any land located within the boundaries and a part of an Indian reservation, pueblo, or rancheria;

''(B) any land that has been allotted to an individual Indian but has not been conveyed to such Indian with full power of alienation;

''(C) Alaska Native village and regional corporation lands; and

''(D) lands and waters upon which any Federally recognized Indian tribe has rights reserved by treaty, act of Congress, or action by the President.

''(2) The term 'Indian Tribe' means any Indian Tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(3) The term 'culturally connected location' means a location or place that has demonstrable significance to Indians or Alaska Natives based on its association with the traditional beliefs, customs, and practices of a living community, including locations or places where religious, ceremonial, subsistence, medicinal, economic, or other lifeways practices have historically taken place.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 160 of such title is amended by inserting after the item relating to section 2711 the following new item:

''2712. Native American lands environmental mitigation program.''.

SEC. 316. ENERGY RESILIENCE AND ENERGY SECURITY MEASURES ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by inserting after section 2919 the following new section:

''§ 2920. Energy resilience and energy security measures on military installations

''(a) ENERGY RESILIENCE MEASURES.—(1) The Secretary of Defense shall, by the end of fiscal year 2030, provide that 100 percent of the energy load required to maintain the critical missions of each installation have a minimum level of availability of 99.9 percent per fiscal year.

''(2) The Secretary of Defense shall issue standards establishing levels of availability relative to specific critical missions, with such standards providing a range of not less than 99.9 percent availability per fiscal year and not more than 99.9999 percent availability per fiscal year, depending on the criticality of the mission.

''(3) The Secretary may establish interim goals to take effect prior to fiscal year 2025 to ensure the requirements under this subsection are met.

''(4) The Secretary of each military department and the head of each Defense Agency shall ensure that their organizations meet the requirements of this subsection.

''(b) PLANNING.—(1) The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to plan for the provision of energy resilience and energy security for installations.

''(2) Planning under paragraph (1) shall—

''(A) promote the use of multiple and diverse sources of energy, with an emphasis favoring energy resources originating on the installation such as modular generation;

''(B) promote installing microgrids to ensure the energy security and energy resilience of critical missions; and

''(C) favor the use of full-time, installed energy sources rather than emergency generation.

''(c) DEVELOPMENT OF INFORMATION.—The planning required by subsection (b) shall identify each of the following for each installation:

''(1) The critical missions of the installation.

''(2) The energy requirements of those critical missions.

''(3) The duration that those energy requirements are likely to be needed in the event of a disruption or emergency.

''(4) The current source of energy provided to those critical missions.

''(5) The duration that the currently provided energy would likely be available in the event of a disruption or emergency.

''(6) Any currently available sources of energy that would provide uninterrupted energy to critical missions in the event of a disruption or emergency.

''(7) Alternative sources of energy that could be developed to provide uninterrupted energy to critical missions in the event of a disruption or emergency.

''(d) TESTING AND MEASURING.—(1)(A) The Secretary of Defense shall require the Secretary of each military department and head of each Defense Agency to conduct monitoring, measuring, and testing to provide the data necessary to comply with this section.

''(B) Any data provided under subparagraph (A) shall be made available to the Assistant Secretary of Defense for Sustainment upon request.

''(2)(A) The Secretary of Defense shall require that black start exercises be conducted to assess the energy resilience and energy security of installations for periods established to evaluate the ability of the installation to perform critical missions without access to off-installation energy resources.

''(B) A black start exercise conducted under subparagraph (A) may exclude, if technically feasible, housing areas, commissaries, exchanges, and morale, welfare, and recreation facilities.

''(C) The Secretary of Defense shall—

''(i) provide uniform policy for the military departments and the Defense Agencies with respect to conducting black start exercises; and

''(ii) establish a schedule of black start exercises for the military departments and the Defense Agencies, with each military department and Defense Agency scheduled to conduct such an exercise on a number of installations each year sufficient to allow that military department or Defense Agency to meet the goals of this section, but in any event not fewer than five installations each year for each military department through fiscal year 2027.

''(D)(i) Except as provided in clause (ii), the Secretary of each military department shall, notwithstanding any other provision of law, conduct black start exercises in accordance with the schedule provided for in subparagraph (C)(ii), with any such exercise not to last longer than five days.

''(ii) The Secretary of a military department may conduct more black start exercises than those identified in the schedule provided for in subparagraph (C)(ii).

''(e) CONTRACT REQUIREMENTS.—For contracts for energy and utility services, the Secretary of Defense shall—

''(1) specify methods and processes to measure, manage, and verify compliance with subsection (a); and

''(2) ensure that such contracts include requirements appropriate to ensure energy resilience and energy security, including requirements for metering to measure, manage, and verify energy consumption, availability, and reliability consistent with this section and the energy resilience metrics and standards under section 2911(b) of this title.

''(f) EXCEPTION.—This section does not apply to fuels used in aircraft, vessels, or motor vehicles.

''(g) REPORT.—If by the end of fiscal year 2029, the Secretary determines that the Department will be unable to meet the requirements under subsection (a), not later than 90 days after the end of such fiscal year, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report detailing—

''(1) the projected shortfall;

''(2) reasons for the projected shortfall;

''(3) any statutory, technological, or monetary impediments to achieving such requirements;

''(4) any impact to readiness or ability to meet the national defense posture; and

''(5) any other relevant information as the Secretary considers appropriate.

''(h) DEFINITIONS.—In this section:

''(1) The term 'availability' means the availability of required energy at a stated instant of time or over a stated period of time for a specific purpose.

''(2) The term 'black start exercise' means an exercise in which delivery of energy provided from off an installation is terminated before backup generation assets on the installation are turned on. Such an exercise shall—

''(A) determine the ability of the backup systems to start independently, transfer the load, and carry the load until energy from off the installation is restored;

''(B) align organizations with critical missions to coordinate in meeting critical mission requirements;

''(C) validate mission operation plans, such as continuity of operations plans;

''(D) identify infrastructure interdependencies; and

''(E) verify backup electric power system performance.

''(3) The term 'critical mission'—

''(A) means those aspects of the missions of an installation, including mission essential operations, that are critical to successful performance of the strategic national defense mission;

''(B) may include operational headquarters facilities, airfields and supporting infrastructure, harbor facilities supporting naval vessels, munitions production and storage facilities, missile fields, radars, satellite control facilities, cyber operations facilities, space launch facilities, operational communications facilities, and biological defense facilities; and

''(C) does not include military housing (including privatized military housing), morale, welfare, and recreation facilities, exchanges, commissaries, or privately owned facilities.

''(4) The term 'energy' means electricity, natural gas, steam, chilled water, and heated water.

''(5) The term 'installation' has the meaning given the term 'military installation' in section 2801(c)(4) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by inserting after the item relating to section 2919 the following new item:

''2920. Energy resilience and energy security measures on military installations.''.

SEC. 317. MODIFICATION TO AVAILABILITY OF ENERGY COST SAVINGS FOR DEPARTMENT OF DEFENSE.

Section 2912(a) of title 10, United States Code, is amended by inserting ''and, in the case of operational energy, from both training and operational missions,'' after ''under section 2913 of this title,''.

SEC. 318. LONG-DURATION DEMONSTRATION INITIATIVE AND JOINT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Environmental Security Technology Certification Program of the Department of Defense.

(2) DIRECTOR OF ARPA–E.—The term ''Director of ARPA–E'' means the Director of the Advanced Research Projects Agency—Energy.

(3) INITIATIVE.—The term ''Initiative'' means the demonstration initiative established under subsection (b).

(4) JOINT PROGRAM.—The term ''Joint Program'' means the joint program established under subsection (d).

(b) ESTABLISHMENT OF INITIATIVE.—Not later than 180 days after the date of enactment of this Act, the Director shall establish a demonstration initiative composed of demonstration projects focused on the development of long-duration energy storage technologies.

(c) SELECTION OF PROJECTS.—To the maximum extent practicable, in selecting demonstration projects to participate in the Initiative, the Director shall—

(1) ensure a range of technology types;

(2) ensure regional diversity among projects; and

(3) consider bulk power level, distribution power level, behind-the-meter, microgrid (grid-connected or islanded mode), and off-grid applications.

(d) JOINT PROGRAM.—

(1) ESTABLISHMENT.—As part of the Initiative, the Director, in consultation with the Director of ARPA–E, shall establish within the Department of Defense a joint program to carry out projects—

(A) to demonstrate promising long-duration energy storage technologies at different scales to promote energy resiliency; and

(B) to help new, innovative long-duration energy storage technologies become commercially viable.

(2) MEMORANDUM OF UNDERSTANDING.—Not later than 200 days after the date of enactment of this Act, the Director shall enter into a memorandum of understanding with the Director of ARPA–E to administer the Joint Program.

(3) INFRASTRUCTURE.—In carrying out the Joint Program, the Director and the Director of ARPA–E shall—

(A) use existing test-bed infrastructure at—

(i) installations of the Department of Defense; and

(ii) facilities of the Department of Energy; and

(B) develop new infrastructure for identified projects, if appropriate.

(4) GOALS AND METRICS.—The Director and the Director of ARPA–E shall develop goals and metrics for technological progress under the Joint Program consistent with energy resilience and energy security policies.

(5) SELECTION OF PROJECTS.—

(A) IN GENERAL.—To the maximum extent practicable, in selecting projects to participate in the Joint Program, the Director and the Director of ARPA–E shall—

(i) ensure that projects are carried out under conditions that represent a variety of environments with different physical conditions and market constraints; and

(ii) ensure an appropriate balance of—

(I) larger, higher-cost projects; and

(II) smaller, lower-cost projects.

(B) PRIORITY.—In carrying out the Joint Program, the Director and the Director of ARPA–E shall give priority to demonstration projects that—

(i) make available to the public project information that will accelerate deployment of long-duration energy storage technologies that promote energy resiliency; and

(ii) will be carried out in the field.

SEC. 319. PILOT PROGRAM ON ALTERNATIVE FUEL VEHICLE PURCHASING.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Energy and the Administrator of the General Services Administration, shall carry out a pilot program under which the Secretary of Defense may, notwithstanding section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374), purchase new alternative fuel vehicles for which the initial cost of such vehicles exceeds the initial cost of a comparable gasoline or diesel fueled vehicle by not more than 10 percent.

(b) LOCATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall carry out the pilot program under subsection (a) at not fewer than 2 facilities or installations of the Department of Defense in the continental United States that—

(A) have the largest total number of attached noncombat vehicles as compared to other facilities or installations of the Department of Defense; and

(B) are located within 20 miles of public or private refueling or recharging stations.

(2) AIR FORCE LOGISTICS CENTER.—One of the facilities or installations selected under paragraph (1) shall be an Air Force Logistics Center.

(c) ALTERNATIVE FUEL VEHICLE DEFINED.—In this section, the term ''alternative fuel vehicle'' includes a vehicle that uses—

(1) fuels derived from renewable biomass, as defined in section 211(o)(1)(I) of the Clean Air Act (42 U.S.C. 7545(o)(1)(I));

(2) natural gas (including compressed and liquefied natural gas); or

(3) propane.

SEC. 320. EXTENSION OF REAL-TIME SOUND MONITORING AT NAVY INSTALLATIONS WHERE TACTICAL FIGHTER AIRCRAFT OPERATE.

Section 325(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking ''a 12-month period'' and inserting ''two 12-month periods, including one such period that begins in fiscal year 2021''.

SEC. 321. STUDY ON IMPACTS OF TRANSBOUNDARY FLOWS, SPILLS, OR DISCHARGES OF POLLUTION OR DEBRIS FROM THE TIJUANA RIVER ON PERSONNEL, ACTIVITIES, AND INSTALLATIONS OF DEPARTMENT OF DEFENSE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Administrator of the Environmental Protection Agency, the Secretary of State, and the United States Commissioner of the International Boundary and Water Commission, shall commission an independent scientific study of the impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River on the personnel, activities, and installations of the Department of Defense.

(2) ELEMENTS.—The study required by paragraph (1) shall address the short-term, long-term, primary, and secondary impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River and include recommendations to mitigate such impacts.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report containing the results of the study under subsection (a), including all findings and recommendations resulting from the study.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Environment and Public Works, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Foreign Affairs of the House of Representatives.

SEC. 322. INCREASE IN FUNDING FOR STUDY BY CENTERS FOR DISEASE CONTROL AND PREVENTION RELATING TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCE CONTAMINATION IN DRINKING WATER.

(a) IN GENERAL.—

(1) INCREASE.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Operation and Maintenance, Defense Wide for SAG 4GTN for the study by the Centers for Disease Control and Prevention under section 316(a)(2)(B)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1350) is hereby increased by $5,000,000.

(2) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Operation and Maintenance, Army for SAG 421, Servicewide Transportation is hereby reduced by $5,000,000.

(b) INCREASE IN TRANSFER AUTHORITY.—Section 316(a)(2)(B)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1350), as amended by section 315(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1713), is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

Subtitle C—Logistics and Sustainment

SEC. 331. REPEAL OF STATUTORY REQUIREMENT FOR NOTIFICATION TO DIRECTOR OF DEFENSE LOGISTICS AGENCY THREE YEARS PRIOR TO IMPLEMENTING CHANGES TO ANY UNIFORM OR UNIFORM COMPONENT.

Section 356 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 771 note prec.) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsections (a) and (b), as so redesignated, by striking ''Commander'' each place it appears and inserting ''Director''.

SEC. 332. CLARIFICATION OF LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT OF CURRENTLY DEPLOYED NAVAL VESSELS.

Section 323(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1720; 10 U.S.C. 8690 note) is amended by striking ''In the case of any naval vessel'' and inserting ''In the case of any aircraft carrier, amphibious ship, cruiser, destroyer, frigate, or littoral combat ship''.

Subtitle D—Reports

SEC. 351. REPORT ON IMPACT OF PERMAFROST THAW ON INFRASTRUCTURE, FACILITIES, AND OPERATIONS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive report on the impact of permafrost thaw on the infrastructure, facilities, assets, and operations of the Department of Defense.

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

(1) An identification of the infrastructure, facilities, and assets of the Department of Defense that could be impacted by permafrost thaw.

(2) For each element of infrastructure and each facility and asset identified pursuant to paragraph (1)—

(A) an assessment of the threat posed by permafrost thaw; and

(B) an estimate of potential damage in the event of likely permafrost thaw.

(3) A description of the threats and impacts posed by permafrost thaw to military and other national security operations.

(c) CONSULTATION.—In preparing the report under subsection (a), the Secretary may consult with other Federal agencies, agencies of State and local governments, and academic institutions with expertise or experience in the effects of permafrost thaw on infrastructure, facilities, and operations.

(d) ASSET DEFINED.—In this section, the term ''asset'' means the following:

(1) Any aircraft, weapon system, vehicle, equipment, or gear of the Department of Defense or the Armed Forces.

(2) Any other item of the Department or the Armed Forces that the Secretary considers appropriate for purposes of this section.

SEC. 352. PLANS AND REPORTS ON EMERGENCY RESPONSE TRAINING FOR MILITARY INSTALLATIONS.

(a) PLANS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall ensure that each military installation under the jurisdiction of the Secretary that does not conduct live emergency response training on an annual basis or more frequently with the civilian law enforcement and emergency response agencies responsible for responding to an emergency at the installation develops a plan to conduct such training.

(2) ELEMENTS.—Each plan developed under paragraph (1) with respect to an installation—

(A) shall include—

(i) the cost of implementing training described in paragraph (1) at the installation;

(ii) a description of any obstacles to the implementation of such training; and

(iii) recommendations for mitigating any such obstacles; and

(B) shall be designed to ensure that the civilian law enforcement and emergency response agencies described in paragraph (1) are familiar with—

(i) the physical features of the installation, including gates, buildings, armories, headquarters, command and control centers, and medical facilities; and

(ii) the emergency response personnel and procedures of the installation.

(3) SUBMITTAL OF PLANS.—

(A) SUBMITTAL TO SECRETARY.—Not later than 90 days after the date of the enactment of this Act, the commander of each military installation required to develop a plan under paragraph (1) shall submit such plan to the Secretary of Defense.

(B) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a summary of the plans submitted to the Secretary under subparagraph (A).

(b) REPORTS ON TRAINING CONDUCTED.—

(1) LIST OF INSTALLATIONS.—Not later than March 1, 2021, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a list of all military installations under the jurisdiction of the Secretary that conduct live emergency response training on an annual basis or more frequently with the civilian law enforcement and emergency response agencies responsible for responding to an emergency at the installation.

(2) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the commander of each military installation under the jurisdiction of the Secretary shall submit to the Secretary a report on each live emergency response training conducted during the year covered by the report with the civilian law enforcement and emergency response agencies responsible for responding to an emergency at the installation.

(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include, with respect to each training exercise, the following:

(i) The date and duration of the exercise.

(ii) A detailed description of the exercise.

(iii) An identification of all military and civilian personnel who participated in the exercise.

(iv) Any recommendations resulting from the exercise.

(v) The actions taken, if any, to implement such recommendations.

(C) INCLUSION IN ANNUAL BUDGET SUBMISSION.—

(i) IN GENERAL.—The Secretary shall include in the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code, a summary of any report submitted to the Secretary under subparagraph (A) during the one-year period preceding the submittal of the budget.

(ii) CLASSIFIED FORM.—The summary submitted under clause (i) may be submitted in classified form.

(D) SUNSET.—The requirement to submit annual reports under subparagraph (A) shall terminate upon the submittal of the budget described in subparagraph (C)(i) for fiscal year 2024.

SEC. 353. REPORT ON IMPLEMENTATION BY DEPARTMENT OF DEFENSE OF REQUIREMENTS RELATING TO RENEWABLE FUEL PUMPS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the implementation by the Department of Defense of the requirements under section 246(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17053(a)).

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

(1) An estimate of the cost to the Department of fully implementing the requirements under section 246(a) of the Energy Independence and Security Act of 2007; and

(2) An assessment of any problems or issues the Department is having in complying with the requirements under such section.

(c) EXCEPTION.—The report required by subsection (a) shall not apply to a fueling center of the Department with a fuel turnover rate of less than 100,000 gallons of fuel per year.

SEC. 354. REPORT ON EFFECTS OF EXTREME WEATHER ON DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on vulnerabilities to military installations and combatant commander requirements resulting from extreme weather that builds upon the report submitted under section 335(c) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1358).

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

(1) An explanation of the underlying methodology that the Department uses to assess the effects of extreme weather in the report, including through the use of a climate vulnerability and risk assessment tool as directed under section 326 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) An assessment of how extreme weather affects low-lying military installations, military installations of the Navy and the Marine Corps, and military installations outside the United States.

(3) An assessment of how extreme weather affects access of members of the Armed Forces to training ranges.

(4) With respect to a military installation in a country outside the United States, an assessment of the collaboration between the Department of Defense and the military or civilian agencies of the government of that country or nongovernmental organizations operating in that country to adapt to risks from extreme weather.

(5) An assessment of how extreme weather affects housing safety and food security on military installations.

(6) An assessment of the strategic benefits derived from isolating infrastructure of the Department of Defense in the United States from the national electric grid and the use of energy-efficient, distributed, and smart power grids by the Armed Forces in the United States and overseas to ensure affordable access to electricity.

(7) A list of ten military installation resilience projects conducted within each military department.

(8) An overview of mitigations, in addition to current efforts undertaken by the Department, that may be necessary to ensure the continued operational viability and to increase the resilience of military installations, and the estimated costs of those mitigations.

(c) CONSULTATION.—In developing the report required by subsection (a), the Secretary of Defense shall consult with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Federal Emergency Management Agency, the Commander of the Army Corps of Engineers, the Administrator of the National Aeronautics and Space Administration, a federally funded research and development center, and the heads of such other relevant Federal agencies as the Secretary of Defense determines appropriate.

(d) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may contain a classified annex if necessary.

(e) PUBLICATION.—Upon submittal of the report required by subsection (a), the Secretary of Defense shall publish the unclassified portion of the report on an Internet website of the Department of Defense that is available to the public.

(f) DEFINITIONS.—In this section:

(1) EXTREME WEATHER.—The term ''extreme weather'' means recurrent flooding, drought, desertification, wildfires, and thawing permafrost.

(2) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, and any territory or possession of the United States.

Subtitle E—Other Matters

SEC. 371. PROHIBITION ON DIVESTITURE OF MANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT OPERATED BY UNITED STATES SPECIAL OPERATIONS COMMAND.

No funds authorized to be appropriated by this Act may be used to divest any manned intelligence, surveillance, and reconnaissance aircraft operated by the United States Special Operations Command, and the Department of Defense may not divest any manned intelligence, surveillance, and reconnaissance aircraft operated by the United States Special Operations Command in fiscal year 2021.

SEC. 372. INFORMATION ON OVERSEAS CONSTRUCTION PROJECTS IN SUPPORT OF CONTINGENCY OPERATIONS USING FUNDS FOR OPERATION AND MAINTENANCE.

(a) ANNUAL BUDGET JUSTIFICATION DISPLAY.—Section 2805(c) of title 10, United States Code, is amended—

(1) by striking ''The Secretary concerned'' and inserting ''(1) The Secretary concerned''; and

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

''(2) The Secretary of each military department, the Director of each Defense Agency, and the head of any other relevant component of the Department of Defense shall track and report to the Under Secretary of Defense (Comptroller) relevant data regarding all overseas construction projects funded with amounts appropriated or otherwise made available for operation and maintenance in support of contingency operations.

''(3)(A) The Secretary of Defense shall prepare, for inclusion in the annual budget submission by the President to Congress under section 1105 of title 31, a consolidated budget justification display, in classified and unclassified form, that identifies all overseas construction projects funded with amounts appropriated or otherwise made available for operation and maintenance in support of contingency operations.

''(B) The display prepared under subparagraph (A) shall include a list of all construction projects described in such subparagraph that were completed in the prior fiscal year, that are ongoing, or that are expected for the next five fiscal years, and shall identify for each project—

''(i) the component of the Department of Defense involved in the project;

''(ii) the location of the project;

''(iii) a brief description of the purpose of the project; and

''(iv) the actual or estimated cost of the project.''.

(b) REPORT ON CONSTRUCTION PROJECTS IN SUPPORT OF CONTINGENCY OPERATIONS.—

(1) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on ways to improve the development, funding, and execution of construction projects in support of overseas contingency operations, including those funded with amounts appropriated or otherwise made available for operation and maintenance and those funded with amounts appropriated or otherwise made available for military construction.

(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) An examination and comparison of the time required to plan, approve, and execute construction projects funded with operation and maintenance amounts versus those funded with military construction amounts, in support of contingency operations, including construction projects in support of recent operations in Afghanistan, Iraq, Syria, and Eastern Europe.

(B) A description of any challenges associated with the processes of the Department of Defense for planning, approving, and executing such projects.

(C) A description of any ongoing or planned efforts to improve such processes to promote efficiency and expediency in the development and execution of such projects.

(D) Any recommendations with respect to improving such processes, including those from the commanders of the combatant commands and the Secretaries of the military departments.

SEC. 373. PROVISION OF PROTECTION TO THE NATIONAL MUSEUM OF THE MARINE CORPS, THE NATIONAL MUSEUM OF THE UNITED STATES ARMY, THE NATIONAL MUSEUM OF THE UNITED STATES NAVY, AND THE NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE.

Section 2465(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) A contract for the performance of onsite armed security guard functions to be performed—

''(A) at the Marine Corps Heritage Center at Marine Corps Base Quantico, Virginia, including the National Museum of the Marine Corps;

''(B) at the Heritage Center for the National Museum of the United States Army at Fort Belvoir, Virginia;

''(C) at the Heritage Center for the National Museum of the United States Navy at Washington, District of Columbia; or

''(D) at the Heritage Center for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio.''.

SEC. 374. INAPPLICABILITY OF CONGRESSIONAL NOTIFICATION AND DOLLAR LIMITATION REQUIREMENTS FOR ADVANCE BILLINGS FOR CERTAIN BACKGROUND INVESTIGATIONS.

Section 2208(l) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

''(4) This subsection shall not apply to advance billing for background investigation and related services performed by the Defense Counterintelligence and Security Agency.''.

SEC. 375. REPEAL OF SUNSET FOR MINIMUM ANNUAL PURCHASE AMOUNT FOR CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

Section 9515 of title 10, United States Code, is amended by striking subsection (k).

SEC. 376. IMPROVEMENT OF THE OPERATIONAL ENERGY CAPABILITY IMPROVEMENT FUND OF THE DEPARTMENT OF DEFENSE.

(a) MANAGEMENT OF THE OPERATIONAL ENERGY CAPABILITY IMPROVEMENT FUND.—The Assistant Secretary of Defense for Sustainment shall exercise authority, direction, and control over the Operational Energy Capability Improvement Fund of the Department of Defense (in this section referred to as the ''OECIF'').

(b) ALIGNMENT AND COORDINATION WITH RELATED PROGRAMS.—

(1) REALIGNMENT OF OECIF.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall realign the OECIF under the Assistant Secretary of Defense for Sustainment, with such realignment to include personnel positions adequate for the mission of the OECIF.

(2) BETTER COORDINATION WITH RELATED PROGRAMS.—The Assistant Secretary shall ensure that the placement under the authority of the Assistant Secretary of the OECIF along with the Strategic Environmental Research Program, the Environmental Security Technology Certification Program, and the Operational Energy Prototyping Program is utilized to advance common goals of the Department, promote organizational synergies, and avoid unnecessary duplication of effort.

(c) PROGRAM FOR OPERATIONAL ENERGY PROTOTYPING.—

(1) IN GENERAL.—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, through the Assistant Secretary of Defense for Sustainment, shall carry out a program for the demonstration of technologies related to operational energy prototyping, including demonstration of operational energy technology and validation prototyping.

(2) OPERATION OF PROGRAM.—The Secretary shall ensure that the program under paragraph (1) operates in conjunction with the OECIF to promote the transfer of innovative technologies that have successfully established proof of concept for use in production or in the field.

(3) PROGRAM ELEMENTS.—In carrying out the program under paragraph (1) the Secretary shall—

(A) identify and demonstrate the most promising, innovative, and cost-effective technologies and methods that address high-priority operational energy requirements of the Department of Defense;

(B) in conducting demonstrations under subparagraph (A), the Secretary shall—

(i) collect cost and performance data to overcome barriers against employing an innovative technology because of concerns regarding technical or programmatic risk; and

(ii) ensure that components of the Department have time to establish new requirements where necessary and plan, program, and budget for technology transition to programs of record;

(C) utilize project structures similar to those of the OECIF to ensure transparency and accountability throughout the efforts conducted under the program; and

(D) give priority, in conjunction with the OECIF, to the development and fielding of clean technologies that reduce reliance on fossil fuels.

(4) TOOL FOR ACCOUNTABILITY AND TRANSITION.—

(A) IN GENERAL.—In carrying out the program under paragraph (1) the Secretary shall develop and utilize a tool to track relevant investments in operational energy from applied research to transition to use to ensure user organizations have the full picture of technology maturation and development.

(B) TRANSITION.—The tool developed and utilized under subparagraph (A) shall be designed to overcome transition challenges with rigorous and well-documented demonstrations that provide the information needed by all stakeholders for acceptance of the technology.

(5) LOCATIONS.—

(A) IN GENERAL.—The Secretary shall carry out the testing and evaluation phase of the program under paragraph (1) at installations of the Department of Defense or in conjunction with exercises conducted by the Joint Staff, a combatant command, or a military department.

(B) FORMAL DEMONSTRATIONS.—The Secretary shall carry out any formal demonstrations under the program under paragraph (1) at installations of the Department or in operational settings to document and validate improved warfighting performance and cost savings.

SEC. 377. COMMISSION ON THE NAMING OF ITEMS OF THE DEPARTMENT OF DEFENSE THAT COMMEMORATE THE CONFEDERATE STATES OF AMERICA OR ANY PERSON WHO SERVED VOLUNTARILY WITH THE CONFEDERATE STATES OF AMERICA.

(a) REMOVAL.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall implement the plan submitted by the commission described in paragraph (b) and remove all names, symbols, displays, monuments, and paraphernalia that honor or commemorate the Confederate States of America (commonly referred to as the ''Confederacy'') or any person who served voluntarily with the Confederate States of America from all assets of the Department of Defense.

(b) IN GENERAL.—The Secretary of Defense shall establish a commission relating to assigning, modifying, or removing of names, symbols, displays, monuments, and paraphernalia to assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

(c) DUTIES.—The Commission shall—

(1) assess the cost of renaming or removing names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(2) develop procedures and criteria to assess whether an existing name, symbol, monument, display, or paraphernalia commemorates the Confederate States of America or person who served voluntarily with the Confederate States of America;

(3) recommend procedures for renaming assets of the Department of Defense to prevent commemoration of the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(4) develop a plan to remove names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America from assets of the Department of Defense, within the timeline established by this Act; and

(5) include in the plan procedures and criteria for collecting and incorporating local sensitivities associated with naming or renaming of assets of the Department of Defense.

(d) MEMBERSHIP.—The Commission shall be composed of eight members, of whom—

(1) four shall be appointed by the Secretary of Defense;

(2) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(3) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(4) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(5) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(e) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(f) INITIAL MEETING.—The Commission shall hold its initial meeting on the date that is 60 days after the enactment of this Act.

(g) BRIEFINGS AND REPORTS.—Not later than October 1, 2021, the Commission shall brief the Committees on Armed Services of the Senate and House of Representatives detailing the progress of the requirements under subsection (c). Not later than October 1, 2022, and not later than 90 days before the implementation of the plan in subsection (c)(4), the Commission shall present a briefing and written report detailing the results of the requirements under subsection (c), including:

(1) A list of assets to be removed or renamed.

(2) Costs associated with the removal or renaming of assets in subsection (g)(1).

(3) Criteria and requirements used to nominate and rename assets in subsection (g)(1).

(4) Methods of collecting and incorporating local sensitivities associated with the removal or renaming of assets in subsection (g)(1).

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by the Act for fiscal year 2021 for Operations and Maintenance, Army, sub activity group 434 - other personnel support is hereby reduced by $2,000,000.

(i) ASSETS DEFINED.—In this section, the term ''assets'' includes any base, installation, street, building, facility, aircraft, ship, plane, weapon, equipment, or any other property owned or controlled by the Department of Defense.

(j) EXEMPTION FOR GRAVE MARKERS.—Shall not cover monuments but shall exempt grave markers. Congress expects the commission to further define what constitutes a grave marker.

SEC. 378. MODIFICATIONS TO REVIEW OF PROPOSED ACTIONS BY MILITARY AVIATION AND INSTALLATION ASSURANCE CLEARINGHOUSE.

Section 183a(c)(2) of title 10, United States Code, is amended—

(1) by striking ''If the Clearinghouse'' and inserting ''(A) If the Clearinghouse''; and

(2) by adding at the end the following new subparagraphs:

''(B) After the Clearinghouse issues a notice under subparagraph (A) with respect to an energy project, the parties should seek to identify feasible and affordable actions that can be taken by the Department, the developer of such energy project, or others to mitigate any adverse impact on military operations and readiness.

''(C) If the Secretary determines within a reasonable period of time after the issuance of a notice under subparagraph (A) with respect to an energy project that the concerns identified in the preliminary review conducted under paragraph (1) with respect to such project have been mitigated to the extent that such project does not pose an unacceptable level of risk to military operations and readiness, the Clearinghouse shall timely issue a mission compatibility letter to the applicant of such project, the governor of the State in which such project is located, and the Secretary of the finding of the Clearinghouse.''.

SEC. 379. ADJUSTMENT IN AVAILABILITY OF APPROPRIATIONS FOR UNUSUAL COST OVERRUNS AND FOR CHANGES IN SCOPE OF WORK.

Section 8683 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) TREATMENT OF AMOUNTS APPROPRIATED AFTER END OF PERIOD OF OBLIGATION.—In the application of section 1553(c) of title 31 to funds appropriated in the Operation and Maintenance, Navy account that are available for ship overhaul, the Secretary of the Navy—

''(1) may treat the limitation specified in paragraph (1) of such section to be '$10,000,000' rather than '$4,000,000'; and

''(2) may treat the limitation specified in paragraph (2) of such section to be '$30,000,000' rather than '$25,000,000'.''.

SEC. 380. REQUIREMENT THAT SECRETARY OF DEFENSE IMPLEMENT SECURITY AND EMERGENCY RESPONSE RECOMMENDATIONS RELATING TO ACTIVE SHOOTER OR TERRORIST ATTACKS ON INSTALLATIONS OF DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement the applicable security and emergency response recommendations relating to active shooter or terrorist attacks on installations of the Department of Defense made in the following reports:

(1) The report by the Government Accountability Office dated July 2015 entitled, ''Insider Threats: DOD Should Improve Information Sharing and Oversight to Protect U.S. Installations'' (GAO–15–543).

(2) The report prepared by the Department of the Navy relating to the Washington Navy Yard shooting in 2013.

(3) The report by the Department of the Army dated August 2010 entitled ''Fort Hood, Army Internal Review Team: Final Report''.

(4) The independent review by the Department of Defense dated January 2010 entitled ''Protecting the Force: Lessons from Fort Hood''.

(5) The report by the Department of the Air Force dated October 2010 entitled ''Air Force Follow-On Review: Protecting the Force: Lessons from Fort Hood''.

(b) NOTIFICATION OF INAPPLICABLE RECOMMENDATIONS.—

(1) IN GENERAL.—If the Secretary determines that a recommendation described in subsection (a) is outdated, is no longer applicable, or has been superseded by more recent separate guidance or recommendations set forth by the Government Accountability Office, the Department of Defense, or another entity in related contracted review, the Secretary shall notify the Committees on Armed Services of the Senate and the House of Representatives not later than 45 days after the date of the enactment of this Act.

(2) IDENTIFICATION AND JUSTIFICATION.—The notification under paragraph (1) shall include an identification, set forth by report specified in subsection (a), of each recommendation that the Secretary determines should not be implemented, with a justification for each such determination.

SEC. 381. CLARIFICATION OF FOOD INGREDIENT REQUIREMENTS FOR FOOD OR BEVERAGES PROVIDED BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Before making any final rule, statement, or determination regarding the limitation or prohibition of any food or beverage ingredient in military food service, military medical foods, commissary food, or commissary food service, the Secretary of Defense shall publish in the Federal Register a notice of a preliminary rule, statement, or determination (in this section referred to as a ''proposed action'') and provide opportunity for public comment.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in any notice published under subsection (a) the following:

(1) The date of the notice.

(2) Contact information for the appropriate office at the Department of Defense.

(3) A summary of the notice.

(4) A date for comments to be submitted and specific methods for submitting comments.

(5) A description of the substance of the proposed action.

(6) Findings and a statement of reasons supporting the proposed action.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2021, as follows:

(1) The Army, 485,000.

(2) The Navy, 346,730.

(3) The Marine Corps, 180,000.

(4) The Air Force, 333,475.

SEC. 402. END STRENGTH LEVEL MATTERS.

(a) STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.—

(1) IN GENERAL.—Section 691 of title 10, United States Code, is repealed.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 39 of such title is amended by striking the item relating to section 691.

(b) CERTAIN ACTIVE-DUTY AND SELECTED RESERVE STRENGTHS.—Section 115 of such title is amended—

(1) in subsection (f)(1), by striking ''increase'' and inserting ''vary''; and

(2) in subsection (g)(1)(A), by striking ''increase'' and inserting ''vary''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2021, as follows:

(1) The Army National Guard of the United States, 336,500.

(2) The Army Reserve, 189,800.

(3) The Navy Reserve, 58,800.

(4) The Marine Corps Reserve, 38,500.

(5) The Air National Guard of the United States, 108,100.

(6) The Air Force Reserve, 70,300.

(7) The Coast Guard Reserve, 7,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2021, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,595.

(2) The Army Reserve, 16,511.

(3) The Navy Reserve, 10,215.

(4) The Marine Corps Reserve, 2,386.

(5) The Air National Guard of the United States, 25,333.

(6) The Air Force Reserve, 5,256.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—The authorized number of military technicians (dual status) as of the last day of fiscal year 2021 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 22,294.

(2) For the Army Reserve, 6,492.

(3) For the Air National Guard of the United States, 10,994.

(4) For the Air Force Reserve, 7,947.

(b) LIMITATION.—Under no circumstances may a military technician (dual status) employed under the authority of this section be coerced by a State into accepting an offer of realignment or conversion to any other military status, including as a member of the Active, Guard, and Reserve program of a reserve component. If a military technician (dual status) declines to participate in such realignment or conversion, no further action will be taken against the individual or the individual's position.

SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2021, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 415. SEPARATE AUTHORIZATION BY CONGRESS OF MINIMUM END STRENGTHS FOR NON-TEMPORARY MILITARY TECHNICIANS (DUAL STATUS) AND MAXIMUM END STRENGTHS FOR TEMPORARY MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—Section 115(d) of title 10, United States Code, is amended—

(1) in the first sentence, by striking ''the end strength for military technicians (dual status)'' and inserting ''both the minimum end strength for non-temporary military technicians (dual status) and the maximum end strength for temporary military technicians (dual status)''; and

(2) in the third sentence, by striking ''the end strength requested for military technicians (dual status)'' and inserting ''the minimum end strength for non-temporary military technicians (dual status), and the maximum end strength for temporary military technicians (dual status), requested''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the day after the date of the enactment of this Act. The amendment made by subsection (a)(2) shall apply with respect to budgets submitted by the President to Congress under section 1105 of title 31, United States Code, after such effective date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2021.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. REPEAL OF CODIFIED SPECIFICATION OF AUTHORIZED STRENGTHS OF CERTAIN COMMISSIONED OFFICERS ON ACTIVE DUTY.

Effective as of October 1, 2021, the text of section 523 of title 10, United States Code, is amended to read as follows:

''The total number of commissioned officers serving on active duty in the Army, Air Force, or Marine Corps in each of the grades of major, lieutenant colonel, or colonel, or in the Navy in each of the grades of lieutenant commander, commander, or captain, at the end of any fiscal year shall be as specifically authorized by Act of Congress for such fiscal year.''.

SEC. 502. TEMPORARY EXPANSION OF AVAILABILITY OF ENHANCED CONSTRUCTIVE SERVICE CREDIT IN A PARTICULAR CAREER FIELD UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

(a) REGULAR OFFICERS.—Subparagraph (D) of section 533(b)(1) of title 10, United States Code, is amended to read as follows:

''(D) Additional credit as follows:

''(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

''(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned.''.

(b) RESERVE OFFICERS.—Section 12207(b)(1) of such title is amended—

(1) in the matter preceding subparagraph (A), ''or a designation in'' and all that follows through ''education or training,'' and inserting ''and who has special training or experience, or advanced education (if applicable),''; and

(2) by striking subparagraph (D) and inserting the following new subparagraph:

''(D) Additional credit as follows:

''(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

''(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned.''.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than February 1, 2022, and every four years thereafter, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of the authorities in subparagraph (D) of section 553(b)(1) of title 10, United States Code (as amended by subsection (a)), and subparagraph (D) of section 12207(b)(1) of such title (as amended by subsection (b)) (each referred to in this subsection as a ''constructive credit authority'') during the preceding fiscal year for the Armed Forces under the jurisdiction of such Secretary.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year and Armed Forces covered by such report, the following:

(A) The manner in which constructive service credit was calculated under each constructive credit authority.

(B) The number of officers credited constructive service credit under each constructive credit authority.

(C) A description and assessment of the utility of the constructive credit authorities in meeting the operational needs of the Armed Force concerned.

(D) Such other matters in connection with the constructive credit authorities as the Secretary of the military department concerned considers appropriate.

SEC. 503. REQUIREMENT FOR PROMOTION SELECTION BOARD RECOMMENDATION OF HIGHER PLACEMENT ON PROMOTION LIST OF OFFICERS OF PARTICULAR MERIT.

(a) IN GENERAL.—Section 616(g) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''may'' and inserting ''shall''; and

(B) by inserting '', pursuant to guidelines and procedures prescribed by the Secretary,'' after ''officers of particular merit''; and

(2) in paragraph (3), by inserting '', pursuant to guidelines and procedures prescribed by the Secretary concerned,'' after ''shall recommend''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to officers recommended for promotion by promotion selection boards convened on or after that date.

SEC. 504. SPECIAL SELECTION REVIEW BOARDS FOR REVIEW OF PROMOTION OF OFFICERS SUBJECT TO ADVERSE INFORMATION IDENTIFIED AFTER RECOMMENDATION FOR PROMOTION AND RELATED MATTERS.

(a) REGULAR OFFICERS.—

(1) IN GENERAL.—Subchapter III of chapter 36 of title 10, United States Code, is amended by inserting after section 628 the following new section:

''§ 628a. Special selection review boards

''(a) IN GENERAL.—(1) If the Secretary of the military department concerned determines that a person recommended by a promotion board for promotion to a grade at or below the grade of major general, rear admiral in the Navy, or an equivalent grade in the Space Force is the subject of credible information of an adverse nature, including any substantiated adverse finding or conclusion described in section 615(a)(3)(A) of this title, that was not furnished to the promotion board during its consideration of the person for promotion as otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person and recommend whether the recommendation for promotion of the person should be sustained.

''(2) If a person and the recommendation for promotion of the person is subject to review under this section by a special selection review board convened under this section, the name of the person—

''(A) shall not be disseminated or publicly released on the list of officers recommended for promotion by the promotion board recommending the promotion of the person; and

''(B) shall not be forwarded to the Secretary of Defense, the President, or the Senate, as applicable, or included on a promotion list under section 624(a) of this title.

''(b) CONVENING.—(1) Any special selection review board convened under this section shall be convened in accordance with the provisions of section 628(f) of this title.

''(2) Any special selection review board convened under this section may review such number of persons, and recommendations for promotion of such persons, as the Secretary of the military department concerned shall specify in convening such special selection review board.

''(c) INFORMATION CONSIDERED.—(1) In reviewing a person and recommending whether the recommendation for promotion of the person should be sustained under this section, a special selection review board convened under this section shall be furnished and consider the following:

''(A) The record and information concerning the person furnished in accordance with section 615(a)(2) of this title to the promotion board that recommended the person for promotion.

''(B) Any credible information of an adverse nature on the person, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in section 615(a)(3)(A) of this title.

''(2) The furnishing of information to a special selection review board under paragraph (1)(B) shall be governed by the standards and procedures referred to in paragraph (3)(C) of section 615(a) of this title applicable to the furnishing of information described in paragraph (3)(A) of such section to selection boards in accordance with that section.

''(3)(A) Before information on a person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary of the military department concerned shall ensure that—

''(i) such information is made available to the person; and

''(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

''(B) If information on a person described in paragraph (1)(B) is not made available to the person as otherwise required by subparagraph (A)(i) due to the classification status of such information, the person shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person's authorization for access to classified information.

''(C)(i) An opportunity to submit comments on information is not required for a person under subparagraph (A)(ii) if—

''(I) such information was made available to the person in connection with the furnishing of such information under section 615(a) of this title to the promotion board that recommended the promotion of the person subject to review under this section; and

''(II) the person submitted comments on such information to that promotion board.

''(ii) The comments on information of a person described in clause (i)(II) shall be furnished to the special selection review board.

''(D) A person may waive either or both of the following:

''(i) The right to submit comments to a special selection review board under subparagraph (A)(ii).

''(ii) The furnishing of comments to a special selection review board under subparagraph (C)(ii).

''(d) CONSIDERATION.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers of the same competitive category who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board.

''(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

''(3) In considering whether the recommendation for promotion of a person should be sustained under this section, a special selection review board shall, to the greatest extent practicable, apply standards used by the promotion board that recommended the person for promotion.

''(4) The recommendation for promotion of a person may be sustained under this section only if the special selection review board determines that the person—

''(A) ranks on an order of merit created by the special selection review board as better qualified for promotion than the sample officer highest on the order of merit list who was considered by and not recommended for promotion by the promotion board concerned; and

''(B) is comparable in qualification for promotion to those sample officers who were recommended for promotion by that promotion board.

''(5) A recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board.

''(6) If a special selection review board does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion.

''(e) REPORTS.—(1) Each special selection review board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each person whose recommendation for promotion it recommends for sustainment and certifying that the board has carefully considered the record and information of each person whose name was referred to it.

''(2) The provisions of sections 617(b) and 618 of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 611(a) of this title.

''(f) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section recommends the sustainment of the recommendation for promotion to the next higher grade of a person whose name was referred to it for review under this section, and the President approves the report, the person shall, as soon as practicable, be appointed to that grade in

accordance with subsections (b) and (c) of section 624 of this title.

''(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active-duty list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

''(g) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall apply uniformly across the military departments.

''(2) Any regulation prescribed by the Secretary of a military department to supplement the regulations prescribed pursuant to paragraph (1) may not take effect without the approval of the Secretary of Defense, in writing.

''(h) PROMOTION BOARD DEFINED.—In this section, the term 'promotion board 'means a selection board convened by the Secretary of a military department under section 611(a) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 36 of such title is amended by inserting after the item relating to section 628 the following new item:

''628a. Special selection review boards.''.

(3) DELAY IN PROMOTION.—Section 624(d) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking ''or'' at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(iii) by inserting after subparagraph (E) the following new subparagraph (F):

''(F) the Secretary of the military department concerned determines that credible information of an adverse nature, including a substantiated adverse finding or conclusion described in section 615(a)(3)(A) of this title, with respect to the officer will result in the convening of a special selection review board under section 628a of this title to review the officer and recommend whether the recommendation for promotion of the officer should be sustained.'';

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(C) by inserting after paragraph (2) the following new paragraph (3):

''(3) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F) and whose recommendation for promotion is sustained, authorities for the promotion of the officer are specified in section 628a(f) of this title.''; and

(D) in paragraph (4), as redesignated by subparagraph (B)—

(i) by striking ''The appointment'' and inserting ''(A) Except as provided in subparagraph (B), the appointment''; and

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

''(B) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F), requirements applicable to notice and opportunity for response to such delay are specified in section 628a(c)(3) of this title.''.

(b) RESERVE OFFICERS.—

(1) IN GENERAL.—Chapter 1407 of title 10, United States Code, is amended by inserting after section 14502 the following new section:

''§ 14502a. Special selection review boards

''(a) IN GENERAL.—(1) If the Secretary of the military department concerned determines that a person recommended by a promotion board for promotion to a grade at or below the grade of major general or rear admiral in the Navy is the subject of credible information of an adverse nature, including any substantiated adverse finding or conclusion described in section 14107(a)(3)(A) of this title, that was not furnished to the promotion board during its consideration of the person for promotion as otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person and recommend whether the recommendation for promotion of the person should be sustained.

''(2) If a person and the recommendation for promotion of the person is subject to review under this section by a special selection review board convened under this section, the name of the person—

''(A) shall not be disseminated or publicly released on the list of officers recommended for promotion by the promotion board recommending the promotion of the person; and

''(B) shall not be forwarded to the Secretary of Defense, the President, or the Senate, as applicable, or included on a promotion list under section 14308(a) of this title.

''(b) CONVENING.—(1) Any special selection review board convened under this section shall be convened in accordance with the provisions of section 14502(b)(2) of this title.

''(2) Any special selection review board convened under this section may review such number of persons, and recommendations for promotion of such persons, as the Secretary of the military department concerned shall specify in convening such special selection review board.

''(c) INFORMATION CONSIDERED.—(1) In reviewing a person and recommending whether the recommendation for promotion of the person should be sustained under this section, a special selection review board convened under this section shall be furnished and consider the following:

''(A) The record and information concerning the person furnished in accordance with section 14107(a)(2) of this title to the promotion board that recommended the person for promotion.

''(B) Any credible information of an adverse nature on the person, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in section 14107(a)(3)(A) of this title.

''(2) The furnishing of information to a special selection review board under paragraph (1)(B) shall be governed by the standards and procedures referred to in paragraph (3)(B) of section 14107(a) of this title applicable to the furnishing of information described in paragraph (3)(A) of such section to promotion boards in accordance with that section.

''(3)(A) Before information on person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary of the military department concerned shall ensure that—

''(i) such information is made available to the person; and

''(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

''(B) If information on an officer described in paragraph (1)(B) is not made available to the person as otherwise required by subparagraph (A)(i) due to the classification status of such information, the person shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person's authorization for access to classified information.

''(C)(i) An opportunity to submit comments on information is not required for a person under subparagraph (A)(ii) if—

''(I) such information was made available to the person in connection with the furnishing of such information under section 14107(a) of this title to the promotion board that recommended the promotion of the person subject to review under this section; and

''(II) the person submitted comments on such information to that promotion board.

''(ii) The comments on information of a person described in clause (i)(II) shall be furnished to the special selection review board.

''(D) A person may waive either or both of the following:

''(i) The right to submit comments to a special selection review board under subparagraph (A)(ii).

''(ii) The furnishing of comments to a special selection review board under subparagraph (C)(ii).

''(d) CONSIDERATION.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers of the same competitive category who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board.

''(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

''(3) In considering whether the recommendation for promotion of a person should be sustained under this section, a special selection review board shall, to the greatest extent practicable, apply standards used by the promotion board that recommended the person for promotion.

''(4) The recommendation for promotion of a person may be sustained under this section only if the special selection review board determines that the person—

''(A) ranks on an order of merit created by the special selection review board as better qualified for promotion than the sample officer highest on the order of merit list who was considered by and not recommended for promotion by the promotion board concerned; and

''(B) is comparable in qualification for promotion to those sample officers who were recommended for promotion by that promotion board.

''(5) A recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board.

''(6) If a special selection review board does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion.

''(e) REPORTS.—(1) Each special selection review board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each person whose recommendation for promotion it recommends for sustainment and certifying that the board has carefully considered the record and information of each person whose name was referred to it.

''(2) The provisions of sections 14109(c), 14110, and 14111 of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 14101(a) of this title.

''(f) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section recommends the

sustainment of the recommendation for promotion to the next higher grade of a person whose name was referred to it for review under this section, and the President approves the report, the person shall, as soon as practicable, be appointed to that grade in accordance with section 14308 of this title.

''(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the reserve active-status list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

''(g) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall apply uniformly across the military departments.

''(2) Any regulation prescribed by the Secretary of a military department to supplement the regulations prescribed pursuant to paragraph (1) may not take effect without the approval of the Secretary of Defense, in writing.

''(h) PROMOTION BOARD DEFINED.—In this section, the term 'promotion board 'means a selection board convened by the Secretary of a military department under section 14101(a) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by inserting after the item relating to section 14502 the following new item:

''14502a. Special selection review boards.''.

(3) DELAY IN PROMOTION.—Section 14311 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by adding at the end the following new subparagraph:

''(F) The Secretary of the military department concerned determines that credible information of adverse nature, including a substantiated adverse finding or conclusion described in section 14107(a)(3)(A) of this title, with respect to the officer will result in the convening of a special selection review board under section 14502a of this title to review the officer and recommend whether the recommendation for promotion of the officer should be sustained.''; and

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

''(2) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F) and whose recommendation for promotion is sustained, authorities for the promotion of the officer are specified in section 14502a(f) of this title.''; and

(B) in subsection (c), by adding at the end the following new paragraph:

''(3) Notwithstanding paragraphs (1) and (2), in the case of an officer whose promotion is delayed pursuant to subsection (a)(1)(F), requirements applicable to notice and opportunity for response to such delay are specified in section 14502a(c)(3) of this title.''.

(c) REQUIREMENTS FOR FURNISHING ADVERSE INFORMATION ON REGULAR OFFICERS TO PROMOTION SELECTION BOARDS.—

(1) EXTENSION OF REQUIREMENTS TO SPACE FORCE REGULAR OFFICERS.—Subparagraph (B)(i) of section 615(a)(3) of title 10, United States Code, is amended by striking ''or, in the case of the Navy, lieutenant'' and inserting '', in the case of the Navy, lieutenant, or in the case of the Space Force, the equivalent grade''.

(2) SATISFACTION OF REQUIREMENTS THROUGH SPECIAL SELECTION REVIEW BOARDS.—Such section is further amended by adding at the end the following new subparagraph:

''(D) With respect to the consideration of an officer for promotion to a grade at or below major general, in the case of the Navy, rear admiral, or, in the case of the Space Force, the equivalent grade, the requirements in subparagraphs (A) and (C) may be met through the convening and actions of a special selection review board with respect to the officer under section 628a of this title.''.

(3) DELAYED APPLICABILITY OF REQUIREMENTS TO BOARDS FOR PROMOTION OF OFFICERS TO NON-GENERAL AND FLAG OFFICER GRADES.—Subsection (c) of section 502 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended to read as follows:

''(c) EFFECTIVE DATE AND APPLICABILITY.—

''(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 20, 2019, and shall, except as provided in paragraph (2), apply with respect to the proceedings of promotion selection boards convened under section 611(a) of title 10, United States Code, after that date.

''(2) DELAYED APPLICABILITY FOR BOARDS FOR PROMOTION TO NON-GENERAL AND FLAG OFFICER GRADES.—The amendments made this section shall apply with respect to the proceedings of promotion selection boards convened under section 611(a) of title 10, United States Code, for consideration of officers for promotion to a grade below the grade of brigadier general or, in the case of the Navy, rear admiral (lower half), only if such boards are so convened after January 1, 2021.''.

(d) REQUIREMENTS FOR FURNISHING ADVERSE INFORMATION ON RESERVE OFFICERS TO PROMOTION SELECTION BOARDS.—Section 14107(a)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) in subparagraph (A), as designated by paragraph (1), by striking ''colonel, or, in the case of the Navy, captain'' and inserting ''lieutenant colonel, or, in the case of the Navy, commander''; and

(3) by adding at the end the following new subparagraphs

''(B) The standards and procedures referred to in subparagraph (A) shall require the furnishing to the selection board, and to each individual member of the board, the information described in that subparagraph with regard to an officer in a grade specified in that subparagraph at each stage or phase of the selection board, concurrent with the screening, rating, assessment, evaluation, discussion, or other consideration by the board or member of the official military personnel file of the officer, or of the officer.

''(C) With respect to the consideration of an officer for promotion to a grade at or below major general or, in the Navy, rear admiral, the requirements in subparagraphs (A) and (B) may be met through the convening and actions of a special selection board with respect to the officer under section 14502a of this title.''.

SEC. 505. NUMBER OF OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION UNDER ALTERNATIVE PROMOTION AUTHORITY.

Section 649c of title 10, United States Code, is amended—

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

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

''(d) INAPPLICABILITY OF REQUIREMENT RELATING TO OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION.—Section 645(1)(A)(i)(I) of this title shall not apply to the promotion of officers described in subsection (a) to the extent that such section is inconsistent with a number of opportunities for promotion specified pursuant to section 649d of this title.''.

SEC. 506. MANDATORY RETIREMENT FOR AGE.

(a) GENERAL RULE.—Subsection (a) of section 1251 of title 10, United States Code, is amended—

(1) by inserting ''Space Force,'' after ''or Marine Corps,''; and

(2) by inserting ''or separated, as specified in subsection (e),'' after ''shall be retired''.

(b) DEFERRED RETIREMENT OR SEPARATION OF HEALTH PROFESSIONS OFFICERS.—Subsection (b) of such section is amended—

(1) in the subsection heading, by inserting ''OR SEPARATION'' after ''RETIREMENT''; and

(2) in paragraph (1), by inserting ''or separation'' after ''retirement''.

(c) DEFERRED RETIREMENT OR SEPARATION OF OTHER OFFICERS.—Subsection (c) of such section is amended—

(1) in the subsection heading, by striking ''OF CHAPLAINS'' and inserting ''OR SEPARATION OF OTHER OFFICERS'';

(2) by inserting ''or separation'' after ''retirement''; and

(3) by striking ''an officer who is appointed or designated as a chaplain'' and inserting ''any officer other than a health professions officer described in subsection (b)(2)''.

(d) RETIREMENT OR SEPARATION BASED ON YEARS OF CREDITABLE SERVICE.—Such section is further amended by adding at the end the following new subsection:

''(e) RETIREMENT OR SEPARATION BASED ON YEARS OF CREDITABLE SERVICE.—The following rules shall apply to a regular commissioned officer who is to be retired or separated under subsection (a):

''(1) If the officer has at least 6 but fewer than 20 years of creditable service, the officer shall be separated, with separation pay computed under section 1174(d)(1) of this title.

''(2) If the officer has fewer than 6 years of creditable service, the officer shall be separated under subsection (a).''.

SEC. 507. CLARIFYING AND IMPROVING RESTATEMENT OF RULES ON THE RETIRED GRADE OF COMMISSIONED OFFICERS.

(a) RESTATEMENT.—

(1) IN GENERAL.—Chapter 69 of title 10, United States Code, is amended by striking section 1370 and inserting the following new sections:

''§ 1370. Regular commissioned officers

''(a) RETIREMENT IN HIGHEST GRADE IN WHICH SERVED SATISFACTORILY.—

''(1) IN GENERAL.—Unless entitled to a different retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, Marine Corps, or Space Force who retires under any provision of law other than chapter 61 or 1223 of this title shall be retired in the highest permanent grade in which such officer is determined to have served on active duty satisfactorily.

''(2) DETERMINATION OF SATISFACTORY SERVICE.—The determination of satisfactory service of an officer in a grade under paragraph (1) shall be made as follows:

''(A) By the Secretary of the military department concerned, if the officer is serving in a grade at or below the grade of major general, rear admiral in the Navy, or the equivalent grade in the Space Force.

''(B) By the Secretary of Defense, if the officer is serving or has served in a grade above the grade of major general, rear admiral in the Navy, or the equivalent grade in the Space Force.

''(3) EFFECT OF MISCONDUCT IN LOWER GRADE IN DETERMINATION.—If the Secretary of a military department or the Secretary of Defense, as applicable, determines that an officer committed misconduct in a lower grade than the retirement grade otherwise provided for the officer by this section—

''(A) such Secretary may deem the officer to have not served satisfactorily in any grade equal to or higher than such lower

grade for purposes of determining the retirement grade of the officer under this section; and

''(B) the grade next lower to such lower grade shall be the retired grade of the officer under this section.

''(4) NATURE OF RETIREMENT OF CERTAIN RESERVE OFFICERS AND OFFICERS IN TEMPORARY GRADES.—A reserve officer, or an officer appointed to a position under section 601 of this title, who is notified that the officer will be released from active duty without the officer's consent and thereafter requests retirement under section 7311, 8323, or 9311 of this title and is retired pursuant to that request is considered for purposes of this section to have been retired involuntarily.

''(5) NATURE OF RETIREMENT OF CERTAIN REMOVED OFFICERS.—An officer retired pursuant to section 1186(b)(1) of this title is considered for purposes of this section to have been retired voluntarily.

''(b) RETIREMENT OF OFFICERS RETIRING VOLUNTARILY.—

''(1) SERVICE-IN-GRADE REQUIREMENT.—In order to be eligible for voluntary retirement under any provision of this title in a grade above the grade of captain in the Army, Air Force, or Marine Corps, lieutenant in the Navy, or the equivalent grade in the Space Force, a commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force must have served on active duty in that grade for a period of not less than three years, except that—

''(A) subject to subsection (c), the Secretary of Defense may reduce such period to a period of not less than two years for any officer; and

''(B) in the case of an officer to be retired in a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force, the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period of not less than two years.

''(2) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense in subparagraph (A) of paragraph (1) may not be delegated. The authority of the Secretary of a military department in subparagraph (B) of paragraph (1), as delegated to such Secretary pursuant to such subparagraph, may not be further delegated.

''(3) WAIVER OF REQUIREMENT.—Subject to subsection (c), the President may waive the application of the service-in-grade requirement in paragraph (1) to officers covered by that paragraph in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under this paragraph may not be delegated.

''(4) LIMITATION ON REDUCTION OR WAIVER OF REQUIREMENT FOR OFFICERS UNDER INVESTIGATION OR PENDING MISCONDUCT.—In the case of an officer to be retired in a grade above the grade of colonel in the Army, Air Force, or Marine Corps, captain in the Navy, or the equivalent grade in the Space Force, the service-in-grade requirement in paragraph (1) may not be reduced pursuant to that paragraph, or waived pursuant to paragraph (3), while the officer is under investigation for alleged misconduct or while there is pending the disposition of an adverse personnel action against the officer.

''(5) GRADE AND FISCAL YEAR LIMITATIONS ON REDUCTION OR WAIVER OF REQUIREMENTS.—The aggregate number of members of an armed force in a grade for whom reductions are made under paragraph (1), and waivers are made under paragraph (3), in a fiscal year may not exceed—

''(A) in the case of officers to be retired in a grade at or below the grade of major in the Army, Air Force, or Marine Corps, lieutenant commander in the Navy, or the equivalent grade in the Space Force, the number equal to two percent of the authorized active-duty strength for that fiscal year for officers of that armed force in that grade;

''(B) in the case of officers to be retired in the grade of lieutenant colonel or colonel in the Army, Air Force, or Marine Corps, commander or captain in the Navy, or an equivalent grade in the Space Force, the number equal to four percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade; or

''(C) in the case of officers to be retired in the grade of brigadier general or major general in the Army, Air Force, or Marine Corps, rear admiral (lower half) or rear admiral in the Navy, or an equivalent grade in the Space Force, the number equal to 10 percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade.

''(6) NOTICE TO CONGRESS ON REDUCTION OR WAIVER OF REQUIREMENTS FOR GENERAL, FLAG, AND EQUIVALENT OFFICER GRADES.—In the case of an officer to be retired in a grade that is a general or flag officer grade, or an equivalent grade in the Space Force, who is eligible to retire in that grade only by reason of an exercise of the authority in paragraph (1) to reduce the service-in-grade requirement in that paragraph, or the authority in paragraph (3) to waive that requirement, the Secretary of Defense or the President, as applicable, shall, not later than 60 days prior to the date on which the officer will be retired in that grade, notify the Committees on Armed Services of the Senate and the House of Representatives of the exercise of the applicable authority with respect to that officer.

''(7) RETIREMENT IN NEXT LOWEST GRADE FOR OFFICERS NOT MEETING REQUIREMENT.—An officer described in paragraph (1) whose length of service in the highest grade held by the officer while on active duty does not meet the period of the service-in-grade requirement applicable to the officer under this subsection shall, subject to subsection (c), be retired in the next lower grade in which the officer served on active duty satisfactorily, as determined by the Secretary of the military department concerned or the Secretary of Defense, as applicable.

''(c) OFFICERS IN O–9 AND O–10 GRADES.—

''(1) IN GENERAL.—An officer of the Army, Navy, Air Force, Marine Corps, or Space Force who is serving or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force under section 601 of this title may be retired in such grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Committees on Armed Services of the Senate and the House of Representatives that the officer served on active duty satisfactorily in such grade.

''(2) PROHIBITION ON DELEGATION.—The authority of the Secretary of Defense to make a certification with respect to an officer under paragraph (1) may not be delegated.

''(3) REQUIREMENTS IN CONNECTION WITH CERTIFICATION.—A certification with respect to an officer under paragraph (1) shall—

''(A) be submitted by the Secretary of Defense such that it is received by the President and the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days prior to the date on which the officer will be retired in the grade concerned;

''(B) include an up-to-date copy of the military biography of the officer; and

''(C) include the statement of the Secretary as to whether or not potentially adverse, adverse, or reportable information regarding the officer was considered by the Secretary in making the certification.

''(4) CONSTRUCTION WITH OTHER NOTICE.—In the case of an officer under paragraph (1) to whom a reduction in the service-in-grade requirement under subsection (b)(1) or waiver under subsection (b)(3) applies, the requirement for notification under subsection (b)(6) is satisfied if the notification is included in the certification submitted by the Secretary of Defense under paragraph (1).

''(d) CONDITIONAL RETIREMENT GRADE AND RETIREMENT FOR OFFICERS PENDING INVESTIGATION OR ADVERSE ACTION.—

''(1) IN GENERAL.—When an officer serving in a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement, the Secretary of the military department concerned may—

''(A) conditionally determine the highest permanent grade of satisfactory service on active duty of the officer pending completion of the investigation or resolution of the personnel action, as applicable; and

''(B) retire the officer in that conditional grade, subject to subsection (e).

''(2) OFFICERS IN O–9 AND O–10 GRADES.—When an officer described by subsection (c)(1) is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement, the Secretary of Defense may—

''(A) conditionally determine the highest permanent grade of satisfactory service on active duty of the officer, pending completion of the investigation or personnel action, as applicable; and

''(B) retire the officer in that conditional grade, subject to subsection (e).

''(3) REDUCTION OR WAIVER OF SERVICE-IN-GRADE REQUIREMENT PROHIBITED FOR GENERAL, FLAG, AND EQUIVALENT OFFICER GRADES.—In conditionally determining the retirement grade of an officer under paragraph (1)(A) or (2)(A) of this subsection to be a grade above the grade of colonel in the Army, Air Force, or Marine Corps, captain in the Navy, or the equivalent grade in the Space Force, the service-in-grade requirement in subsection (b)(1) may not be reduced pursuant to subsection (b)(1) or waived pursuant to subsection (b)(3).

''(4) PROHIBITION ON DELEGATION.—The authority of the Secretary of a military department under paragraph (1) may not be delegated. The authority of the Secretary of Defense under paragraph (2) may not be delegated.

''(e) FINAL RETIREMENT GRADE FOLLOWING RESOLUTION OF PENDING INVESTIGATION OR ADVERSE ACTION.—

''(1) NO CHANGE FROM CONDITIONAL RETIREMENT GRADE.—If the resolution of an investigation or personnel action with respect to an officer who has been retired in a conditional retirement grade pursuant to subsection (d) results in a determination that the conditional retirement grade in which the officer was retired will not be changed, the conditional retirement grade of the officer shall, subject to paragraph (3), be the final retired grade of the officer.

''(2) CHANGE FROM CONDITIONAL RETIREMENT GRADE.—If the resolution of an investigation or personnel action with respect to an officer who has been retired in a conditional retirement grade pursuant to subsection (d) results in a determination that the conditional

retirement grade in which the officer was retired should be changed, the changed retirement grade shall be the final retired grade of the officer under this section, except that if the final retirement grade provided for an officer pursuant to this paragraph is the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force, the requirements in subsection (c) shall apply in connection with the retirement of the officer in such final retirement grade.

''(3) RECALCULATION OF RETIRED PAY.—

''(A) IN GENERAL.—If the final retired grade of an officer is as a result of a change under paragraph (2), the retired pay of the officer under chapter 71 of this title shall be recalculated accordingly, with any modification of the retired pay of the officer to go into effect as of the date of the retirement of the officer.

''(B) PAYMENT OF HIGHER AMOUNT FOR PERIOD OF CONDITIONAL RETIREMENT GRADE.—If the recalculation of the retired pay of an officer results in an increase in retired pay, the officer shall be paid the amount by which such increased retired pay exceeded the amount of retired pay paid the officer for retirement in the officer's conditional grade during the period beginning on the date of the retirement of the officer in such conditional grade and ending on the effective date of the change of the officer's retired grade. For an officer whose retired grade is determined pursuant to subsection (c), the effective date of the change of the officer's retired grade for purposes of this subparagraph shall be the date that is 60 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives the certification required by subsection (c) in connection with the retired grade of the officer.

''(C) RECOUPMENT OF OVERAGE DURING PERIOD OF CONDITIONAL RETIREMENT GRADE.—If the recalculation of the retired pay of an officer results in a decrease in retired pay, there shall be recouped from the officer the amount by which the amount of retired pay paid the officer for retirement in the officer's conditional grade exceeded such decreased retired pay during the period beginning on the date of the retirement of the officer in such conditional grade and ending on the effective date of the change of the officer's retired grade.

''(f) FINALITY OF RETIRED GRADE DETERMINATIONS.—

''(1) IN GENERAL.—Except for a conditional determination authorized by subsection (d), a determination of the retired grade of an officer pursuant to this section is administratively final on the day the officer is retired, and may not be reopened, except as provided in paragraph (2).

''(2) REOPENING.—A final determination of the retired grade of an officer may be reopened as follows:

''(A) If the retirement or retired grade of the officer was procured by fraud.

''(B) If substantial evidence comes to light after the retirement that could have led to determination of a different retired grade under this section if known by competent authority at the time of retirement.

''(C) If a mistake of law or calculation was made in the determination of the retired grade.

''(D) If the applicable Secretary determines, pursuant to regulations prescribed by the Secretary of Defense, that good cause exists to reopen the determination of retired grade.

''(3) APPLICABLE SECRETARY.—For purposes of this subsection, the applicable Secretary for purposes of a determination or action specified in this subsection is—

''(A) the Secretary of the military department concerned, in the case of an officer retired in a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or the equivalent grade in the Space Force; or

''(B) the Secretary of Defense, in the case of an officer retired in a grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force.

''(4) NOTICE AND LIMITATION.—If a final determination of the retired grade of an officer is reopened in accordance with paragraph (2), the applicable Secretary—

''(A) shall notify the officer of the reopening; and

''(B) may not make an adverse determination on the retired grade of the officer until the officer has had a reasonable opportunity to respond regarding the basis for the reopening of the officer's retired grade.

''(5) ADDITIONAL NOTICE ON REOPENING FOR OFFICERS RETIRED IN O–9 AND O–10 GRADES.—If the determination of the retired grade of an officer whose retired grade was provided for pursuant to subsection (c) is reopened, the Secretary of Defense shall also notify the President and the Committees on Armed Services of the Senate and the House of Representatives.

''(6) MANNER OF MAKING OF CHANGE.—If the retired grade of an officer is proposed to be changed through the reopening of the final determination of an officer's retired grade under this subsection, the change in grade shall be made—

''(A) in the case of an officer whose retired grade is to be changed to a grade at or below the grade of major general in the Army, Air Force or Marine Corps, rear admiral in the Navy, or the equivalent grade in the Space Force, in accordance with subsections (a) and (b)—

''(i) by the Secretary of Defense (who may delegate such authority only as authorized by clause (ii)); or

''(ii) if authorized by the Secretary of Defense, by the Secretary of the military department concerned (who may not further delegate such authority);

''(B) in the case of an officer whose retired grade is to be changed to the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force, by the President, by and with the advice and consent of the Senate.

''(7) RECALCULATION OF RETIRED PAY.—If the final retired grade of an officer is changed through the reopening of the officer's retired grade under this subsection, the retired pay of the officer under chapter 71 of this title shall be recalculated. Any modification of the retired pay of the officer as a result of the change shall go into effect on the effective date of the change of the officer's retired grade, and the officer shall not be entitled or subject to any changed amount of retired pay for any period before such effective date. An officer whose retired grade is changed as provided in paragraph (6)(B) shall not be entitled or subject to a change in retired pay for any period before the date on which the Senate provides advice and consent for the retirement of the officer in such grade.

''(g) HIGHEST PERMANENT GRADE DEFINED.—In this section, the term 'highest permanent grade' means a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force.

''§ 1370a. Officers entitled to retired pay for non-regular service

''(a) RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.—Unless entitled to a different grade, or to credit for satisfactory service in a different grade under some other provision of law, a person who is entitled to retired pay under chapter 1223 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest permanent grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary of the military department concerned in accordance with this section.

''(b) SERVICE-IN-GRADE REQUIREMENT FOR OFFICERS IN GRADES BELOW O–5.—In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander (in the case of the Navy), a person covered by subsection (a) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

''(c) SERVICE-IN-GRADE REQUIREMENT FOR OFFICES IN GRADES ABOVE O–4.—

''(1) IN GENERAL.—In order to be credited with satisfactory service in an officer grade above major or lieutenant commander (in the case of the Navy), a person covered by subsection (a) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years.

''(2) SATISFACTION OF REQUIREMENT BY CERTAIN OFFICERS NOT COMPLETING THREE YEARS.—A person covered by paragraph (1) who has completed at least six months of satisfactory service in grade may be credited with satisfactory service in the grade in which serving at the time of transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade, if the person is transferred from an active status or discharged as a reserve commissioned officer—

''(A) solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service; or

''(B) because the person no longer meets the qualifications for membership in the Ready Reserve solely because of a physical disability, as determined, at a minimum, by a medical evaluation board and at the time of such transfer or discharge the person (pursuant to section 12731b of this title or otherwise) meets the service requirements established by section 12731(a) of this title for eligibility for retired pay under chapter 1223 of this title, unless the disability is described in section 12731b of this title.

''(3) REDUCTION IN SERVICE-IN-GRADE REQUIREMENTS.—

''(A) OFFICERS IN GRADES BELOW GENERAL AND FLAG OFFICER GRADES.—In the case of a person to be retired in a grade below brigadier general or rear admiral (lower half) in the Navy, the Secretary of Defense may authorize the Secretary of a military department to reduce, subject to subparagraph (B), the three-year period of service-in-grade required by paragraph (1) to a period not less than two years. The authority of the Secretary of a military department under this subparagraph may not be delegated.

''(B) LIMITATION.—The number of reserve commissioned officers of an armed force in the same grade for whom a reduction is made under subparagraph (A) during any fiscal

year in the period of service-in-grade otherwise required by paragraph (1) may not exceed the number equal to 2 percent of the strength authorized for that fiscal year for reserve commissioned officers of that armed force in an active status in that grade.

''(C) OFFICERS IN GENERAL AND FLAG OFFICERS GRADES.—The Secretary of Defense may reduce the three-year period of service-in-grade required by paragraph (1) to a period not less than two years for any person, including a person who, upon transfer to the Retired Reserve or discharge, is to be credited with satisfactory service in a general or flag officer grade under that paragraph. The authority of the Secretary of Defense under this subparagraph may not be delegated.

''(D) NOTICE TO CONGRESS ON REDUCTION IN SERVICE-IN-GRADE REQUIREMENTS FOR GENERAL AND FLAG OFFICER GRADES.—In the case of a person to be credited under this section with satisfactory service in a grade that is a general or flag officer grade who is eligible to be credited with such service in that grade only by reason of an exercise of authority in subparagraph (C) to reduce the three-year service-in-grade requirement otherwise applicable under paragraph (1), the Secretary of Defense shall, not later than 60 days prior to the date on which the person will be credited with such satisfactory service in that grade, notify the Committees on Armed Services of the Senate and the House of Representatives of the exercise of authority in subparagraph (C) with respect to that person.

''(4) OFFICERS SERVING IN GRADES ABOVE O–6 INVOLUNTARILY TRANSFERRED FROM ACTIVE STATUS.—A person covered by paragraph (1) who has completed at least six months of satisfactory service in a grade above colonel or (in the case of the Navy) captain and, while serving in an active status in such grade, is involuntarily transferred (other than for cause) from active status may be credited with satisfactory service in the grade in which serving at the time of such transfer, notwithstanding failure of the person to complete three years of service in that grade.

''(5) ADJUTANTS AND ASSISTANT ADJUTANTS GENERAL.—If a person covered by paragraph (1) has completed at least six months of satisfactory service in grade, the person was serving in that grade while serving in a position of adjutant general required under section 314 of title 32 or while serving in a position of assistant adjutant general subordinate to such a position of adjutant general, and the person has failed to complete three years of service in that grade solely because the person's appointment to such position has been terminated or vacated as described in section 324(b) of such title, the person may be credited with satisfactory service in that grade, notwithstanding the failure of the person to complete three years of service in that grade.

''(6) OFFICERS RECOMMENDED FOR PROMOTION SERVING IN CERTAIN GRADE BEFORE PROMOTION.—To the extent authorized by the Secretary of the military department concerned, a person who, after having been recommended for promotion in a report of a promotion board but before being promoted to the recommended grade, served in a position for which that grade is the minimum authorized grade may be credited for purposes of paragraph (1) as having served in that grade for the period for which the person served in that position while in the next lower grade. The period credited may not include any period before the date on which the Senate provides advice and consent for the appointment of that person in the recommended grade.

''(7) OFFICERS QUALIFIED FOR FEDERAL RECOGNITION SERVING IN CERTAIN GRADE BEFORE APPOINTMENT.—To the extent authorized by the Secretary of the military department concerned, a person who, after having been found qualified for Federal recognition in a higher grade by a board under section 307 of title 32, serves in a position for which that grade is the minimum authorized grade and is appointed as a reserve officer in that grade may be credited for the purposes of paragraph (1) as having served in that grade. The period of the service for which credit is afforded under the preceding sentence may be only the period for which the person served in the position after the Senate provides advice and consent for the appointment.

''(8) RETIREMENT IN NEXT LOWEST GRADE FOR OFFICERS NOT MEETING SERVICE-IN-GRADE REQUIREMENTS.—A person whose length of service in the highest grade held does not meet the service-in-grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months.

''(d) OFFICERS IN O–9 AND O–10 GRADES.—

''(1) IN GENERAL.—A person covered by this section in the Army, Navy, Air Force, or Marine Corps who is serving or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, or vice admiral or admiral in the Navy under section 601 of this title may be retired in such grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Committees on Armed Services of the Senate and the House of Representatives that the officer served satisfactorily in such grade.

''(2) PROHIBITION ON DELEGATION.—The authority of the Secretary of Defense to make a certification with respect to an officer under paragraph (1) may not be delegated.

''(3) REQUIREMENTS IN CONNECTION WITH CERTIFICATION.—A certification with respect to an officer under paragraph (1) shall—

''(A) be submitted by the Secretary of Defense such that it is received by the President and the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days prior to the date on which the officer will be retired in the grade concerned;

''(B) include an up-to-date copy of the military biography of the officer; and

''(C) include the statement of the Secretary as to whether or not potentially adverse, adverse, or reportable information regarding the officer was considered by the Secretary in making the certification.

''(4) CONSTRUCTION WITH OTHER NOTICE.—In the case of an officer under paragraph (1) who is eligible to be credited with service in a grade only by reason of the exercise of the authority in subsection (c)(3)(C) to reduce the three-year service-in-grade requirement under subsection (c)(1), the requirement for notification under subsection (c)(3)(D) is satisfied if the notification is included in the certification submitted by the Secretary of Defense under paragraph (1).

''(e) CONDITIONAL RETIREMENT GRADE AND RETIREMENT FOR OFFICERS UNDER INVESTIGATION FOR MISCONDUCT OR PENDING ADVERSE PERSONNEL ACTION.—The retirement grade, and retirement, of a person covered by this section who is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement is as provided for by section 1370(d) of this title. In the application of such section 1370(d) for purposes of this subsection, any reference 'active duty' shall be deemed not to apply, and any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section.

''(f) FINAL RETIREMENT GRADE FOLLOWING RESOLUTION OF PENDING INVESTIGATION OR ADVERSE ACTION.—The final retirement grade under this section of a person described in subsection (e) following resolution of the investigation or personnel action concerned is the final retirement grade provided for by section 1370(e) of this title. In the application of such section 1370(e) for purposes of this subsection, any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section. In the application of paragraph (3) of such section 1370e(e) for purposes of this subsection, the reference to 'chapter 71' of this title shall be deemed to be a reference to 'chapter 1223 of this title'.

''(g) FINALITY OF RETIRED GRADE DETERMINATIONS.—

''(1) IN GENERAL.—Except for a conditional determination authorized by subsection (e), a determination of the retired grade of a person pursuant to this section is administratively final on the day the person is retired, and may not be reopened.

''(2) REOPENING.—A determination of the retired grade of a person may be reopened in accordance with applicable provisions of section 1370(f) of this title. In the application of such section 1370(f) for purposes of this subsection, any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section. In the application of paragraph (7) of such section 1370(f) for purposes of this paragraph, the reference to 'chapter 71 of this title' shall be deemed to be a reference to 'chapter 1223 of this title'.

''(h) HIGHEST PERMANENT GRADE DEFINED.—In this section, the term 'highest permanent grade' means a grade at or below the grade of major general in the Army, Air Force, or Marine Corps or rear admiral in the Navy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 69 of title 10, United States Code, is amended by striking the item relating to section 1370 and inserting the following new items:

''1370. Regular commissioned officers.
''1370a. Officers entitled to retired pay for non-regular service.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS TO RETIRED GRADE RULES FOR THE ARMED FORCES.—

(1) RETIRED PAY.—Title 10, United States Code, is amended as follows:

(A) In section 1406(b)(2), by striking ''section 1370(d)'' and inserting ''section 1370a''.

(B) In section 1407(f)(2)(B), by striking ''by reason of denial of a determination or certification under section 1370'' and inserting ''pursuant to section 1370 or 1370a''.

(2) ARMY.—Section 7341 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

''(a)(1) The retired grade of a regular commissioned officer of the Army who retires other than for physical disability is determined under section 1370 of this title.

''(2) The retired grade of a reserve commissioned officer of the Army who retires other than for physical disability is determined under section 1370a of this title.''; and

(B) in subsection (b)—

(i) by striking ''he'' and inserting ''the member''; and

(ii) by striking ''his'' and inserting ''the member's''.

(3) NAVY AND MARINE CORPS.—Such title is further amended as follows:

(A) In section 8262(a), by striking ''sections 689 and 1370'' and inserting ''section 689, and section 1370 or 1370a (as applicable),''.

(B) In section 8323(c), by striking ''section 1370 of this title'' and inserting ''section 1370 or 1370a of this title, as applicable''.

(4) AIR FORCE AND SPACE FORCE.—Section 9341 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

''(a)(1) The retired grade of a regular commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370 of this title.

''(2) The retired grade of a reserve commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370a of this title.''; and

(B) in subsection (b)—

(i) by inserting ''or a Regular or Reserve of the Space Force'' after ''Air Force'';

(ii) by striking ''he'' and inserting ''the member''; and

(iii) by striking ''his'' and inserting ''the member's''.

(5) RESERVE OFFICERS.—Section 12771 of such title is amended—

(A) in subsection (a), by striking ''section 1370(d)'' and inserting ''section 1370a of this title''; and

(B) in subsection (b)(1), by striking ''section 1370(d)'' and inserting ''section 1370a''.

(c) OTHER REFERENCES.—In the determination of the retired grade of a commissioned officer of the Armed Forces entitled to retired pay under chapter 1223 of title 10, United States Code, who retires after the date of the enactment of this Act, any reference in a provision of law or regulation to section 1370 of title 10, United States Code, in such determination with respect to such officer shall be deemed to be a reference to section 1370a of title 10, United States Code (as amended by subsection (a)).

SEC. 508. REPEAL OF AUTHORITY FOR ORIGINAL APPOINTMENT OF REGULAR NAVY OFFICERS DESIGNATED FOR ENGINEERING DUTY, AERONAUTICAL ENGINEERING DUTY, AND SPECIAL DUTY.

(a) REPEAL.—Section 8137 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 815 of such title is amended by striking the item relating to section 8137.

Subtitle B—Reserve Component Management

SEC. 511. EXCLUSION OF CERTAIN RESERVE GENERAL AND FLAG OFFICERS ON ACTIVE DUTY FROM LIMITATIONS ON AUTHORIZED STRENGTHS.

(a) DUTY FOR CERTAIN RESERVE OFFICERS UNDER JOINT DUTY LIMITED EXCLUSION.—Subsection (b) of section 526a of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) DUTY FOR CERTAIN RESERVE OFFICERS.—Of the officers designated pursuant to paragraph (1), the Chairman of the Joint Chiefs of Staff may designate up to 15 general and flag officer positions in the unified and specified combatant commands, and up to three general and flag officer positions on the Joint Staff, as positions to be held only by reserve officers who are in a general or flag officer grade below lieutenant general or vice admiral. Each position so designated shall be considered to be a joint duty assignment position for purposes of chapter 38 of this title.''.

(b) RESERVE OFFICERS ON ACTIVE DUTY FOR TRAINING OR FOR LESS THAN 180 DAYS.—Such section is further amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

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

''(c) RESERVE OFFICERS ON ACTIVE DUTY FOR TRAINING OR FOR LESS THAN 180 DAYS.—The limitations of this section do not apply to a reserve general or flag officer who—

''(1) is on active duty for training; or

''(2) is on active duty under a call or order specifying a period of less than 180 days.''.

Subtitle C—General Service Authorities

SEC. 516. INCREASED ACCESS TO POTENTIAL RECRUITS.

(a) SECONDARY SCHOOLS.—Section 503(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking ''and telephone listings,'' and all that follows through the period at the end and inserting ''electronic mail addresses, home telephone numbers, and mobile telephone numbers, notwithstanding subsection (a)(5)(B) or (b) of section 444 of the General Education Provisions Act (20 U.S.C. 1232g); and''; and

(C) by adding at the end the following new clause:

''(iii) shall provide information requested pursuant to clause (ii) within a reasonable period of time, but in no event later than 60 days after the date of the request.''; and

(2) in subparagraph (B), by striking ''and telephone listing'' and inserting ''electronic mail address, home telephone number, or mobile telephone number''.

(b) INSTITUTIONS OF HIGHER EDUCATION.—Section 983(b) of such title is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''and telephone listings'' and inserting ''electronic mail addresses, home telephone numbers, and mobile telephone numbers, which information shall be made available not later than 60 days after the start of classes for the current semester or not later than 60 days after the date of a request, whichever is later''; and

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

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

''(3) access by military recruiters for purposes of military recruiting to lists of students (who are 17 years of age or older) not returning to the institution after having been enrolled during the previous semester, together with student recruiting information and the reason why the student did not return, if collected by the institution.''.

SEC. 517. TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS DURING WAR OR NATIONAL EMERGENCY.

Section 688a of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) EXCEPTIONS DURING PERIODS OF WAR OR NATIONAL EMERGENCY.—The limitations in subsections (c) and (f) shall not apply during a time of war or of national emergency declared by Congress or the President.''.

SEC. 518. CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214) MATTERS.

(a) REDESIGNATION AS CERTIFICATE OF MILITARY SERVICE.—

(1) IN GENERAL.—Department of Defense Form DD 214, the Certificate of Release or Discharge from Active Duty, is hereby redesignated as the Certificate of Military Service.

(2) CONFORMING AMENDMENT.—Section 1168(a) of title 10, United States Code, is amended by striking ''discharge certificate or certificate of release from active duty, respectively,'' and inserting ''Certificate of Military Serve''.

(3) REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to Department of Defense Form DD 214, the Certificate of Release or Discharge from Active Duty, shall be deemed to be a reference to the Certificate of Military Service.

(4) TECHNICAL AMENDMENTS.—Such section 1168(a) is further amended—

(A) by striking ''until his'' and inserting ''until the member's'';

(B) by striking ''his final pay'' and inserting ''the member's final pay''; and

(C) by striking ''him or his next of kin'' and inserting ''the member or the member's next of kin''.

(5) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection and the amendments made by this subsection shall take effect on the date provided for in subsection (d) of section 569 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), as redesignated by subsection (b)(1)(B) of this section.

(B) TECHNICAL AMENDMENTS.—The amendments made by paragraph (4) of this subsection shall take effect on the date of the enactment of this Act.

(b) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—Section 569 of the National Defense Authorization Act for Fiscal Year 2020 is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (4), respectively;

(ii) by inserting before paragraph (2), as redesignated by clause (i), the following new paragraph (1);

''(1) redesignate such form as the Certificate of Military Service;''.

(iii) in paragraph (2), as so redesignated, by striking ''and'' at the end; and

(iv) by inserting after paragraph (2), as so redesignated, the following new paragraph:

''(3) provide for a standard total force record of military service for all members of the Armed Forces, including member of the reserve components, that summarizes the record of service for each member; and'';

(B) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(C) by inserting after subsection (a) the following new subsections:

''(b) ISSUANCE TO RESERVES.—The Secretary of Defense shall provide for the issuance of the Certificate of Military Service, as modified pursuant to subsection (a), to members of the reserve components of the Armed Forces at such times during their military service as is appropriate to facilitate their access to benefits under the laws administered by the Secretary of Veterans Affairs.

''(c) COORDINATION.—In carrying out this section, the Secretary of Defense shall coordinate with the Secretary of Veterans Affairs to ensure that the Certificate of Military Service, as modified pursuant to subsection (a), is recognized as the Certificate of Military Service referred to in section 1168(a) of title 10, United States Code, and for the purposes of establishing eligibility for applicable benefits under the laws administered by the Secretary of Veterans Affairs.''; and

(D) in subsection (d), as redesignated by subparagraph (B), by striking ''a revised Certificate of Release or Discharge from Active Duty (DD Form 214), modified'' and inserting ''the Certificate of Military Service, as modified''.

(2) CONFORMING AMENDMENT.—The heading of such section 569 is amended to read as follows:

"SEC. 569. CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214) MATTERS.".

(3) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 570 of the National Defense Authorization Act for Fiscal Year 2020 is repealed.

SEC. 519. EVALUATION OF BARRIERS TO MINORITY PARTICIPATION IN CERTAIN UNITS OF THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1999, the RAND Corporation issued a report entitled ''Barriers to Minority Participation in Special Operations Forces'' that was sponsored by United States Special Operations Command.

(2) In 2018, the RAND Corporation issued a report entitles ''Understanding Demographic Differences in Undergraduate Pilot Training Attrition'' that was sponsored by the Air Force.

(3) No significant independent study has been performed by a federally funded research and development center into increasing minority participation in the special operations forces since 1999.

(b) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, seek to enter into an agreement with a federally funded research and development center.

(2) ELEMENTS.—The evaluation under paragraph (1) shall include the following elements:

(A) A description of the racial, ethnic, and gender composition of covered units.

(B) A comparison of the participation rates of minority populations in covered units to participation rates of the general population as members and as officers of the Armed Forces.

(C) A comparison of the percentage of minority officers in the grade of O–7 or higher who have served in each covered unit to such percentage for all such officers in the Armed Force of that covered unit.

(D) An identification of barriers to minority participation in the accession, assessment, and training processes.

(E) The status and effectiveness of the response to the recommendations contained in the report referred to in subsection (a)(1) and any follow-up recommendations.

(F) Recommendations to increase the numbers of minority officers in the Armed Forces.

(G) Recommendations to increase minority participation in covered units.

(H) Any other matters the Secretary determines appropriate.

(3) REPORT TO CONGRESS.—The Secretary shall—

(A) submit to the congressional defense committees a report on the results of the study by not later than January 1, 2022; and

(B) provide interim briefings to such committees upon request.

(c) DESIGNATION.—The study conducted under subsection (b) shall be known as the ''Study on Reducing Barriers to Minority Participation in Elite Units in the Armed Services''.

(d) IMPLEMENTATION PLAN.—The Secretary shall submit to the congressional defense committees a report setting forth an implementation plan for the recommendations that the Secretary implements under this section, including—

(1) the response of the Secretary to each such recommendation;

(2) a summary of actions the Secretary has carried out, or intends to carry out, to implement such recommendations, as appropriate; and

(3) a schedule, with specific milestones, for completing the implementation of such recommendations.

(e) COVERED UNITS DEFINED.—In this section, the term ''covered units'' means the following:

(1) Any forces designated by the Secretary as special operations forces.

(2) Air Force Combat Control Teams.

(3) Air Force Pararescue.

(4) Marine Corps Force Reconnaissance.

(5) Coast Guard Deployable Operations Group.

(6) Pilot and navigator military occupational specialties.

SEC. 520. REPORTS ON DIVERSITY AND INCLUSION IN THE ARMED FORCES.

(a) REPORT ON FINDINGS OF DEFENSE BOARD ON DIVERSITY AND INCLUSION IN THE MILITARY.—

(1) IN GENERAL.—Upon the completion by the Defense Board on Diversity and Inclusion in the Military of its report on actionable recommendations to increase racial diversity and ensure equal opportunity across all grades of the Armed Forces, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the report of the Defense Board, including the findings and recommendations of the Defense Board.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A comprehensive description of the findings and recommendations of the Defense Board in its report referred to in paragraph (1).

(B) A comprehensive description of any actionable recommendations of the Defense Board in its report.

(C) A description of the actions proposed to be undertaken by the Secretary in connection with such recommendations, and a timeline for implementation of such actions.

(D) A description of the resources used by the Defense Board for its report, and a description and assessment of any shortfalls in such resources for purposes of the Defense Board.

(b) REPORT ON DEFENSE ADVISORY COMMITTEE ON DIVERSITY AND INCLUSION IN THE ARMED FORCES.—

(1) IN GENERAL.—At the same time the Secretary of Defense submits the report required by subsection (a), the Secretary shall also submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the Defense Advisory Committee on Diversity and Inclusion in the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The mission statement or purpose of the Advisory Committee, and any proposed objectives and goals of the Advisory Committee.

(B) A description of current members of the Advisory Committee and the criteria used for selecting members.

(C) A description of the duties and scope of activities of the Advisory Committee.

(D) The reporting structure of the Advisory Committee.

(E) An estimate of the annual operating costs and staff years of the Advisory Committee.

(F) An estimate of the number and frequency of meetings of the Advisory Committee.

(G) Any subcommittees, established or proposed, that would support the Advisory Committee.

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate to extend the term of the Advisory Committee beyond the proposed termination date of the Advisory Committee.

(c) REPORT ON CURRENT DIVERSITY AND INCLUSION IN THE ARMED FORCES.—

(1) IN GENERAL.—At the same time the Secretary of Defense submits the reports required by subsections (a) and (b), the Secretary shall also submit to the Committee on Armed Services of the Senate and the House of Representatives a report on current diversity and inclusion in the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification of the current racial, ethnic, and sex composition of each Armed Force generally.

(B) An identification of the current racial, ethnic, and sex composition of each Armed Force by grade.

(C) A comparison of the participation rates of minority populations in officer grades, warrant officer grades, and enlisted member grades in each Armed Force with the percentage of such populations among the general population.

(D) A comparison of the participation rates of minority populations in each career field in each Armed Force with the percentage of such populations among the general population.

(E) A comparison among the Armed Forces of the percentage of minority populations in each officer grade above grade O–4.

(F) A comparison among the Armed Forces of the percentage of minority populations in each enlisted grade above grade E–6.

(G) A description and assessment of barriers to minority participation in the Armed Forces in connection with accession, assessment, and training.

(d) SENSE OF SENATE ON DEFENSE ADVISORY COMMITTEE ON DIVERSITY AND INCLUSION IN THE ARMED FORCES.—It is the sense of the Senate that the Defense Advisory Committee on Diversity and Inclusion in the Armed Forces—

(1) should consist of diverse group of individuals, including—

(A) a general or flag officer from each regular component of the Armed Forces;

(B) a retired general or flag officer from not fewer than two of the Armed Forces;

(C) a regular officer of the Armed Forces in a grade O–5 or lower;

(D) a regular enlisted member of the Armed Forces in a grade E–7 or higher;

(E) a regular enlisted member of the Armed Forces in a grade E–6 or lower;

(F) a member of a reserve component of the Armed Forces in any grade;

(G) a member of the Department of Defense civilian workforce;

(H) an member of the academic community with expertise in diversity studies; and

(I) an individual with appropriate expertise in diversity and inclusion;

(2) should include individuals from a variety of military career paths, including—

(A) aviation;

(B) special operations;

(C) intelligence;

(D) cyber;

(E) space; and

(F) surface warfare;

(3) should have a membership such that not fewer than 20 percent of members possess—

(A) a firm understanding of the role of mentorship and best practices in finding and utilizing mentors;

(B) experience and expertise in change of culture of large organizations; or

(C) experience and expertise in implementation science; and

(4) should focus on objectives that address—

(A) barriers to promotion within the Armed Forces, including development of recommendations on mechanisms to enhance and increase racial diversity and ensure

equal opportunity across all grades in the Armed Forces;

(B) participation of minority officers and senior noncommissioned officers in the Armed Forces, including development of recommendations on mechanisms to enhance and increase such participation;

(C) recruitment of minority candidates for innovative pre-service programs in the Junior Reserve Officers' Training Corps (JROTC), Senior Reserve Officers' Training Corps (SROTC), and military service academies, including programs in connection with flight instruction, special operations, and national security, including development of recommendations on mechanisms to enhance and increase such recruitment;

(D) retention of minority individuals in senior leadership and mentorship positions in the Armed Forces, including development of recommendations on mechanisms to enhance and increase such retention; and

(E) achievement of cultural and ethnic diversity in recruitment for the Armed Forces, including development of recommendations on mechanisms to enhance and increase such diversity in recruitment.

Subtitle D—Military Justice and Related Matters

PART I—INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT AND RELATED MATTERS

SEC. 521. MODIFICATION OF TIME REQUIRED FOR EXPEDITED DECISIONS IN CONNECTION WITH APPLICATIONS FOR CHANGE OF STATION OR UNIT TRANSFER OF MEMBERS WHO ARE VICTIMS OF SEXUAL ASSAULT OR RELATED OFFENSES.

(a) IN GENERAL.—Section 673(b) of title 10, United States Code, is amended by striking ''72 hours'' both places it appears and inserting ''five calendar days''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to decisions on applications for permanent change of station or unit transfer made under section 673 of title 10, United States Code, on or after that date.

SEC. 522. DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) in subsection (c)(1)(B), by inserting '', including the United States Coast Guard Academy,'' after ''academy'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

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

''(d) ADVISORY DUTIES ON COAST GUARD ACADEMY.—In providing advice under subsection (c)(1)(B), the Advisory Committee shall also advise the Secretary of the Department in which the Coast Guard is operating in accordance with this section on policies, programs, and practices of the United States Coast Guard Academy.''; and

(4) in subsection (e) and paragraph (2) of subsection (g), as redesignated by paragraph (2) of this section, by striking ''the Committees on Armed Services of the Senate and the House of Representatives'' each place it appears and inserting ''the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services and Transportation and Infrastructure of the House of Representatives''.

SEC. 523. REPORT ON ABILITY OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT PREVENTION AND RESPONSE VICTIM ADVOCATES TO PERFORM DUTIES.

(a) SURVEY.—

(1) IN GENERAL.—Not later than June 30, 2021, the Secretary of Defense shall conduct a survey regarding the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform their duties.

(2) ELEMENTS.—The survey required under paragraph (1) shall assess—

(A) the current state of support provided to Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates, including—

(i) perceived professional or other reprisal or retaliation; and

(ii) access to sufficient physical and mental health services as a result of the nature of their work;

(B) the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to contact and access their installation commander or unit commander;

(C) the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to contact and access the immediate commander of victims and alleged offenders;

(D) the responsiveness and receptiveness of commanders to the Sexual Assault Response Coordinators;

(E) the support and services provided to victims of sexual assault;

(F) the understanding of others of the process and their willingness to assist;

(G) the adequacy of the training received by Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to effectively perform their duties; and

(H) any other factors affecting the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform their duties.

(b) REPORT.—Upon completion of the survey required under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the survey and any actions to be taken as a result of the survey.

SEC. 524. BRIEFING ON SPECIAL VICTIMS' COUNSEL PROGRAM.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Judge Advocates General of the Army, the Navy, the Air Force, and the Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps shall each provide to the congressional defense committees a briefing on the status of the Special Victims' Counsel program of the Armed Force concerned.

(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the Special Victims Counsel program of the Armed Force concerned, the following:

(1) An assessment of whether the Armed Force is in compliance with the provisions of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) relating to the Special Victims Counsel program and, if not, what steps have been taken to achieve compliance with such provisions.

(2) An estimate of the average caseload of each Special Victims' Counsel.

(3) A description of any staffing shortfalls in the Special Victims' Counsel program or other programs of the Armed Force resulting from the additional responsibilities required of the Special Victims' Counsel program under the National Defense Authorization Act for Fiscal Year 2020.

(4) An explanation of the ability of Special Victims' Counsel to adhere to requirement that a counsel respond to a request for services within 72 hours of receiving such request.

(5) An assessment of the feasibility of providing cross-service Special Victims' Counsel representation in instances where a Special Victims' Counsel from a different Armed Force is co-located with a victim at a remote base.

SEC. 525. ACCOUNTABILITY OF LEADERSHIP OF THE DEPARTMENT OF DEFENSE FOR DISCHARGING THE SEXUAL HARASSMENT POLICIES AND PROGRAMS OF THE DEPARTMENT.

(a) STRATEGY ON HOLDING LEADERSHIP ACCOUNTABLE REQUIRED.—The Secretary of Defense shall develop and implement Department of Defense-wide a strategy to hold individuals in positions of leadership in the Department (including members of the Armed Forces and civilians) accountable for the promotion, support, and enforcement of the policies and programs of the Department on sexual harassment.

(b) OVERSIGHT FRAMEWORK.—

(1) IN GENERAL.—The strategy required by subsection (a) shall provide for an oversight framework for the efforts of the Department of Defense to promote, support, and enforce the policies and programs of the Department on sexual harassment.

(2) ELEMENTS.—The oversight framework required by paragraph (1) shall include the following:

(A) Long-term goals, objectives, and milestones in connection with the policies and programs of the Department on sexual harassment.

(B) Strategies to achieve the goals, objectives, and milestones referred to in subparagraph (A).

(C) Criteria for assessing progress toward the achievement of the goals, objectives, and milestones referred to in subparagraph (A).

(D) Criteria for assessing the effectiveness of the policies and programs of the Department on sexual harassment.

(E) Mechanisms to ensure that adequate resources are available to the Office to develop and discharge the oversight framework.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken to carry out this section, including the strategy developed and implemented pursuant to subsection, and the oversight framework developed and implemented pursuant to subsection (b).

SEC. 526. SAFE-TO-REPORT POLICY APPLICABLE ACROSS THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, prescribe in regulations a safe-to-report policy described in subsection (b) that applies with respect to all members of the Armed Forces (including members of the reserve components of the Armed Forces) and cadets and midshipmen at the military service academies.

(b) SAFE-TO-REPORT POLICY.—The safe-to-report policy described in this subsection is a policy that prescribes the handling of minor collateral misconduct involving a member of the Armed Forces who is the alleged victim of sexual assault.

(c) AGGRAVATING CIRCUMSTANCES.—The regulations under subsection (a) shall specify aggravating circumstances that increase the gravity of minor collateral misconduct or its impact on good order and discipline for purposes of the safe-to-report policy.

(d) TRACKING OF COLLATERAL MISCONDUCT INCIDENTS.—In conjunction with the issuance of regulations under subsection (a), Secretary shall develop and implement a process to track incidents of minor collateral misconduct that are subject to the safe-to-report policy.

(e) DEFINITIONS.—In this section:

(1) The term ''Armed Forces'' has the meaning given that term in section 101(a)(4) of title 10, United States Code, except such term does not include the Coast Guard.

(2) The term ''military service academy'' means the following:

(A) The United States Military Academy.

(B) The United States Naval Academy.

(C) The United States Air Force Academy.

(3) The term ''minor collateral misconduct'' means any minor misconduct that is potentially punishable under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that—

(A) is committed close in time to or during the sexual assault, and directly related to the incident that formed the basis of the sexual assault allegation;

(B) is discovered as a direct result of the report of sexual assault or the ensuing investigation into the sexual assault; and

(C) does not involve aggravating circumstances (as specified in the regulations prescribed under subsection (c)) that increase the gravity of the minor misconduct or its impact on good order and discipline.

SEC. 527. ADDITIONAL BASES FOR PROVISION OF ADVICE BY THE DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B(c)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by redesignating subparagraph (C) as subparagraph (E); and

(2) by inserting after subparagraph (B) the following new subparagraphs:

''(C) Efforts among private employers to prevent sexual assault and sexual harassment among their employees.

''(D) Evidence-based studies on the prevention of sexual assault and sexual harassment in the Armed Forces, institutions of higher education, and the private sector.''.

SEC. 528. ADDITIONAL MATTERS FOR REPORTS OF THE DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B(d) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following: ''The report shall include the following:

''(1) A description and assessment of the extent and effectiveness of the inclusion by the Armed Forces of sexual assault prevention and response training in leader professional military education (PME), especially in such education for personnel in junior noncommissioned officer grades.

''(2) An assessment of the feasibility of—

''(A) the screening of recruits before entry into military service for prior incidents of sexual assault and harassment, including through background checks; and

''(B) the administration of screening tests to recruits to assess recruit views and beliefs on equal opportunity, and whether such views and beliefs are compatible with military service.

''(3) An assessment of the feasibility of conducting exit interviews of members of the Armed Forces upon their discharge release from the Armed Forces in order to determine whether they experienced or witnessed sexual assault or harassment during military service and did not report it, and an assessment of the feasibility of combining such exit interviews with the Catch a Serial Offender (CATCH) Program of the Department of Defense.

''(4) An assessment whether the sexual assault reporting databases of the Department are sufficiently anonymized to ensure privacy while still providing military leaders with the information as follows:

''(A) The approximate length of time the victim and the assailant had been at the duty station at which the sexual assault occurred.

''(B) The percentage of sexual assaults occurring while the victim or assailant were on temporary duty, leave, or otherwise away from their permanent duty station.

''(C) The number of sexual assaults that involve an abuse of power by a commander or supervisor.''.

SEC. 529. POLICY ON SEPARATION OF VICTIM AND ACCUSED AT MILITARY SERVICE ACADEMIES AND DEGREE-GRANTING MILITARY EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, the Superintendent of each military service academy, and the head of each degree-granting military educational institution, prescribe in regulations a policy under which association between a cadet or midshipman of a military service academy, or a member of the Armed Forces enrolled in a degree-granting military educational institution, who is the alleged victim of a sexual assault and the accused is minimized while both parties complete their course of study at the academy or institution concerned.

(b) ELEMENTS.—The Secretary of Defense shall ensure that the policy developed under subsection (a)—

(1) is fair to the both the alleged victim and the accused;

(2) provides for the confidentiality of the parties involved;

(3) provide that notice of the policy, including the elements of the policy and the right to opt out of coverage by the policy, is provided to the alleged victim upon the making of an allegation of a sexual assault covered by the policy; and

(4) provide an alleged victim the right to opt out of coverage by the policy in connection with such sexual assault.

(c) MILITARY SERVICE ACADEMY DEFINED.—The term ''military service academy'' means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

SEC. 530. BRIEFING ON PLACEMENT OF MEMBERS OF THE ARMED FORCES IN ACADEMIC STATUS WHO ARE VICTIMS OF SEXUAL ASSAULT ONTO NON-RATED PERIODS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on the feasibility and advisability, and current practice (if any), of the Department of Defense of granting requests by members of the Armed Forces who are in academic status (whether at the military service academies or in developmental education programs) and who are victims of sexual assault to be placed on a Non-Rated Period for their performance report.

PART II—OTHER MILITARY JUSTICE MATTERS

SEC. 531. RIGHT TO NOTICE OF VICTIMS OF OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE REGARDING CERTAIN POST-TRIAL MOTIONS, FILINGS, AND HEARINGS.

Section 806b(a)(2) of title 10, United States Code (article 6b(a)(2)) of the Uniform Code of Military Justice), is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) A post-trial motion, filing, or hearing that may address the finding or sentence of a court-martial with respect to the accused, unseal privileged or private information of the victim, or result in the release of the accused.''.

SEC. 532. CONSIDERATION OF THE EVIDENCE BY COURTS OF CRIMINAL APPEALS.

(a) IN GENERAL.—Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsections (e) through (j) as subsections (f) through (k), respectively; and

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

''(e) CONSIDERATION OF THE EVIDENCE.—

''(1) IN GENERAL.—In an appeal of a finding of guilty under subsection (b), the Court of Criminal Appeals, upon request of the accused, may consider the weight of the evidence upon a specific showing by the accused of deficiencies in proof. The Court may set aside and dismiss a finding if clearly convinced that the finding was against the weight of the evidence. The Court may affirm a lesser finding. A rehearing may not be ordered.

''(2) DEFERENCE IN CONSIDERATION.—When considering a case under subsection (b), the Court may weigh the evidence and determine controverted questions of fact, subject to—

''(A) appropriate deference to the fact that the court-martial saw and heard the witnesses and other evidence; and

''(B) appropriate deference to findings of fact entered into the record by the military judge.''.

(b) ADDITIONAL QUALIFICATIONS OF APPELLATE MILITARY JUDGES.—Subsection (a) of such section (article) is amended—

(1) by inserting ''(1)'' before ''Each judge''; and

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

''(2)(A) In addition to any other qualifications specified in paragraph (1), any commissioned officer assigned as an appellate military judge to a Court of Criminal Appeals shall have not fewer than 12 years of experience in military justice assignments before such assignment, and any civilian so assigned shall have not fewer than 12 years as a judge or criminal trial attorney before such assignment.

''(B) A Judge Advocate General may waive the requirement in subparagraph (A) in connection with the assignment of an officer or civilian as an appellate military judge of a Court of Criminal Appeals if the Judge Advocate General determines that compliance with the requirement in the assignment of appellate military judges to a Court of Criminal Appeals will impair the ability of the Court to hear and decide appeals in a timely manner.

''(C) Not later than 120 days after waiving the requirement in subparagraph (A) pursuant to subparagraph (B), the Judge Advocate General shall notify the congressional defense committees of the waiver, and include with the notice an explanation for the shortage of appellate military judges and a plan for addressing such shortage.''.

(c) REVIEW BY FULL COURT OF FINDING OF CONVICTION AGAINST WEIGHT OF EVIDENCE.—Subsection (e) of such section (article), as amended by subsection (a) of this section, is further is amended by adding at the end the following new paragraph:

''(3) REVIEW BY FULL COURT OF FINDING OF CONVICTION AGAINST WEIGHT OF EVIDENCE.—Any determination by the Court that a finding was clearly against the weight of the evidence under paragraph (1) shall be reviewed by the Court sitting as a whole.''.

SEC. 533. PRESERVATION OF RECORDS OF THE MILITARY JUSTICE SYSTEM.

Section 940a of title 10, United States Code (article 140a of the Uniform Code of Military

Justice), is amended by adding at the end the following new subsection:

''(d) PRESERVATION OF RECORDS WITHOUT REGARD TO OUTCOME.—The standards and criteria prescribed established by the Secretary of Defense under subsection (a) shall provide for the preservation of records, without regard to the outcome of the proceeding concerned, for not fewer than 15 years.''.

SEC. 534. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPLEMENTATION BY THE ARMED FORCES OF RECENT GAO RECOMMENDATIONS AND STATUTORY REQUIREMENTS ON ASSESSMENT OF RACIAL, ETHNIC, AND GENDER DISPARITIES IN THE MILITARY JUSTICE SYSTEM.

(a) REPORT REQUIRED.—The Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report, in writing, on a study, conducted by the Comptroller General for purposes of the report, on the implementation by the Armed Forces of the following:

(1) The recommendations in the May 2019 report of the General Accountability Office entitled ''Military Justice: DOD and the Coast Guard Need to Improve Their Capabilities to Assess Racial and Gender Disparities'' (GAO–19–344).

(2) Requirements in section 540I(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), relating to assessments covered by such recommendations.

(b) ELEMENTS.—The report required by subsection (a) shall include, for each recommendation and requirement specified in that subsection, the following:

(1) A description of the actions taken or planned by the Department of Defense, the military department concerned, or the Armed Force concerned to implement such recommendation or requirement.

(2) An assessment of the extent to which the actions taken to implement such recommendation or requirement, as described pursuant to paragraph (1), are effective or meet the intended objective.

(3) Any other matters in connection with such recommendation or requirement, and the implementation of such recommendation or requirement by the Armed Forces, that the Comptroller General considers appropriate.

(c) BRIEFINGS.—Not later than May 1, 2021, the Comptroller General shall provide the committees referred to in subsection (a) one or more briefings on the status of the study required by that subsection, including any preliminary findings and recommendations of the Comptroller General as a result of the study as of the date of such briefing.

SEC. 535. BRIEFING ON MENTAL HEALTH SUPPORT FOR VICARIOUS TRAUMA FOR CERTAIN PERSONNEL IN THE MILITARY JUSTICE SYSTEM.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Judge Advocates General of the Army, the Navy, and the Air Force and the Staff Judge Advocate to the Commandant of the Marine Corps shall jointly brief the Committees on Armed Services of the Senate and the House of Representatives on the mental health support for vicarious trauma provided to personnel in the military justice system specified in subsection (b).

(b) PERSONNEL.—The personnel specified in this subsection are the following:

(1) Trial counsel.

(2) Defense counsel.

(3) Special Victims' Counsel.

(4) Military investigative personnel.

(c) ELEMENTS.—The briefing required by subsection (a) shall include the following:

(1) A description and assessment of the mental health support for vicarious trauma provided to personnel in the military justice system specified in subsection (b), including a description of the support services available and the support services being used.

(2) A description and assessment of mechanisms to eliminate or reduce stigma in the pursuit by such personnel of such mental health support.

(3) An assessment of the feasibility and advisability of providing such personnel with breaks between assignments or cases as part of such mental health support in order to reduce the effects of vicarious trauma.

(4) A description and assessment of the extent, if any, to which duty of such personnel on particular types of cases, or in particular caseloads, contributes to vicarious trauma, and of the extent, if any, to which duty on such cases or caseloads has an effect on retention of such personnel in the Armed Forces.

(5) A description of the extent, if any, to which such personnel are screened or otherwise assessed for vicarious trauma before discharge or release from the Armed Forces.

(6) Such other matters in connection with the provision of mental health support for vicarious trauma to such personnel as the Judge Advocates General and the Staff Judge Advocate jointly consider appropriate.

SEC. 536. GUARDIAN AD LITEM PROGRAM FOR MINOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES.

Section 540L(b)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1373) is amended by adding before the period at the end the following: '', including an assessment of the feasibility and advisability of establishing a guardian ad litem program for military dependents living outside the United States''.

Subtitle E—Member Education, Training, Transition, and Resilience

SEC. 541. TRAINING ON RELIGIOUS ACCOMMODATION FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—As recommended on page 149 of the Report of the Committee on Armed Services of the Senate to Accompany S. 1519 (115th Congress) (Senate Report 115–125), the Secretary of Defense shall develop and implement training on Federal statutes, Department of Defense instructions, and the regulations of each Armed Force regarding religious liberty and accommodation for members of the Armed Forces, including the responsibility of commanders to maintain good order and discipline.

(b) CONSULTATION.—The Secretary develop and implement the training required by subsection (a) in consultation with the following:

(1) The General Counsel of the Department of Defense.

(2) The Judge Advocate General of the Army, the Judge Advocate General of the Navy, and the Judge Advocate General of the Air Force.

(3) The Chief of Chaplains of the Army, the Chief of Chaplains of the Navy, and the Chief of Chaplains of the Air Force.

(c) CONTENTS.—The content of the training shall be consistent with and include coverage of each of the following:

(1) The Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.).

(2) Section 533 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. prec. 1030 note).

(3) Section 528 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 814).

(d) IMPLEMENTATION.—

(1) RECIPIENTS.—The recipients of training developed under subsection (a) shall include the following at all levels of command:

(A) Commanders

(B) Chaplains.

(C) Judge advocates.

(D) Such other members of the Armed Forces as the Secretary considers appropriate.

(2) COMMENCEMENT.—The provision of training developed under subsection (a) shall commence not later than one year after the date of the enactment of this Act.

SEC. 542. ADDITIONAL ELEMENTS WITH 2021 CERTIFICATIONS ON THE READY, RELEVANT LEARNING INITIATIVE OF THE NAVY.

(a) ADDITIONAL ELEMENTS.—In submitting to Congress in 2021 the certifications required by section 545 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1396; 10 U.S.C. 8431 note prec.), relating to the Ready, Relevant Learning initiative of the Navy, the Secretary of the Navy shall also submit each of the following:

(1) A life cycle sustainment plan for the Ready, Relevant Learning initiative meeting the requirements in subsection (b).

(2) A report on the use of readiness assessment teams in training addressing the elements specified in subsection (c).

(b) LIFE CYCLE SUSTAINMENT PLAN.—The life cycle sustainment plan required by subsection (a)(1) shall include a description of the approved life cycle sustainment plan for the Ready, Relevant Learning initiative, including with respect to each of the following:

(1) Product support management.

(2) Supply support.

(3) Packaging, handling, storage, and transportation.

(4) Maintenance planning and management.

(5) Design interface.

(6) Sustainment engineering.

(7) Technical data.

(8) Computer resources.

(9) Facilities and infrastructure.

(10) Manpower and personnel.

(11) Support equipment.

(12) Training and training support.

(13) Governance, including the acquisition and program management structure.

(14) Such other elements in the life cycle sustainment of the Ready, Relevant Learning initiative as the Secretary considers appropriate.

(c) REPORT ON USE OF READINESS ASSESSMENT TEAMS.—The report required by subsection (a)(2) shall set forth the following:

(1) A description and assessment of the extent to which the Navy is currently using Engineering Readiness Assessment Teams (ERAT) and Combat Systems Readiness Assessment Teams (CSRAT) to conduct unit-level training and assistance in each capacity as follows:

(A) To augment non-Ready, Relevant Learning initiative training.

(B) As part of Ready, Relevant Learning initiative training.

(C) To train students on legacy, obsolete, one of a kind, or unique systems that are still widely used by the Navy.

(D) To train students on military-specific systems that are not found in the commercial maritime world.

(2) A description and assessment of potential benefits, and anticipated timelines and costs, in expanding Engineering Readiness Assessment Team and Combat Systems Readiness Assessment Team training in the capacities specified in paragraph (1).

(3) Such other matters in connection with the use of readiness assessment teams in connection with the Ready, Relevant Learning initiative as the Secretary considers appropriate.

SEC. 543. REPORT ON STANDARDIZATION AND POTENTIAL MERGER OF LAW ENFORCEMENT TRAINING FOR MILITARY AND CIVILIAN PERSONNEL ACROSS THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than June 8, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the standardization and potential merger of law enforcement training for military and civilian personnel across the Department of Defense, including training of military or civilian personnel of the Department designated in accordance with section 2762 of title 10, United States Code, to protect buildings, grounds, and property under the jurisdiction, custody, or control of the Department and the persons on such property.

(b) ELEMENTS.—In developing the report required by subsection (a), the Secretary shall do, and include in the report the results of, the following:

(1) Identify and assess current law enforcement training courses, schools, and programs of the Armed Forces that have the flexibility and capacity to support the training referred to in subsection (a) through common training standards.

(2) Identify and assess current Department law enforcement training courses, schools, and programs that are affiliated with or accredited by third parties (including both governmental and private entities), including an assessment of the value derived from such affiliation or accreditation to the training referred to in subsection (a).

(3) Identify emerging law enforcement training requirements that are common among the Armed Forces and other Department law enforcement components and are currently unmet by the Armed Forces or such components.

(4) Assess the feasibility, advisability, and suitability of incorporating standardized and merged field and operational training in military law enforcement mission areas, including area security operations, law and order operations, internment and resettlement operations, and police intelligence operations, in the training provided to all Armed Forces and other Department law enforcement components.

(5) Identify and assess Department courses, programs, or institutions with the capability to support law enforcement training or information sharing between Department military and civilian law enforcement components and State, county, and local law enforcement agencies, with the capability to support law enforcement components of the National Guard and other reserve components of the Armed Forces, or with both such capabilities.

(6) Assess the feasibility, advisability, and suitability of standardizing and merging the training referred to in subsection (a) across the Department, including an assessment of the costs of such standardization and merger.

(7) Any other matters the Secretary considers appropriate.

SEC. 544. QUARTERLY REPORTS ON IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPREHENSIVE REVIEW OF SPECIAL OPERATIONS FORCES CULTURE AND ETHICS.

(a) QUARTERLY REPORTS REQUIRED.—Not later than March 1, 2021, and every 90 days thereafter through March 1, 2024, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall, in coordination with the Commander of the United States Special Operations Command, submit to the congressional defense committees a report on the current status of the implementation of the actions recommended as a result of the Comprehensive Review of Special Operations Forces Culture and Ethics.

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

(1) A list of the actions required as of the date of such report to complete full implementation of each of the 16 actions recommended by the Comprehensive Review referred to in subsection (a).

(2) An identification of the office responsible for completing each action listed pursuant to paragraph (1), and an estimated timeline for completion of such action.

(3) If completion of any action listed pursuant to paragraph (1) requires resources or actions for which authorization by statute is required, a recommendation for legislative action for such authorization.

(4) Any other matters the Assistant Secretary or the Commander considers appropriate.

SEC. 545. INFORMATION ON NOMINATIONS AND APPLICATIONS FOR MILITARY SERVICE ACADEMIES.

(a) REPORT ON CONGRESSIONAL NOMINATIONS PORTAL.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Superintendents of the military service academies, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the feasibility and advisability of a uniform online portal for all military service academies that enables Members of Congress to nominate individuals for appointment to each academy through a secure website.

(2) INFORMATION COLLECTION AND REPORTING.—For purposes of preparing the report required by paragraph (1), the Secretary shall treat the online portal described in that paragraph as permitting the collection, from each Member of Congress, of the demographic information described in subsection (b) for each individual nominated by the Member.

(3) AVAILABILITY OF INFORMATION.—For purposes of preparing the report, the Secretary shall treat the online portal as permitting Members of Congress and their designees to view past nomination records for all application cycles.

(4) MATTERS IN CONNECTION WITH ESTABLISHMENT OF PORTAL.—If the Secretary determines that the online portal is feasible and advisable, the report shall include—

(A) a comprehensive description of the online portal; and

(B) such recommendations for legislative and administrative action as the Secretary considers appropriate to establish and maintain the online portal.

(b) STANDARD CLASSIFICATIONS FOR COLLECTION OF DEMOGRAPHIC DATA.—

(1) STANDARDS REQUIRED.—The Secretary of Defense shall, in consultation with the Superintendents of the military service academies, establish standard classifications that cadets, midshipmen, and applicants to the academies may use to self-identify gender, race, and ethnicity and to provide other demographic information in connection with admission to or enrollment in an academy.

(2) CONSISTENCY WITH OMB GUIDANCE.—The standard classifications established under paragraph (1) shall be consistent with the standard classifications specified in Office of Management and Budget Directive No. 15 (pertaining to race and ethnic standards for Federal statistics and administrative reporting) or any successor directive.

(3) INCORPORATION INTO APPLICATIONS AND RECORDS.—Not later than one year after the date of the enactment of this Act, the Secretary shall incorporate the standard classifications established under paragraph (1) into—

(A) applications for admission to the military service academies; and

(B) the military personnel records of cadets and midshipmen enrolled in such academies.

(c) MILITARY SERVICE ACADEMY DEFINED.—In this section, the term ''military service academy'' means—

(1) the United States Military Academy;

(2) the United States Naval Academy; and

(3) the United States Air Force Academy.

SEC. 546. PILOT PROGRAMS IN CONNECTION WITH SENIOR RESERVE OFFICERS' TRAINING CORPS UNITS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS.

(a) PILOT PROGRAMS AUTHORIZED.—The Secretary of Defense may carry out either or both of the pilot programs as follows:

(1) A pilot program, with elements as provided for in subsection (c), at covered institutions in order to assess the feasibility and advisability of mechanisms to reduce barriers to participation in the Senior Reserve Officers' Training Corps at such institutions by creating partnerships between satellite or extension Senior Reserve Officers' Training Corps units at such institutions and military installations.

(2) A pilot program, with elements as provided for in subsection (d), in order to assess the feasibility and advisability of the provision of financial assistance to members of the Senior Reserve Officers' Training Corps at covered institutions for participation in flight training.

(b) DURATION.—The duration of each pilot program under subsection (a) may not exceed five years.

(c) PILOT PROGRAM ON PARTNERSHIPS BETWEEN SATELLITE OR EXTENSION SROTC UNITS AND MILITARY INSTALLATIONS.—

(1) PARTICIPATING INSTITUTIONS.—The Secretary of Defense shall carry out the pilot program authorized by subsection (a)(1) at not fewer than five covered institutions selected by the Secretary for purposes of the pilot program.

(2) REQUIREMENTS FOR SELECTION.—Each covered institution selected by the Secretary for purposes of the pilot program authorized by subsection (a)(1) shall—

(A) currently maintain a satellite or extension Senior Reserve Officers' Training Corps unit under chapter 103 of title 10, United States Code, that is located more than 20 miles from the host unit of such unit; or

(B) establish and maintain a satellite or extension Senior Reserve Officers' Training Corps unit that meets the requirements in subparagraph (A).

(3) PREFERENCE IN SELECTION OF INSTITUTIONS.—In selecting covered institutions under this subsection for participation in the pilot program authorized by subsection (a)(1), the Secretary shall give preference to covered institutions that are located within 20 miles of a military installation of the same Armed Force as the host unit of the Senior Reserve Officers' Training Corp of the covered institution concerned.

(4) PARTNERSHIP ACTIVITIES.—The activities conducted under the pilot program authorized by subsection (a)(1) between a satellite or extension Senior Reserve Officers' Training Corps unit and the military installation concerned shall include such activities designed to reduce barriers to participation in the Senior Reserve Officers' Training Corps at the covered institution concerned as the Secretary considers appropriate, including measures to mitigate travel time and expenses in connection with receipt of Senior Reserve Officers' Training Corps instruction.

(d) PILOT PROGRAM ON FINANCIAL ASSISTANCE FOR SROTC MEMBERS FOR FLIGHT TRAINING.—

(1) ELIGIBILITY FOR PARTICIPATION BY SROTC MEMBERS.—A member of a Senior Reserve Officers' Training Corps unit at a covered institution may participate in the pilot program authorized by subsection (a)(2) if the member meets such academic requirements at the covered institution, and such other requirements, as the Secretary shall establish for purposes of the pilot program.

(2) PREFERENCE IN SELECTION OF PARTICIPANTS.—In selecting members under this subsection for participation in the pilot program authorized by subsection (a)(2), the Secretary shall give a preference to members who will pursue flight training under the pilot program at a covered institution.

(3) FINANCIAL ASSISTANCE FOR FLIGHT TRAINING.—

(A) IN GENERAL.—The Secretary may provide any member of a Senior Reserve Officers' Training Corps who participates in the pilot program authorized by subsection (a)(2) financial assistance to defray, whether in whole or in part, the charges and fees imposed on the member for flight training.

(B) FLIGHT TRAINING.—Financial assistance may be used under subparagraph (A) for a course of flight training only if the course meets Federal Aviation Administration standards and is approved by the Federal Aviation Administration and the applicable State approving agency.

(C) USE.—Financial assistance received by a member under subparagraph (A) may be used only to defray the charges and fees imposed on the member as described in that subparagraph.

(D) CESSATION OF ELIGIBILITY.—Financial assistance may not be provided to a member under subparagraph (A) as follows:

(i) If the member ceases to meet the academic and other requirements established pursuant to paragraph (1).

(ii) If the member ceases to be a member of the Senior Reserve Officers' Training Corps.

(e) EVALUATION METRICS.—The Secretary of Defense shall establish metrics to evaluate the effectiveness of the pilot programs under subsection (a).

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the commencement of the pilot programs under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs. The report shall include the following:

(A) A description of each pilot program, including in the case of the pilot program under subsection (a)(2) the requirements established pursuant to subsection (d)(1).

(B) The evaluation metrics established under subsection (e).

(C) Such other matters relating to the pilot programs as the Secretary considers appropriate.

(2) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year in which the Secretary carries out the pilot programs, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) In the case of the pilot program under subsection (a)(1), a description of the partnerships between satellite or extension Senior Reserve Officers' Training Corps units and military installations under the pilot program.

(B) In the case of the pilot program under subsection (a)(2), the following:

(i) The number of members of Senior Reserve Officers' Training Corps units at covered institutions selected for purposes of the pilot program, including the number of such members participating in the pilot program.

(ii) The number of recipients of financial assistance provided under the pilot program, including the number who—

(I) completed a ground school course of instruction in connection with obtaining a private pilot's certificate;

(II) completed flight training, and the type of training, certificate, or both received;

(III) were selected for a pilot training slot in the Armed Forces;

(IV) initiated pilot training in the Armed Forces; or

(V) successfully completed pilot training in the Armed Forces.

(iii) The amount of financial assistance provided under the pilot program, broken out by covered institution, course of study, and such other measures as the Secretary considers appropriate.

(C) Data collected in accordance with the evaluation metrics established under subsection (e).

(3) FINAL REPORT.—Not later than 180 days prior to the completion of the pilot programs, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs. The report shall include the following:

(A) A description of the pilot programs.

(B) An assessment of the effectiveness of each pilot program.

(C) A description of the cost of each pilot program, and an estimate of the cost of making each pilot program permanent.

(D) An estimate of the cost of expanding each pilot program throughout all eligible Senior Reserve Officers' Training Corps units.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot programs, including recommendations for extending or making permanent the authority for each pilot program.

(g) DEFINITIONS.—In this section:

(1) The term ''covered institution'' has the meaning given that term in section 262(g)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) The term ''flight training'' means a course of instruction toward obtaining any of the following:

(A) A private pilot's certificate.

(B) A commercial pilot certificate.

(C) A certified flight instructor certificate.

(D) A multi-crew pilot's license.

(E) A flight instrument rating.

(F) Any other certificate, rating, or pilot privilege the Secretary considers appropriate for purposes of this section.

(3) The term ''military installation'' means an installation of the Department of Defense for the regular components of the Armed Forces.

SEC. 547. EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) EXPANSION OF JROTC CURRICULUM.—Section 2031(a)(2) of title 10, United States Code, is amended by inserting after ''service to the United States'' the following: ''(including an introduction to service opportunities in military, national, and public service)''.

(b) PLAN TO INCREASE NUMBER OF JROTC UNITS.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, develop and implement a plan to establish and support not fewer than 6,000 units of the Junior Reserve Officers' Training Corps by September 30, 2031.

SEC. 548. DEPARTMENT OF DEFENSE STARBASE PROGRAM.

Section 2193b(h) of title 10, United States Code, is amended by inserting ''the Commonwealth of the Northern Mariana Islands, American Samoa,'' before ''and Guam''.

Subtitle F—Decorations and Awards

SEC. 551. AWARD OR PRESENTATION OF DECORATIONS FAVORABLY RECOMMENDED FOLLOWING DETERMINATION ON MERITS OF PROPOSALS FOR DECORATIONS NOT PREVIOUSLY SUBMITTED IN A TIMELY FASHION.

(a) AWARD OR PRESENTATION AUTHORIZED.—Section 1130 of title 10, United States Code, is amended—

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

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

''(d)(1) A decoration may be awarded or presented following the submission of a favorable recommendation for the award or presentation of the decoration under subsection (b).

''(2) An award or presentation of a decoration under paragraph (1) may not occur before the end of the 60-day period beginning on the date of the submission under subsection (b) of the favorable recommendation regarding the award or presentation of the decoration.

''(3) The authority to make an award or presentation of a decoration under this subsection shall apply notwithstanding any limitation described in subsection (a).''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 1130 of such title is amended to read as follows:

''§ 1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and award or presentation''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 57 of such title is amended by striking the item relating to section 1130 and inserting the following new item:

''1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and award or presentation.''.

SEC. 552. HONORARY PROMOTION MATTERS.

(a) HONORARY PROMOTIONS ON INITIATIVE OF DOD.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1563 the following new section:

''§ 1563a. Honorary promotions on the initiative of the Department of Defense

''(a) IN GENERAL.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may make an honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces to any grade not exceeding the grade of major general, rear admiral (upper half), or an equivalent grade in the Space Force if the Secretary determines that the promotion is merited.

''(2) The authority to make an honorary promotion under this subsection shall apply notwithstanding that the promotion is not otherwise authorized by law.

''(b) NOTICE TO CONGRESS.—The Secretary may not make an honorary promotion pursuant to subsection (a) until 60 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a notice of the determination to make the promotion, including a detailed discussion of the rationale supporting the determination.

''(c) NOTICE OF PROMOTION.—Upon making an honorary promotion pursuant to subsection (a), the Secretary shall expeditiously

notify the former member or retired member concerned, or the next of kin of such former member or retired member if such former member or retired member is deceased, of the promotion.

''(d) NATURE OF PROMOTION.—Any promotion pursuant to this section is honorary, and shall not affect the pay, retired pay, or other benefits from the United States to which the former member or retired member concerned is entitled or would have been entitled based on the military service of such former member or retired member, nor affect any benefits to which any other person is or may become entitled based on the military service of such former member or retired member.''.

(b) MODIFICATION OF AUTHORITIES ON REVIEW OF PROPOSALS FROM CONGRESS.—

(1) STANDARDIZATION OF AUTHORITIES WITH AUTHORITIES ON DOD INITIATIVE.—Section 1563 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking ''the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other person considered qualified,'' and inserting ''the honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces''; and

(ii) in the second sentence, by striking ''the posthumous or honorary promotion or appointment'' and inserting ''the promotion''; and

(B) in subsection (b), by striking ''the posthumous or honorary promotion or appointment'' and inserting ''the honorary promotion''.

(2) AUTHORITY TO MAKE HONORARY PROMOTIONS FOLLOWING REVIEW OF PROPOSALS.—Such section is further amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

''(c) AUTHORITY TO MAKE.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of Defense may make an honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces to any grade not exceeding the grade of major general, rear admiral (upper half), or an equivalent grade in the Space Force following the submittal of the determination of the Secretary concerned under subsection (b) in connection with the proposal for the promotion if the determination is to approve the making of the promotion.

''(2) The Secretary of Defense may not make an honorary promotion under this subsection until 60 days after the date on which the Secretary concerned submits the determination in connection with the proposal for the promotion under subsection (b), and the detailed rationale supporting the determination as described in that subsection, to the Committees on Armed Services of the Senate and the House of Representatives and the requesting Member in accordance with that subsection.

''(3) The authority to make an honorary promotion under this subsection shall apply notwithstanding that the promotion is not otherwise authorized by law.

''(4) Any promotion pursuant to this subsection is honorary, and shall not affect the pay, retired pay, or other benefits from the United States to which the former member or retired member concerned is or would have been entitled based upon the military service of such former member or retired member, nor affect any benefits to which any other person may become entitled based on the military service of such former member or retired member.''.

(3) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1563. Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by striking the item relating to section 1563 and inserting the following new items:

''1563. Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion.

''1563a. Honorary promotions on the initiative of the Department of Defense.''.

Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

PART I—DEFENSE DEPENDENTS' EDUCATION MATTERS

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2021 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

(a) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2021 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

(b) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated for fiscal year 2021 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for use by the Secretary of Defense to make payments to local educational agencies determined by the Secretary to have higher concentrations of military children with severe disabilities.

(c) REPORT.—Not later than March 1, 2021, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the Department's evaluation of each local educational agency with higher concentrations of military children with severe disabilities and subsequent determination of the amounts of impact aid each such agency shall receive.

SEC. 563. STAFFING OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY SCHOOLS TO MAINTAIN MAXIMUM STUDENT-TO-TEACHER RATIOS.

(a) IN GENERAL.—The Department of Defense Education Activity (DoDEA) shall staff elementary and secondary schools operated by the Activity so as to maintain, to the extent practicable, student-to-teacher ratios that do not exceed the maximum student-to-teacher ratios specified in subsection (b).

(b) MAXIMUM STUDENT-TO-TEACHER RATIOS.—The maximum student-to-teacher ratios specified in this subsection are the following:

(1) For each of grades kindergarten through 3, a ratio of 18 students to 1 teacher (18:1).

(2) For each of grades 4 through 12, a ratio equal to the average student-to-teacher ratio for such grade among all Department of Defense Education Activity schools during the 2019–2020 academic year.

(c) SUNSET.—The requirement to staff schools in accordance with subsection (a) shall expire at the end of the 2023–2024 academic year of the Department of Defense Education Activity.

SEC. 564. MATTERS IN CONNECTION WITH FREE APPROPRIATE PUBLIC EDUCATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WITH SPECIAL NEEDS.

(a) INFORMATION ON DISPUTES REGARDING RECEIPT OF FREE APPROPRIATE PUBLIC EDUCATION BY SPECIAL NEEDS DEPENDENTS.—

(1) IN GENERAL.—Each Secretary of a military department shall collect and maintain information on special education disputes filed by members of the Armed Forces under the jurisdiction of such Secretary.

(2) INFORMATION.—The information collected and maintained pursuant to this subsection shall include the following:

(A) The number of special education disputes filed.

(B) The outcome or disposition of the disputes.

(3) SOURCE OF INFORMATION.—The information collected and maintained pursuant to this subsection shall be derived from the following:

(A) Records and reports of case managers and navigators under the Exceptional Family Member Program (EFMP) of the Department of Defense.

(B) Reports of members of the Armed Forces concerned to installation or other military leadership.

(C) Such other sources as the Secretary of the military department concerned considers appropriate.

(4) ANNUAL REPORTS.— Each Secretary of a military department shall submit each year to the Office of Special Needs of the Department of Defense a report on the information collected by such Secretary pursuant to this subsection during the preceding year.

(b) COMPTROLLER GENERAL OF THE UNITED STATES STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the following:

(A) The consequences for a State or local educational agency of a finding of failure to provide a free appropriate public education to a military dependent.

(B) The manner in which local educational agencies with military families use the following:

(i) Funds received under section 7003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)).

(ii) Funds authorized to be appropriated by annual national defense authorization Acts and made available for impact aid for child with severe disabilities under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (20 U.S.C. 7703a).

(iii) Funds authorized to be appropriated by annual national defense authorization Acts and made available for assistance to schools with significant number of military dependent students under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b).

(C) The efficacy of attorney and other legal support for military families in special education disputes.

(D) The standardization of policies and guidance for School Liaison Officers between the Office of Special Needs of the Department of Defense and the military departments, and the efficacy of such policies and guidance.

(E) The improvements of family support programs of the Office of Special Needs, and of each military department, in light of the recommendations of the Comptroller General in the report entitled ''DOD Should Improve Its Oversight of the Exceptional Family Member Program'', GAO–18–348.

(2) RECOMMENDATIONS.—In conducting the study, the Comptroller General shall develop recommendations on the following:

(A) Improvements and enhancements to oversight and enforcement of compliance by local educational agencies with requirements for the provision of a free appropriate public education to military dependents with special needs.

(B) Improvements to the policies of the Office of Special Needs, and of each military department, with respect to the standardization and efficacy of policies and programs for military dependents with special needs.

(3) DEADLINE FOR COMPLETION.—The Comptroller General shall complete the study by not later than March 31, 2021.

(4) BRIEFING AND REPORT.—Upon completion of the study, the Comptroller General shall brief the Committees on Armed Services of the Senate and the House of Representatives on the results of the study, and shall submit to such committees a report on such results.

(c) DEFINITIONS.—In this section:

(1) The term ''free appropriate public education'' includes appropriate special education and related services required under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)

(2) The term ''local educational agency'' has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) The term ''special education dispute'' means a complaint filed regarding the education provided a child with a disability (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), including a complaint filed in accordance with section 615 or 639 of such Act (20 U.S.C. 1415, 1439).

SEC. 565. PILOT PROGRAM ON EXPANDED ELIGIBILITY FOR DEPARTMENT OF DEFENSE EDUCATION ACTIVITY VIRTUAL HIGH SCHOOL PROGRAM.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program on permitting dependents of members of the Armed Forces on active duty to enroll in the Department of Defense Education Activity Virtual High School program (in this section referred to as the ''DVHS program'').

(2) PURPOSES.—The purposes of the pilot program shall be as follows:

(A) To evaluate the feasibility and scalability of the DVHS program.

(B) To assess the impact of expanded enrollment in the DVHS program under the pilot program on military and family readiness.

(3) DURATION.—The duration of the pilot program shall be four academic years.

(b) PARTICIPANTS.—

(1) IN GENERAL.—Participants in the pilot program shall be selected by the Secretary from among dependents of members of the Armed Forces on active duty who—

(A) are in a grade 9 through 12;

(B) are currently ineligible to enroll in the DVHS program; and

(C) either—

(i) require supplementary courses to meet graduation requirements in the current State of residence; or

(ii) otherwise demonstrate to the Secretary a clear need to participate in the DVHS program.

(2) PREFERENCE IN SELECTION.—In selecting participants in the pilot program, the Secretary shall afford a preference to the following:

(A) Dependents who reside in a rural area.

(B) Dependents who are home-schooled students.

(3) LIMITATIONS.—The total number of course enrollments per academic year authorized under the pilot program may not exceed 400 course enrollments. No single dependent participating in the pilot program may take more than two courses per academic year under the pilot program.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report on the pilot program.

(2) FINAL REPORT.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to the committees of Congress referred to in paragraph (1) a final report on the pilot programs.

(3) ELEMENTS.—Each report under this subsection shall include the following:

(A) A description of the demographics of the dependents participating in the pilot program through the date of such report.

(B) Data on, and an assessment of, student performance in virtual coursework by dependents participating in the pilot program over the duration of the pilot program.

(C) Such recommendation as the Secretary considers appropriate on whether to make the pilot program permanent.

(d) DEFINITIONS.—In this section:

(1) The term ''rural area'' has the meaning given the term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

(2) The term ''home-schooled student'' means a student in a grade equivalent to grade 9 through 12 who receives educational instruction at home or by other non-traditional means outside of a public or private school system, either all or most of the time.

SEC. 566. PILOT PROGRAM ON EXPANSION OF ELIGIBILITY FOR ENROLLMENT AT DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) PILOT PROGRAM REQUIRED.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program under which a dependent of a full-time, active-duty member of the Armed Forces may enroll in a covered DODEA school at the military installation to which the member is assigned, on a space-available basis as described in subsection (c), without regard to whether the member resides on the installation as described in 2164(a)(1) of title 10, United States Code.

(b) PURPOSES.—The purposes of the pilot program under this section are—

(1) to evaluate the feasibility and advisability of expanding enrollment in covered DODEA schools; and

(2) to determine how increased access to such schools will affect military and family readiness.

(c) ENROLLMENT ON SPACE-AVAILABLE BASIS.—A student participating in the pilot program under this section may be enrolled in a covered DODEA school only if the school has the capacity to accept the student, as determined by the Director of the Department of Defense Education Activity.

(d) LOCATIONS.—The Secretary of Defense shall carry out the pilot program under this section at not more than four military installations at which covered DODEA schools are located. The Secretary shall select military installations for participation in the pilot program based on—

(1) the readiness needs of the Secretary of a the military department concerned; and

(2) the capacity of the DODEA schools located at the installation to accept additional students, as determined by the Director of the Department of Defense Education Activity.

(e) TERMINATION.—The authority to carry out the pilot program under this section shall terminate four years after the date of the enactment of this Act.

(f) COVERED DODEA SCHOOL DEFINED.—In this section, the term ''covered DODEA school'' means a domestic dependent elementary or secondary school operated by the Department of Defense Education Activity that—

(1) has been established on or before the date of the enactment of this Act; and

(2) is located in the continental United States.

SEC. 567. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE STRUCTURAL CONDITION OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY SCHOOLS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the structural condition of schools of the Department of Defense Education Activity, both within the continental United States (CONUS) and outside the continental United States (OCONUS).

(b) VIRTUAL SCHOOLS.—The report shall include an assessment of the virtual infrastructure or other means by which students attend Department of Defense Education Activity schools that have no physical structure, including the satisfaction of the military families concerned with such infrastructure or other means.

PART II—MILITARY FAMILY READINESS MATTERS

SEC. 571. RESPONSIBILITY FOR ALLOCATION OF CERTAIN FUNDS FOR MILITARY CHILD DEVELOPMENT PROGRAMS.

Section 1791 of title 10, United States Code, is amended—

(1) by inserting ''(a) POLICY.—'' before ''It is the policy''; and

(2) by adding at the end the following new subsection:

''(b) RESPONSIBILITY FOR ALLOCATIONS OF CERTAIN FUNDS.—The Secretary of Defense shall be responsible for the allocation of Office of the Secretary of Defense level funds for military child development programs for children from birth through 12 years of age, and may not delegate such responsibility to the military departments.''.

SEC. 572. IMPROVEMENTS TO EXCEPTIONAL FAMILY MEMBER PROGRAM.

Section 1781c of title 10, United States Code is amended—

(1) in subsection (b), by striking ''enhance'' and inserting ''standardize, enhance,'';

(2) in subsection (c)(1), by inserting ''and standard'' after ''comprehensive'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''update from time to time'' and inserting ''regularly update'';

(B) in paragraph (3), by adding at the end the following new subparagraphs:

''(C) Ability to request a second review of the approved assignment within or outside the continental United States if the member believes the location is inappropriate for the

member's family and would cause undue hardship.

''(D) Protection from having a medical recommendation for an approved assignment overriden by the commanding officer.

''(E) Ability to request continuation of location when there is a documented substantial risk of transferring medical care or educational services to a new provider or school at the specific time of permanent change of station.

''(F) If an order for assignment is declined for a military family with special needs, the member will receive a reason for the decline of that order.''; and

(C) in paragraph (4), by adding at the end the following new subparagraphs:

''(H) Procedures to right-size the Department's Exceptional Family Member Program to ensure efficient and effective enrollment, for sufficient staffing dedicated to providing family support services, to include comprehensive training, education and outreach services, and sufficient oversight and administrative support for effective program operation.

''(I) Requirements to prohibit disenrollment from the Exceptional Family Member Program unless there is new supporting medical or educational information that indicates the original condition is no longer present, and to track disenrollment data per military service.'';

(4) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

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

''(f) METRICS.—The Secretary of Defense shall implement performance metrics for measuring, across the Department and with respect to each military department, the following:

''(1) Assignment coordination and support for military families with special needs, including a systematic process for evaluating each military department's program for the support of military families with special needs.

''(2) The reassignment of military families with special needs, including how often members request reassignments, for what reasons, and from what military installations.

''(3) The level of satisfaction of military families with special needs with the family and medical support they are provided.''.

SEC. 573. PROCEDURES OF THE OFFICE OF SPECIAL NEEDS FOR THE DEVELOPMENT OF INDIVIDUALIZED SERVICES PLANS FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

Section 1781c(d)(4) of title 10, United States Code, as amended by section 572(3)(C) of this Act, is further amended—

(1) in subparagraph (F), by striking ''of an individualized services plan (medical and educational)'' and inserting ''by an appropriate office of an individualized services plan (whether medical, educational, or both)'';

(2) by redesignating subparagraphs (G), (H), and (I) as subparagraph (H), (I), and (J), respectively; and

(3) by inserting after subparagraph (F) the following new paragraph (G):

''(G) Procedures for the development of an individualized services plan for military family members with special needs who have requested family support services and have a completed family needs assessment.''.

SEC. 574. RESTATEMENT AND CLARIFICATION OF AUTHORITY TO REIMBURSE MEMBERS FOR SPOUSE RELICENSING COSTS PURSUANT TO A PERMANENT CHANGE OF STATION.

(a) IN GENERAL.—Section 453 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(g) REIMBURSEMENT OF QUALIFYING SPOUSE RELICENSING COSTS INCIDENT TO A MEMBER'S PERMANENT CHANGE OF STATION OR ASSIGNMENT.—(1) From amounts otherwise made available for a fiscal year to provide travel and transportation allowances under this chapter, the Secretary concerned may reimburse a member of the armed forces for qualified relicensing costs of the spouse of the member when—

''(A) the member is reassigned, either as a permanent change of station or permanent change of assignment, between duty stations located in separate jurisdictions with unique licensing or certification requirements and authorities; and

''(B) the movement of the member's dependents is authorized at the expense of the United States under this section as part of the reassignment.

''(2) Reimbursement provided to a member under this subsection may not exceed $1000 in connection with each reassignment described in paragraph (1).

''(3) No reimbursement may be provided under this subsection for qualified relicensing costs paid or incurred after December 31, 2024.

''(4) In this subsection, the term 'qualified relicensing costs' means costs, including exam, continuing education courses, and registration fees, incurred by the spouse of a member if—

''(A) the spouse was licensed or certified in a profession during the member's previous duty assignment and requires a new license or certification to engage in that profession in a new jurisdiction because of movement described in paragraph (1)(B) in connection with the member's change in duty location pursuant to reassignment described in paragraph (1)(A); and

''(B) the costs were incurred or paid to secure or maintain the license or certification from the new jurisdiction in connection with such reassignment.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 476 of such title is amended by striking subsection (p).

SEC. 575. IMPROVEMENTS TO DEPARTMENT OF DEFENSE TRACKING OF AND RESPONSE TO INCIDENTS OF CHILD ABUSE INVOLVING MILITARY DEPENDENTS ON MILITARY INSTALLATIONS.

(a) IMPROVEMENTS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, consistent with recommendations of the Comptroller General of the United States in Government Accountability Office report GA0–20–110, take actions in accordance with this section in order to improve the efforts of the Department of Defense to track and respond to incidents of child abuse involving dependents of members of the Armed Forces that occur on military installations (in this section referred to as ''covered incidents of child abuse'').

(2) CHILD ABUSE.—For purposes of this section, child abuse includes any abuse of a child, including sexual abuse, emotional abuse, and neglect.

(b) DATA COLLECTION AND TRACKING OF INCIDENTS OF CHILD ABUSE.—

(1) TRACKING OF NON-CAREGIVER ABUSE.—The Secretary of Defense shall establish a process for the Department of Defense Family Advocacy Program to track reported covered incidents of child abuse in which the alleged offender is not a parent, guardian, or someone in a caregiving role at the time of the incident. The information so tracked shall comport with the information tracked by the Department of Defense in reported covered incidents of child abuse in which the alleged offender is a parent, guardian, or someone in a caregiving role at the time of the incident.

(2) CENTRALIZED DATABASE FOR TRACKING OF INCIDENTS.—

(A) IN GENERAL.—The Secretary shall develop and maintain in the Department of Defense a centralized database to track information across the Department on all covered incidents of child abuse that are reported to the Family Advocacy Program or investigated by a military criminal investigation organization, regardless of whether the alleged offender was another child, an adult, or someone in a non-caregiving role at the time of an incident.

(B) ELEMENTS.—The centralized database required by this paragraph shall include, for each incident within the database, the following:

(i) Information pertinent to a determination by the Family Advocacy Program whether such incident meets the criteria of the Department for treatment as an incident of child abuse.

(ii) The results of any investigation of such incident by a military criminal investigation organization.

(iii) Information on the ultimate disposition of the incident, if any, including any administrative or prosecutorial action taken.

(C) ANNUAL REPORTS ON INFORMATION.—The information collected and maintained in the centralized database shall be reported on an annual basis as part of the annual reports from the Family Advocacy Program on child abuse and domestic abuse in the military as required by section 574 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2141).

(D) BRIEFINGS.—Not later than March 31, 2021, and every six months thereafter until the centralized database required by this paragraph is fully operational, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the status of the database.

(3) DEPARTMENT OF DEFENSE EDUCATION ACTIVITY GUIDANCE.—The Department of Defense Education Activity (DoDEA) shall issue clarifications of its guidance on the incidents of child-on-child abuse that qualify as serious incidents for purposes of requirements for the reporting of such serious incidents by school administrators to Activity leadership.

(c) RESPONSE PROCEDURES.—

(1) INCIDENT DETERMINATION COMMITTEE MEMBERSHIP.—The Department of Defense Family Advocacy Program shall ensure that the voting membership of each Incident Determination Committee on a military installation includes medical personnel with the requisite knowledge and expertise to determine whether a reported covered incident of abuse meets the criteria of the Department of Defense for treatment as child abuse.

(2) SCREENING REPORTED INCIDENTS OF CHILD ABUSE.—

(A) DEVELOPMENT OF STANDARDIZED PROCESS.—The Department of Defense Family Advocacy Program shall develop a standardized process by which the Family Advocacy Programs of the military departments screen reported covered incidents of child abuse to determine whether to present such incident to an Incident Determination Committee.

(B) MONITORING.—The Secretary of each military department shall develop a process to monitor the manner in which reported covered incidents of child abuse are screened by each installation under the jurisdiction of such Secretary in order to ensure that such screening complies with the standardized screening process developed pursuant to subparagraph (A).

(3) REQUIRED NOTIFICATIONS.—

(A) DOCUMENTATION.—The Secretary of each military department shall require that installation Family Advocacy Programs and

military criminal investigation organizations under the jurisdiction of such Secretary document in their respective databases the date on which they notified the other of a reported covered incident of child abuse.

(B) OVERSIGHT.—The Secretary of each military department shall require that the Family Advocacy Program of such military department, and the headquarters of the military criminal investigation organizations of such military department, to develop processes to oversee the documentation of notifications required by subparagraph (A) in order to ensure that such notifications occur on a consistent basis at installation level.

(4) CERTIFIED PEDIATRIC SEXUAL ASSAULT FORENSIC EXAMINERS.—

(A) GEOGRAPHIC REGIONS FOR EXAMINERS.—The Under Secretary of Defense for Personnel and Readiness shall specify geographic regions in which military families reside for purposes of the availability of and access to certified pediatric sexual assault examiners in such regions.

(B) AVAILABILITY.—The Under Secretary shall ensure that—

(i) one or more certified pediatric sexual assault examiners are located in each geographic region specified pursuant to subparagraph (A); and

(ii) examiners so located serve as certified pediatric sexual assault examiners throughout such region, without regard to Armed Force or installation.

(5) REMOVAL OF CHILDREN FROM UNSAFE HOMES OVERSEAS.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, issue policy that clarifies and standardizes across the Armed Forces the circumstances under which a commander may remove a child from a potentially unsafe home at an installation overseas.

(6) RESOURCE GUIDE FOR FAMILIES AFFECTED BY CHILD ABUSE.—

(A) IN GENERAL.—The Secretary of each military department shall develop and maintain a comprehensive guide on resources available through the Department of Defense and such military department for military families under this jurisdiction of such Secretary who are affected by child abuse.

(B) ELEMENTS.—Each guide under this paragraph shall include the following:

(i) Information on the response processes of the Family Advocacy Programs and military criminal investigation organizations of the military department concerned.

(ii) Lists of available support services, such as legal, medical, and victim advocacy services, through the Department of Defense and the military department concerned.

(C) DISTRIBUTION.—A resource guide under this paragraph shall be presented to a military family by an installation Family Advocacy Program and military criminal investigation personnel at the time a covered incident of child abuse involving a child in such family is reported.

(D) AVAILABILITY ON INTERNET.—A current version of each resource guide under this paragraph shall be available to the public on an Internet website of the military department concerned available to the public.

(d) COORDINATION AND COLLABORATION WITH NON-MILITARY RESOURCES.—

(1) COORDINATION WITH STATES.—The Secretary of Defense shall—

(A) continue the outreach efforts of the Department of Defense to the States in order to ensure that States are notified when a member of the Armed Forces or a military dependent is involved in a reported incident of child abuse off a military installation; and

(B) increase efforts at information sharing between the Department and the States on such incidents of child abuse, including entry into memoranda of understanding with State child welfare agencies on information sharing in connection with such incidents.

(2) COLLABORATION WITH NATIONAL CHILDREN'S ALLIANCE.—

(A) MEMORANDA OF UNDERSTANDING.—The Secretary of each military department shall seek to enter into a memorandum of understanding with the National Children's Alliance under which—

(i) the children's advocacy center services of the Alliance are available to all installations in the continental United States under the jurisdiction of such Secretary; and

(ii) members of the Armed Forces under the jurisdiction of such Secretary are made aware of the nature and availability of such services.

(B) PARTICIPATION OF CERTAIN ENTITIES.—Each memorandum of understanding under this paragraph shall provide for the appropriate participation of the Family Advocacy Program and military criminal investigation organizations of the military department concerned in activities under such memorandum of understanding.

(C) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of the development of a memorandum of understanding with the National Children's Alliance under this paragraph, together with information on which installations, if any, under the jurisdiction of such Secretary have entered into a written agreement with a local children's advocacy center with respect to child abuse on such installations.

SEC. 576. MILITARY CHILD CARE AND CHILD DEVELOPMENT CENTER MATTERS.

(a) CENTER FEES MATTERS.—Section 1793 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(c) LIBERAL ISSUANCE OF HARDSHIP WAIVERS.—The regulations prescribed pursuant to subsection (a) shall require that installation commanders issue waivers of fees otherwise established under the regulations for inability to pay (commonly referred to as 'hardship waivers') on a liberal basis in a manner consistent (as specified by the Secretary in such regulations) with ensuring that fees collected pursuant to subsection (a) meet the operating expenses of the child development centers concerned.

''(d) FAMILY DISCOUNT.—In the case of a family with two or more children attending a child development center, the regulations prescribed pursuant to subsection (a) shall require that installations commanders charge a fee for attendance at the center of any child of the family after the first child of the family in amount equal to 85 percent of the amount of the fee otherwise chargeable for the attendance of such child at the center.''.

(b) CHILD CARE FEE ASSISTANCE PROGRAMS THROUGHOUT THE ARMED FORCES.—

(1) PROGRAMS AUTHORIZED.—Each Secretary of a military department may carry out a program for each Armed Force under the jurisdiction of such Secretary under which a member of the Armed Forces who is obtaining child care services from a civilian child care services provider located off a military installation is paid (subject to any limitation established by such Secretary) a monthly amount equal to the amount, if any, by which—

(A) the monthly amount charged by such provider for such services; exceeds

(B) the monthly amount the military department concerned pays or otherwise provides members at such installation for child care services on such installation.

(2) MODEL.—Any program carried out pursuant to paragraph (1) shall be modeled after the Army Fee Assistance Program, and incorporate such modifications to that Program as the Secretary of the military department concerned considers appropriate.

(3) SECRETARY OF DEFENSE APPROVAL.—Any program of an Armed Force under paragraph (1) shall be subject to the approval of the Secretary of Defense.

(c) ADDITIONAL ACTIONS TO OBTAIN QUALIFIED CHILD CARE EMPLOYEES.—

(1) IN GENERAL.—Section 1792 of title 10, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection (d):

''(d) ADDITIONAL ACTIONS TO OBTAIN QUALIFIED EMPLOYEES.—Each Secretary of a military department may, with the approval of the Secretary of Defense, take actions in addition to actions authorized by subsection (c) to provide military child development centers under the jurisdiction of such Secretary with a qualified and stable civilian workforce, including actions as follows:

''(1) Enhanced marketing and recruitment for employment.

''(2) Provision to employees of education-related benefits, including tuition assistance and student loan repayment programs.

''(3) Availability and enhancement of wellness and physical fitness programs for employees.

''(4) Provision of such other competitive benefits as the Secretary of the military department and the Secretary of Defense jointly consider appropriate.''.

(2) REPORTS ON INSTALLATIONS WITH EXTREME IMBALANCE BETWEEN DEMAND FOR AND AVAILABILITY OF CHILD CARE.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall submit to Congress a report on the military installations under the jurisdiction of such Secretary with an extreme imbalance between demand for child care and availability of child care. Each report shall include, for the military department covered by such report, the following:

(A) The name of the five installations of the military department experiencing the most extreme imbalance between demand for child care and availability of child care.

(B) For each installation named pursuant to subparagraph (A), the following:

(i) An assessment whether civilian employees at child development centers at such installation have rates of pay and benefits that are competitive with other civilian employees on such installation and with the civilian labor pool in the vicinity of such installation.

(ii) A description and assessment of various incentives to encourage military spouses to become providers under the Family Child Care program at such installation.

(iii) Such recommendations at the Secretary of the military department concerned considers appropriate to address the imbalance between demand for child care and availability of child care at such installation, including recommendations to enhance the competitiveness of civilian child care positions at such installation with other civilian positions at such installation and the civilian labor pool in the vicinity of such installation.

SEC. 577. EXPANSION OF FINANCIAL ASSISTANCE UNDER MY CAREER ADVANCEMENT ACCOUNT PROGRAM.

Section 580F of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by inserting ''(a) PROFESSIONAL LICENSE OR CERTIFICATION; ASSOCIATE'S DEGREE.—'' before ''The Secretary'';

(2) by inserting ''or maintenance (including continuing education courses)'' after ''pursuit''; and

(3) by adding at the end the following new subsection:

''(b) NATIONAL TESTING.—Financial assistance under subsection (a) may be applied to the costs of national tests that may earn a participating military spouse course credits required for a degree approved under the program (including the College Level Examination Program tests).''.

Subtitle H—Other Matters

SEC. 586. REMOVAL OF PERSONALLY IDENTIFYING AND OTHER INFORMATION OF CERTAIN PERSONS FROM INVESTIGATIVE REPORTS, THE DEPARTMENT OF DEFENSE CENTRAL INDEX OF INVESTIGATIONS, AND OTHER RECORDS AND DATABASES.

(a) POLICY AND PROCESS REQUIRED.—Not later than October 1, 2021, the Secretary of Defense shall establish and maintain a policy and process through which any covered person may request that the person's name, personally identifying information, and other information pertaining to the person shall, in accordance with subsection (c), be corrected in, or expunged or otherwise removed from, the following:

(1) A law enforcement or criminal investigative report of the Department of Defense or any component of the Department.

(2) An index item or entry in the Department of Defense Central Index of Investigations (DCII).

(3) Any other record maintained in connection with a report described in paragraph (1), or an index item or entry described in paragraph (2), in any system of records, records database, records center, or repository maintained by or on behalf of the Department.

(b) COVERED PERSONS.—For purposes of this section, a covered person is any person whose name was placed or reported, or is maintained—

(1) in the subject or title block of a law enforcement or criminal investigative report of the Department of Defense (or any component of the Department);

(2) as an item or entry in the Department of Defense Central Index of Investigations; or

(3) in any other record maintained in connection with a report described in paragraph (1), or an index item or entry described in paragraph (2), in any system of records, records database, records center, or repository maintained by or on behalf of the Department.

(c) ELEMENTS.—The policy and process required by subsection (a) shall include the following elements:

(1) BASIS FOR CORRECTION OR EXPUNGEMENT.—That the name, personally identifying information, and other information of a covered person shall be corrected in, or expunged or otherwise removed from, a report, item or entry, or record described in paragraphs (1) through (3) of subsection (a) in the following circumstances:

(A) Probable cause did not or does not exist to believe that the offense for which the person's name was placed or reported, or is maintained, in such report, item or entry, or record occurred, or insufficient evidence existed or exists to determine whether or not such offense occurred.

(B) Probable cause did not or does not exist to believe that the person actually committed the offense for which the person's name was so placed or reported, or is so maintained, or insufficient evidence existed or exists to determine whether or not the person actually committed such offense.

(C) Such other circumstances, or on such other bases, as the Secretary may specify in establishing the policy and process, which circumstances and bases may not be inconsistent with the circumstances and bases provided by subparagraphs (A) and (B).

(2) CONSIDERATIONS.—While not dispositive as to the existence of a circumstance or basis set forth in paragraph (1), the following shall be considered in the determination whether such circumstance or basis applies to a covered person for purposes of this section:

(A) The extent or lack of corroborating evidence against the covered person concerned with respect to the offense at issue.

(B) Whether adverse administrative, disciplinary, judicial, or other such action was initiated against the covered person for the offense at issue.

(C) The type, nature, and outcome of any action described in subparagraph (B) against the covered person.

(3) PROCEDURES.—The policy and process required by subsection (a) shall include procedures as follows:

(A) Procedures under which a covered person may appeal a determination of the applicable component of the Department of Defense denying, whether in whole or in part, a request for purposes of subsection (a).

(B) Procedures under which the applicable component of the Department will correct, expunge or remove, take other appropriate action on, or assist a covered person in so doing, any record maintained by a person, organization, or entity outside of the Department to which such component provided, submitted, or transmitted information about the covered person, which information has or will be corrected in, or expunged or removed from, Department records pursuant to this section.

(C) The timeline pursuant to which the Department, or a component of the Department, as applicable, will respond to each of the following:

(i) A request pursuant to subsection (a).

(ii) An appeal under the procedures required by subparagraph (A).

(iii) A request for assistance under the procedures required by subparagraph (B).

(D) Mechanisms through which the Department will keep a covered person apprised of the progress of the Department on a covered person's request or appeal as described in subparagraph (C).

(d) APPLICABILITY.—The policy and process required to be developed by the Secretary under subsection (a) shall not be subject to the notice and comment rulemaking requirements under section 553 of title 5, United States Code.

(e) REPORT.—Not later than October 1, 2021, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken to carry out this section, including a comprehensive description of the policy and process developed and implemented by the Secretary under subsection (a).

SEC. 587. NATIONAL EMERGENCY EXCEPTION FOR TIMING REQUIREMENTS WITH RESPECT TO CERTAIN SURVEYS OF MEMBERS OF THE ARMED FORCES.

(a) MEMBERS OF REGULAR AND RESERVE COMPONENTS.—Subsection (d) of section 481 of title 10, United States Code, is amended to read as follows:

''(d) WHEN SURVEYS REQUIRED.—(1) The Armed Forces Workplace and Gender Relations Surveys of the Active Duty and the Armed Forces Workplace and Gender Relations Survey of the Reserve Components shall each be conducted once every two years. The surveys may be conducted within the same year or in two separate years, and shall be conducted in a manner designed to reduce the burden of the surveys on members of the armed forces.

''(2) The two Armed Forces Workplace and Equal Opportunity Surveys shall be conducted at least once every four years. The surveys may be conducted within the same year or in two separate years, and shall be conducted in a manner designed to reduce the burden of the surveys on members of the armed forces.

''(3)(A) The Secretary of Defense may postpone the conduct of a survey under this section if the Secretary determines that conducting such survey is not practicable due to a war or national emergency declared by the President or Congress.

''(B) The Secretary shall ensure that a survey postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

''(C) The Secretary shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.''.

(b) CADETS AND MIDSHIPMEN.—

(1) UNITED STATES MILITARY ACADEMY.—Section 7461(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary of Defense may postpone the conduct of an assessment under this subsection if the Secretary determines that conducting such assessment is not practicable due to a war or national emergency declared by the President or Congress.

''(B) The Secretary of Defense shall ensure that an assessment postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

''(C) The Secretary of Defense shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.''.

(2) UNITED STATES NAVAL ACADEMY.—Section 8480(c) of such title is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary of Defense may postpone the conduct of an assessment under this subsection if the Secretary determines that conducting such assessment is not practicable due to a war or national emergency declared by the President or Congress.

''(B) The Secretary of Defense shall ensure that an assessment postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

''(C) The Secretary of Defense shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.''.

(3) UNITED STATES AIR FORCE ACADEMY.—Section 9461(c) of such title is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary of Defense may postpone the conduct of an assessment under this subsection if the Secretary determines that conducting such assessment is not practicable due to a war or national emergency declared by the President or Congress.

''(B) The Secretary of Defense shall ensure that an assessment postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

''(C) The Secretary of Defense shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.''.

(c) DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.—Section 481a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) POSTPONEMENT.—(1) The Secretary of Defense may postpone the conduct of a survey under this section if the Secretary determines that conducting such survey is not practicable due to a war or national emergency declared by the President or Congress.

''(2) The Secretary shall ensure that a survey postponed under paragraph (1) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

''(3) The Secretary shall notify Congress of a determination under paragraph (1) not later than 30 days after the date on which the Secretary makes such determination.''.

SEC. 588. SUNSET AND TRANSFER OF FUNCTIONS OF THE PHYSICAL DISABILITY BOARD OF REVIEW.

Section 1554a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) SUNSET.—(1) On or after October 1, 2020, the Secretary of Defense may sunset the Physical Disability Board of Review under this section.

''(2) If the Secretary sunsets the Physical Disability Board of Review under paragraph (1), the Secretary shall transfer any remaining requests for review pending at that time, and shall assign any new requests for review under this section, to a board for the correction of military records operated by the Secretary concerned under section 1552 of this title..

''(3) Subsection (c)(4) shall not apply with respect to any review conducted by a board for the correction of military records under paragraph (2).''.

SEC. 589. EXTENSION OF REPORTING DEADLINE FOR THE ANNUAL REPORT ON THE ASSESSMENT OF THE EFFECTIVENESS OF ACTIVITIES OF THE FEDERAL VOTING ASSISTANCE PROGRAM.

(a) ELIMINATION OF REPORTS FOR NON-ELECTION YEARS.—Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)) is amended, in the matter preceding paragraph (1)—

(1) by striking ''March 31 of each year'' and inserting ''September 30 of each odd-numbered year''; and

(2) by striking ''the following information'' and inserting ''the following information with respect to the Federal elections held during the preceding calendar year''.

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 105A of such Act (52 U.S.C. 20308(b)) is amended—

(1) in the subsection heading, by striking ''ANNUAL REPORT'' and inserting ''BIENNIAL REPORT''; and

(2) in paragraph (3), by striking ''In the case of'' and all that follows through ''a description'' and inserting ''A description''.

SEC. 590. PILOT PROGRAMS ON REMOTE PROVISION BY NATIONAL GUARD TO STATE GOVERNMENTS AND NATIONAL GUARDS OF OTHER STATES OF CYBERSECURITY TECHNICAL ASSISTANCE IN TRAINING, PREPARATION, AND RESPONSE TO CYBER INCIDENTS.

(a) PILOT PROGRAMS AUTHORIZED.—The Secretary of the Army and the Secretary of the Air Force may each, in consultation with the Chief of the National Guard Bureau, conduct a pilot program to assess the feasibility and advisability of the development of a capability within the National Guard through which a National Guard of a State remotely provides State governments and National Guards of other States (whether or not in the same Armed Force as the providing National Guard) with cybersecurity technical assistance in training, preparation, and response to cyber incidents. If such Secretary elects to conduct such a pilot program, such Secretary shall be known as an ''administering Secretary'' for purposes of this section, and any reference in this section to ''the pilot program'' shall be treated as a reference to the pilot program conducted by such Secretary.

(b) ASSESSMENT PRIOR TO COMMENCEMENT.—For purposes of evaluating existing platforms, technologies, and capabilities under subsection (c), and for establishing eligibility and participation requirements under subsection (d), for purposes of the pilot program, an administering Secretary, in consultation with the Chief of the National Guard Bureau, shall, prior to commencing the pilot program—

(1) conduct an assessment of—

(A) existing cyber response capacities of the Army National Guard or Air National Guard, as applicable, in each State; and

(B) any existing platform, technology, or capability of a National Guard that provides the capability described in subsection (a); and

(2) determine whether a platform, technology, or capability described in paragraph (1)(B) is suitable for expansion for purposes of the pilot program.

(c) ELEMENTS.—A pilot program under subsection (a) shall include the following:

(1) A technical capability that enables the National Guard of a State to remotely provide cybersecurity technical assistance to State governments and National Guards of other States, without the need to deploy outside its home State.

(2) Policies, processes, procedures, and authorities for use of such a capability, including with respect to the following:

(A) The roles and responsibilities of both requesting and deploying State governments and National Guards with respect to such technical assistance, taking into account the matters specified in subsection (f).

(B) Necessary updates to the Defense Cyber Incident Coordinating Procedure, or any other applicable Department of Defense instruction, for purposes of implementing the capability.

(C) Program management and governance structures for deployment and maintenance of the capability.

(D) Security when performing remote support, including such in matters such as authentication and remote sensing.

(3) The conduct, in coordination with the Chief of the National Guard Bureau and the Secretary of Homeland Security and in consultation with the Director of the Federal Bureau of Investigation, other Federal agencies, and appropriate non-Federal entities, of at least one exercise to demonstrate the capability, which exercise shall include the following:

(A) Participation of not fewer than two State governments and their National Guards.

(B) Circumstances designed to test and validate the policies, processes, procedures, and authorities developed pursuant to paragraph (2).

(C) An after action review of the exercise.

(d) USE OF EXISTING TECHNOLOGY.—An administering Secretary may use an existing platform, technology, or capability to provide the capability described in subsection (a) under the pilot program.

(e) ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau, establish requirements with respect to eligibility and participation of State governments and their National Guards in the pilot program.

(f) CONSTRUCTION WITH CERTAIN CURRENT AUTHORITIES.—

(1) COMMAND AUTHORITIES.—Nothing in a pilot program under subsection (a) may be construed as affecting or altering the command authorities otherwise applicable to any unit of the National Guard unit participating in the pilot program.

(2) EMERGENCY MANAGEMENT ASSISTANCE COMPACT.—Nothing in a pilot program may be construed as affecting or altering any current agreement under the Emergency Management Assistance Compact, or any other State agreements, or as determinative of the future content of any such agreement.

(g) EVALUATION METRICS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau and the Secretary of Homeland Security, establish metrics to evaluate the effectiveness of the pilot program.

(h) TERM.—A pilot program under subsection (a) shall terminate on the date that is three years after the date of the commencement of the pilot program.

(i) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the commencement of the pilot program, the administering Secretary shall submit to the appropriate committees of Congress a report setting forth a description of the pilot program and such other matters in connection with the pilot program as the Secretary considers appropriate.

(2) FINAL REPORT.—Not later than 180 days after the termination of the pilot program, the administering Secretary shall submit to the appropriate committees of Congress a report on the pilot program. The report shall include the following:

(A) A description of the pilot program, including any partnerships entered into by the Chief of the National Guard Bureau under the pilot program.

(B) A summary of the assessment performed prior to the commencement of the pilot program in accordance with subsection (b).

(C) A summary of the evaluation metrics established in accordance with subsection (g).

(D) An assessment of the effectiveness of the pilot program, and of the capability described in subsection (a) under the pilot program.

(E) A description of costs associated with the implementation and conduct of the pilot program.

(F) A recommendation as to the termination or extension of the pilot program, or the making of the pilot program permanent with an expansion nationwide.

(G) An estimate of the costs of making the pilot program permanent and expanding it nationwide in accordance with the recommendation in subparagraph (F).

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(j) STATE DEFINED.—In this section, the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 591. PLAN ON PERFORMANCE OF FUNERAL HONORS DETAILS BY MEMBERS OF OTHER ARMED FORCES WHEN MEMBERS OF THE ARMED FORCE OF THE DECEASED ARE UNAVAILABLE.

(a) BRIEFING ON PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives setting forth a plan for the performance of a funeral honors detail at the funeral of a deceased member of the Armed Forces by one or more members of the Armed Forces from an Armed Force other than that of the deceased when—

(A) members of the Armed Force of the deceased are unavailable for the performance of the detail; and

(B) the performance of the detail by members of other Armed Forces is requested by the family of the deceased.

(2) REPEAL OF REQUIREMENT FOR ONE MEMBER OF ARMED FORCE OF DECEASED IN DETAIL.—Section 1491(b)(2) of title 10, United States Code, is amended in the first sentence by striking '', at least one of whom shall be a member of the armed force of which the veteran was a member''.

(3) PERFORMANCE.—The plan required by paragraph (1) shall authorize the performance of funeral honors details by members of the Army National Guard and the Air National Guard under section 115 of title 32, United States Code, and may authorize the remainder of such details to consist of members of veterans organizations or other organizations approved for purposes of section 1491 of title 10, United States Code, as provided for by subsection (b)(2) of such section 1491.

(b) ELEMENTS.—The briefing under subsection (a) shall include a description in detail the authorities and requirements for the implementation of the plan, including administrative, logistical, coordination, and funding authorities and requirements.

SEC. 592. LIMITATION ON IMPLEMENTATION OF ARMY COMBAT FITNESS TEST.

The Secretary of the Army may not implement the Army Combat Fitness Test until the Secretary receives results of a study, conducted for purposes of this section by an entity independent of the Department of Defense, on the following:

(1) The extent, if any, to which the test would adversely impact members of the Army stationed or deployed to climates or areas with conditions that make prohibitive the conduct of outdoor physical training on a frequent or sustained basis.

(2) The extent, if any, to which the test would affect recruitment and retention in critical support military occupational specialties (MOS) of the Army, such as medical personnel.

SEC. 593. REPORT ON IMPACT OF CHILDREN OF CERTAIN FILIPINO WORLD WAR II VETERANS ON NATIONAL SECURITY, FOREIGN POLICY, AND ECONOMIC AND HUMANITARIAN INTERESTS OF THE UNITED STATES.

(a) IN GENERAL.—Not later than December 31, 2020, the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Secretary of State, shall submit to the congressional defense committees a report on the impact of the children of certain Filipino World War II veterans on the national security, foreign policy, and economic and humanitarian interests of the United States.

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

(1) The number of Filipino World War II veterans who fought under the United States flag during World War II to protect and defend the United States in the Pacific theater.

(2) The number of Filipino World War II veterans who died fighting under the United States flag during World War II to protect and defend the United States in the Pacific theater.

(3) An assessment of the economic and tax contributions that Filipino World War II veterans and their families have made to the United States.

(4) An assessment of the impact on the United States of exempting from the numerical limitations on immigrant visas the children of the Filipino World War II veterans who were naturalized under—

(A) section 405 of the Immigration Act of 1990 (Public Law 101–649; 8 U.S.C. 1440 note); or

(B) title III of the Nationality Act of 1940 (54 Stat. 1137; chapter 876), as added by section 1001 of the Second War Powers Act, 1942 (56 Stat. 182; chapter 199).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. REORGANIZATION OF CERTAIN ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES.

(a) PER DIEM FOR DUTY OUTSIDE THE CONTINENTAL UNITED STATES.—

(1) TRANSFER TO CHAPTER 7.—Section 475 of title 37, United States Code, is transferred to chapter 7 of such title, inserted after section 403b, and redesignated as section 405.

(2) REPEAL OF TERMINATION PROVISION.—Section 405 of title 37, United States Code, as added by paragraph (1), is amended by striking subsection (f).

(3) RETITLING OF AUTHORITY.—The heading of section 405 of title 37, United States Code, as so added, is amended to read as follows:

''§ 405. Per diem while on duty outside the continental United States''.

(b) ALLOWANCE FOR FUNERAL HONORS DUTY.—

(1) TRANSFER TO CHAPTER 7.—Section 495 of title 37, United States Code, is transferred to chapter 7 of such title, inserted after section 433a, and redesignated as section 435.

(2) REPEAL OF TERMINATION PROVISION.—Section 435 of title 37, United States Code, as added by paragraph (1), is amended by striking subsection (c).

(c) CLERICAL AMENDMENTS.—

(1) CHAPTER 7.—The table of sections at the beginning of chapter 7 of such title 37, United States Code, is amended—

(A) by inserting after the item relating to section 403b the following new item:

''405. Per diem while on duty outside the continental United States.'';

and

(B) by inserting after the item relating to section 433a the following new item:

''435. Funeral honors duty: allowance.''.

(2) CHAPTER 8.—The table of sections at the beginning of chapter 8 of such title is amended by striking the items relating to sections 475 and 495.

SEC. 602. HAZARDOUS DUTY PAY FOR MEMBERS OF THE ARMED FORCES PERFORMING DUTY IN RESPONSE TO THE CORONAVIRUS DISEASE 2019.

(a) IN GENERAL.—The Secretary of the military department concerned shall pay hazardous duty pay under this section to a member of a regular or reserve component of the Armed Forces who—

(1) performs duty in response to the Coronavirus Disease 2019 (COVID–19); and

(2) is entitled to basic pay under section 204 of title 37, United States Code, or compensation under section 206 of such title, for the performance of such duty.

(b) REGULATIONS.—Hazardous duty pay shall be payable under this section in accordance with regulations prescribed by the Secretary of Defense. Such regulations shall specify the duty in response to the Coronavirus Disease 2019 qualifying a member for payment of such pay under this section.

(c) AMOUNT.—The amount of hazardous duty pay paid a member under this section shall be such amount per month, not less than $150 per month, as the Secretary of Defense shall specify in the regulations under subsection (b).

(d) MONTHLY PAYMENT; NO PRORATION.—

(1) MONTHLY PAYMENT.—Hazardous duty pay under this section shall be paid on a monthly basis.

(2) NO PRORATION.—Hazardous duty pay is payable to a member under this section for a month if the member performs any duty in that month qualifying the person for payment of such pay.

(e) MONTHS FOR WHICH PAYABLE.—Hazardous duty pay is payable under this section for qualifying duty performed in months occurring during the period—

(1) beginning on January 1, 2020; and

(2) ending on December 31, 2020.

(f) CONSTRUCTION WITH OTHER PAY.—Hazardous duty pay payable to a member under this section is in addition to the following:

(1) Any other pay and allowances to which the member is entitled by law.

(2) Any other hazardous duty pay to which the member is entitled under section 351 of title 37, United States Code (or any other provision of law), for duty that also constitutes qualifying duty for payment of such pay under this section.

(g) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should also authorize hazardous duty pay for members of the Armed Forces not under orders specific to the response to the Coronavirus Disease 2019 who provide—

(1) healthcare in a military medical treatment facility for individuals infected with the Coronavirus Disease 2019; or

(2) technical or administrative support for the provision of healthcare as described in paragraph (1).

SEC. 603. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

(a) COMPENSATION.—Section 206(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding the end the following new paragraph:

''(4) for each of 6 days in connection with the taking by the member of a period of maternity leave.''.

(b) CREDIT FOR RETIRED PAY PURPOSES.—

(1) IN GENERAL.—The period of maternity leave taken by a member of the reserve components of the Armed Forces in connection with the birth of a child shall count toward the member's entitlement to retired pay, and in connection with the years of service used in computing retired pay, under chapter 1223 of title 10, United States Code, as 12 points.

(2) SEPARATE CREDIT FOR EACH PERIOD OF LEAVE.—Separate crediting of points shall accrue to a member pursuant to this subsection for each period of maternity leave taken by the member in connection with a childbirth event.

(3) WHEN CREDITED.—Points credited a member for a period of maternity leave pursuant to this subsection shall be credited in the year in which the period of maternity leave concerned commences.

(4) CONTRIBUTION OF LEAVE TOWARD ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph:

''(F) Points at the rate of 12 a year for the taking of maternity leave.''.

(5) COMPUTATION OF YEARS OF SERVICE FOR RETIRED PAY.—Section 12733 of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

''(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of maternity leave that commence on or after that date.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) AUTHORITIES RELATING TO RESERVE FORCES.—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service, is amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2020'' and inserting ''December 31, 2021'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—Section 333(i) of title 37, United States Code, is amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

(d) AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2020'' and inserting ''December 31, 2021'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(5) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(e) AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING.—Section 403(b)(7)(E) of title 37, United States Code, is amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. 612. INCREASE IN SPECIAL AND INCENTIVE PAYS FOR OFFICERS IN HEALTH PROFESSIONS.

(a) ACCESSION BONUS GENERALLY.—Subparagraph (A) of section 335(e)(1) of title 37, United States Code, is amended by striking ''$30,000'' and inserting ''$100,000''.

(b) ACCESSION BONUS FOR CRITICALLY SHORT WARTIME SPECIALTIES.—Subparagraph (B) of such section is amended by striking ''$100,000'' and inserting ''$200,000''.

(c) RETENTION BONUS.—Subparagraph (C) of such section is amended by striking ''$75,000'' and inserting ''$150,000''.

(d) INCENTIVE PAY.—Subparagraph (D) of such section is amended—

(1) in clause (i), by striking ''$100,000'' and inserting ''$200,000''; and

(2) in clause (ii), by striking ''$15,000'' and inserting ''$50,000''.

(e) BOARD CERTIFICATION PAY.—Subparagraph (E) of such section is amended by striking ''$6,000'' and inserting ''$15,000''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2020, and shall apply with respect to special bonus and incentive pays payable under section 335 of title 37, United States Code, pursuant to agreements entered into under that section on or after that date.

Subtitle C—Disability Pay, Retired Pay, and Survivor Benefits

SEC. 621. INCLUSION OF DRILL OR TRAINING FOREGONE DUE TO EMERGENCY TRAVEL OR DUTY RESTRICTIONS IN COMPUTATIONS OF ENTITLEMENT TO AND AMOUNTS OF RETIRED PAY FOR NON-REGULAR SERVICE.

(a) ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended—

(1) by inserting after subparagraph (E) the following new subparagraph:

''(F)(i) Subject to regulations prescribed by the Secretary of Defense or the Secretary of Homeland Security with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy, one point for each day of active service or one point for each drill or period of equivalent instruction that was prescribed by the Secretary concerned to be performed during the covered emergency period, if such person was prevented from performing such duty due to travel or duty restrictions imposed by the President, the Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard.

''(ii) A person may not be credited more than 35 points in a one-year period under this subparagraph.

''(iii) In this subparagraph, the term 'covered emergency period' means the period beginning on March 1, 2020, and ending on the day that is 60 days after the date on which the travel or duty restriction applicable to the person concerned is lifted.''; and

(2) in the matter following subparagraph (F), as inserted by paragraph (1), by striking ''and (E)'' and inserting ''(E), and (F)''.

(b) AMOUNT OF RETIRED PAY.—Section 12733(3) of such title is amended in the matter preceding subparagraph (A), by striking ''or (D)'' and inserting ''(D), or (F)''.

SEC. 622. MODERNIZATION AND CLARIFICATION OF PAYMENT OF CERTAIN RESERVES WHILE ON DUTY.

(a) CHANGE IN PRIORITY OF PAYMENTS FOR RETIRED OR RETAINER PAY.—Subsection (a) of section 12316 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(B) by striking ''his earlier military service'' and inserting ''the Reserve's earlier military service'';

(C) by striking ''a pension, retired or retainer pay, or disability compensation'' and inserting ''retired or retainer pay''; and

(D) by striking ''he is entitled'' and inserting ''the Reserve is entitled''; and

(2) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) the pay and allowances authorized by law for the duty that the Reserve is performing; or

''(2) if the Reserve specifically waives those payments, the retired or retainer pay to which the Reserve is entitled because of the Reserve's earlier military service.''.

(b) PAYMENTS FOR PENSION OR DISABILITY COMPENSATION.—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

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

''(b) Except as provided by subsection (c), a Reserve of the Army, Navy, Air Force, Marine Corps, or Coast Guard who because of the Reserve's earlier military service is entitled to a pension or disability compensation, and who performs duty for which the Reserve is entitled to compensation, may elect to receive for that duty either—

''(1) the pension or disability compensation to which the Reserve is entitled because of the Reserve's earlier military service; or

''(2) if the Reserve specifically waives those payments, the pay and allowances authorized by law for the duty that the Reserve is performing.''.

(c) ADDITIONAL CONFORMING AND MODERNIZING AMENDMENTS.—Subsection (c) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) by striking ''(a)(2)'' both places it appears and inserting ''(a)(1) or (b)(2), as applicable,'';

(2) by striking ''his earlier military service'' the first place it appears and inserting ''a Reserve's earlier military service'';

(3) by striking ''his earlier military service'' each other place it appears and inserting ''the Reserve's earlier military service'';

(4) by striking ''he is entitled'' and inserting ''the Reserve is entitled''; and

(5) by striking ''the member or his dependents'' and inserting ''the Reserve or the Reserve's dependents''.

(d) PROCEDURES.—Such section is further amended by adding at the end the following new subsection:

''(d) The Secretary of Defense shall prescribe regulations under which a Reserve of the Army, Navy, Air Force, Marine Corps, or Coast Guard may waive the pay and allowances authorized by law for the duty the Reserve is performing under subsection (a)(2) or (b)(2).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 623. RELIEF OF RICHARD W. COLLINS III.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 20, 2017, Lieutenant Richard W. Collins III was murdered on the campus of the University of Maryland, College Park, Maryland.

(2) At the time of his murder, Lieutenant Collins had graduated from the Reserve Officers' Training Corps at Bowie State University and received a commission in the United States Army.

(3) At the time of the murder of Lieutenant Collins, a graduate of a Reserve Officers' Training Corps who received a commission but died before receiving a first duty assignment was not eligible for a death gratuity under section 1475(a)(4) of title 10, United States Code, or for casualty assistance under section 633 of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 1475 note).

(4) Section 623 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) amended section 1475 of title 10, United States Code, to authorize the payment of a death gratuity to a graduate of the Senior Reserve Officers' Training Corps (SROTC) who receives a commission but dies before receiving a first duty assignment.

(5) Section 625 of the National Defense Authorization Act for Fiscal Year 2020 authorizes the families of Senior Reserve Officers'

Training Corps graduates to receive casualty assistance in the event of the death of such graduates.

(6) Sections 623 and 625 of the National Defense Authorization Act for Fiscal Year 2020 apply only to a Senior Reserve Officers' Training Corps graduate who receives a commission but dies before receiving a first duty assignment on or after the date of the enactment of that Act.

(7) The death of Lieutenant Collins played a critical role in changing the eligibility criteria for the death gratuity for Senior Reserve Officers' Training Corps graduates who die prior to their first assignment.

(b) APPLICABILITY OF LAWS.—

(1) DEATH GRATUITY.—Section 623 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), and the amendment made by that section, shall apply to Lieutenant Richard W. Collins III as if his death had occurred after the date of the enactment of that section.

(2) CASUALTY ASSISTANCE.—Section 625 of the National Defense Authorization Act for Fiscal Year 2020, and the amendment made by that section, shall apply to Lieutenant Richard W. Collins III as if his death had occurred after the date of the enactment of that section.

(c) LIMITATION.—No amount exceeding 10 percent of a payment made under subsection (b)(1) may be paid to or received by any attorney or agent for services rendered in connection with the payment. Any person who violates this subsection shall be guilty of an infraction and shall be subject to a fine in the amount provided under title 18, United States Code.

Subtitle D—Other Matters

SEC. 631. PERMANENT AUTHORITY FOR AND ENHANCEMENT OF THE GOVERNMENT LODGING PROGRAM.

(a) PERMANENT AUTHORITY.—Section 914 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (5 U.S.C. 5911 note) is amended—

(1) in subsection (a), by striking '', for the period of time described in subsection (b),''; and

(2) by striking subsection (b).

(b) EXCLUSION OF CERTAIN SHIPYARD EMPLOYEES.—Such section is further amended by inserting after subsection (a) the following new subsection (b):

''(b) EXCLUSION OF CERTAIN SHIPYARD EMPLOYEES.—In carrying out a Government lodging program under the authority in subsection (a), the Secretary shall exclude from the requirements of the program employees who are traveling for the performance of mission functions of a public shipyard of the Department if the purpose or mission of such travel would be adversely affected by the requirements of the program.''.

(c) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 914. GOVERNMENT LODGING PROGRAM.''.

SEC. 632. APPROVAL OF CERTAIN ACTIVITIES BY RETIRED AND RESERVE MEMBERS OF THE UNIFORMED SERVICES.

(a) CLARIFICATION OF ACTIVITIES FOR WHICH APPROVAL REQUIRED.—Section 908 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(ii) by inserting '', accepting payment for speeches, travel, meals, lodging, or registration fees, or accepting a non-cash award,'' after ''that employment)''; and

(B) in paragraph (2), by striking ''armed forces'' and inserting ''armed forces, except members serving on active duty under a call or order to active duty for a period in excess of 30 days'';

(2) in the heading of subsection (b), by inserting ''FOR EMPLOYMENT AND COMPENSATION'' after ''APPROVAL REQUIRED'';

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b) the following new subsection (c):

''(c) APPROVAL REQUIRED FOR CERTAIN PAYMENTS AND AWARDS.—A person described in subsection (a) may accept payment for speeches, travel, meals, lodging, or registration fees described in that subsection, or accept a non-cash award described in that subsection, only if the Secretary concerned approves the payment or award.''.

(b) ANNUAL REPORTS ON APPROVALS.—Subsection (d) of such section, as redesignated by subsection (a)(3) of this section, is amended—

(1) by inserting ''(1)'' before ''Not later than'';

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by inserting '', and each approval under subsection (c) for a payment or award described in subsection (a),'' after ''in subsection (a)''; and

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

''(2) The report under paragraph (1) on an approval described in that paragraph with respect to an officer shall set forth the following:

''(A) The foreign government providing the employment or compensation or payment or award.

''(B) The duties, if any, to be performed in connection with the employment or compensation or payment or award.

''(C) The total amount of compensation, if any, or payment to be provided.''.

(c) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 908. Reserves and retired members: acceptance of employment, payments, and awards from foreign governments''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 908 and inserting the following new item:

''908. Reserves and retired members: acceptance of employment, payments, and awards from foreign governments.''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. AUTHORITY FOR SECRETARY OF DEFENSE TO MANAGE PROVIDER TYPE REFERRAL AND SUPERVISION REQUIREMENTS UNDER TRICARE PROGRAM.

Section 1079(a)(12) of title 10, United States Code, is amended, in the first sentence, by striking ''or certified clinical social worker,'' and inserting ''certified clinical social worker, or other class of provider as designated by the Secretary of Defense,''.

SEC. 702. REMOVAL OF CHRISTIAN SCIENCE PROVIDERS AS AUTHORIZED PROVIDERS UNDER THE TRICARE PROGRAM.

(a) REPEAL.—Subsection (a) of section 1079 of title 10, United States Code, is amended by striking paragraph (4).

(b) CONFORMING AMENDMENT.—Paragraph (12) of such subsection is amended, in the first sentence, by striking '', except as authorized in paragraph (4)''.

SEC. 703. WAIVER OF FEES CHARGED TO CERTAIN CIVILIANS FOR EMERGENCY MEDICAL TREATMENT PROVIDED AT MILITARY MEDICAL TREATMENT FACILITIES.

Section 1079b of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

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

''(b) WAIVER OF FEES.—Under the procedures implemented under subsection (a), a military medical treatment facility may waive a fee charged under such procedures to a civilian who is not a covered beneficiary if—

''(1) after insurance payments, if any, the civilian is not able to pay for the trauma or other medical care provided to the civilian; and

''(2) the provision of such care enhanced the medical readiness of the health care provider or health care providers furnishing such care.''.

SEC. 704. MENTAL HEALTH RESOURCES FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS DURING THE COVID–19 PANDEMIC.

(a) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to protect and promote the mental health and well-being of members of the Armed Forces and their dependents, which shall include the following:

(1) A strategy to combat existing stigma surrounding mental health conditions that might deter such individuals from seeking care.

(2) Guidance to commanding officers at all levels on the mental health ramifications of the COVID–19 crisis.

(3) Additional training and support for mental health care professionals of the Department of Defense on supporting individuals who are concerned for the health of themselves and their family members, or grieving the loss of loved ones due to COVID–19.

(4) A strategy to leverage telemedicine to ensure safe access to mental health services.

(b) OUTREACH.—The Secretary of Defense shall conduct outreach to the military community to identify resources and health care services, including mental health care services, available under the TRICARE program to support members of the Armed Forces and their dependents.

(c) DEFINITIONS.—In this section, the terms ''dependent'' and ''TRICARE program'' have the meanings given those terms in section 1072 of such title.

SEC. 705. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS OF THE NATIONAL GUARD SERVING UNDER ORDERS IN RESPONSE TO THE CORONAVIRUS (COVID–19).

(a) IN GENERAL.—The Secretary of Defense shall provide to a member of the National Guard separating from active service after serving on full-time National Guard duty pursuant to section 502(f) of title 32, United States Code, the health benefits authorized under section 1145 of title 10, United States Code, for a member of a reserve component separating from active duty, as referred to in subsection (a)(2)(B) of such section 1145, if the active service from which the member of the National Guard is separating was in support of the whole of government response to the coronavirus (COVID–19).

(b) DEFINITIONS.—In this section, the terms ''active duty'', ''active service'', and ''full-time National Guard duty'' have the meanings given those terms in section 101(d) of title 10, United States Code.

SEC. 706. EXTRAMEDICAL MATERNAL HEALTH PROVIDERS DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall commence the conduct of a demonstration project designed to evaluate the cost, quality of care, and impact on maternal and fetal outcomes of using extramedical

maternal health providers under the TRICARE program to determine the appropriateness of making coverage of such providers under the TRICARE program permanent.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—The demonstration project under subsection (a) shall include, for participants in the demonstration project, the following:

(1) Access to doulas.

(2) Access to lactation consultants who are not otherwise authorized to provide services under the TRICARE program.

(c) PARTICIPANTS.—The Secretary shall establish a process under which covered beneficiaries may enroll in the demonstration project in order to receive the services provided under the demonstration project.

(d) DURATION.—The Secretary shall carry out the demonstration project for a period of five years beginning on the date on which notification of the commencement of the demonstration project is published in the Federal Register.

(e) SURVEY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the duration of the demonstration project, the Secretary shall administer a survey to determine—

(A) how many members of the Armed Forces or spouses of such members give birth while their spouse or birthing partner is unable to be present due to deployment, training, or other mission requirements;

(B) how many single members of the Armed Forces give birth alone; and

(C) how many members of the Armed Forces or spouses of such members use doula support or lactation consultants.

(2) MATTERS COVERED BY THE SURVEY.—The survey administered under paragraph (1) shall include an identification of the following:

(A) The race, ethnicity, age, sex, relationship status, military service, military occupation, and rank, as applicable, of each individual surveyed.

(B) If individuals surveyed were members of the Armed Forces or the spouses of such members, or both.

(C) The length of advanced notice received by individuals surveyed that the member of the Armed Forces would be unable to be present during the birth, if applicable.

(D) Any resources or support that the individuals surveyed found useful during the pregnancy and birth process, including doula or lactation counselor support.

(f) REPORTS.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to implement the demonstration project.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than one year after the commencement of the demonstration project, and annually thereafter for the duration of the demonstration project, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the cost of the demonstration project and the effectiveness of the demonstration project in improving quality of care and the maternal and fetal outcomes of covered beneficiaries enrolled in the demonstration project.

(B) MATTERS COVERED.—Each report submitted under subparagraph (A) shall address, at a minimum, the following:

(i) The number of covered beneficiaries who are enrolled in the demonstration project.

(ii) The number of enrolled covered beneficiaries who have participated in the demonstration project.

(iii) The results of the surveys under subsection (f).

(iv) The cost of the demonstration project.

(v) An assessment of the quality of care provided to participants in the demonstration project.

(vi) An assessment of the impact of the demonstration project on maternal and fetal outcomes.

(vii) An assessment of the effectiveness of the demonstration project.

(viii) Recommendations for adjustments to the demonstration project.

(ix) The estimated costs avoided as a result of improved maternal and fetal health outcomes due to the demonstration project.

(x) Recommendations for extending the demonstration project or implementing permanent coverage under the TRICARE program of extramedical maternal health providers.

(xi) An identification of legislative or administrative action necessary to make the demonstration project permanent.

(C) FINAL REPORT.—The final report under subparagraph (A) shall be submitted not later than 90 days after the termination of the demonstration project.

(g) EXPANSION OF DEMONSTRATION PROJECT.—

(1) REGULATIONS.—If the Secretary determines that the demonstration project is successful, the Secretary may prescribe regulations to include extramedical maternal health providers as health care providers authorized to provide care under the TRICARE program.

(2) CREDENTIALING AND OTHER REQUIREMENTS.—The Secretary may establish credentialing and other requirements for doulas and lactation consultants through public notice and comment rulemaking for purposes of including doulas and lactation consultations as health care providers authorized to provide care under the TRICARE program pursuant to regulations prescribed under paragraph (1).

(h) DEFINITIONS.—In this section:

(1) EXTRAMEDICAL MATERNAL HEALTH PROVIDER.—The term ''extramedical maternal health provider'' means a doula or lactation consultant.

(2) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 707. PILOT PROGRAM ON RECEIPT OF NON-GENERIC PRESCRIPTION MAINTENANCE MEDICATIONS UNDER TRICARE PHARMACY BENEFITS PROGRAM.

(a) REQUIREMENT.—The Secretary of Defense shall carry out a pilot program under which eligible covered beneficiaries may elect to receive non-generic prescription maintenance medications selected under subsection (c) through military treatment facility pharmacies, retail pharmacies, or the national mail-order pharmacy program, notwithstanding section 1074g(a)(9) of title 10, United States Code.

(b) DURATION.—The Secretary shall carry out the pilot program for a three-year period beginning not later than March 1, 2021.

(c) SELECTION OF MEDICATION.—The Secretary shall select non-generic prescription maintenance medications described in section 1074g(a)(9)(C)(i) of title 10, United States Code, to be covered by the pilot program.

(d) USE OF VOLUNTARY REBATES.—

(1) REQUIREMENT.—In carrying out the pilot program, the Secretary shall seek to renew and modify contracts described in paragraph (2) in a manner that—

(A) includes for purposes of the pilot program retail pharmacies as a point of sale for the non-generic prescription maintenance medication covered by the contract; and

(B) provides the manufacturer with the option to provide voluntary rebates for such medications at retail pharmacies.

(2) CONTRACTS DESCRIBED.—The contracts described in this paragraph are contracts for the procurement of non-generic prescription maintenance medications selected under subsection (c) that are eligible for renewal during the period in which the pilot program is carried out.

(e) NOTIFICATION.—In providing each eligible covered beneficiary with an explanation of benefits, the Secretary shall notify the beneficiary of whether the medication that the beneficiary is prescribed is covered by the pilot program.

(f) BRIEFING AND REPORTS.—

(1) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall brief the congressional defense committees on the implementation of the pilot program.

(2) INTERIM REPORT.—Not later than 18 months after the commencement of the pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program.

(3) COMPTROLLER GENERAL REPORT.—

(A) IN GENERAL.—Not later than March 1, 2024, the Comptroller General of the United States shall submit to the congressional defense committees a report on the pilot program.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The number of eligible covered beneficiaries who participated in the pilot program and an assessment of the satisfaction of such beneficiaries with the pilot program.

(ii) The rate by which eligible covered beneficiaries elected to receive non-generic prescription maintenance medications at a retail pharmacy pursuant to the pilot program, and how such rate affected military treatment facility pharmacies and the national mail-order pharmacy program.

(iii) The amount of cost savings realized by the pilot program, including with respect to—

(I) dispensing fees incurred at retail pharmacies compared to the national mail-order pharmacy program for brand name prescription drugs;

(II) administrative fees;

(III) any costs paid by the United States for the drugs in addition to the procurement costs;

(IV) the use of military treatment facilities; and

(V) copayments paid by eligible covered beneficiaries.

(iv) A comparison of supplemental rebates between retail pharmacies and other points of sale.

(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the ability of the Secretary to carry out section 1074g(a)(9)(C) of title 10, United States Code, after the date on which the pilot program is completed.

(h) DEFINITIONS.—In this section:

(1) The term ''eligible covered beneficiary'' has the meaning given that term in section 1074g(i) of title 10, United States Code.

(2) The terms ''military treatment facility pharmacies'', ''retail pharmacies'', and ''the national mail-order pharmacy program'' mean the methods for receiving prescription drugs as described in clauses (i), (ii), and (iii), respectively, of section 1074g(a)(2)(E) of title 10, United States Code.

Subtitle B—Health Care Administration

SEC. 721. MODIFICATIONS TO TRANSFER OF ARMY MEDICAL RESEARCH AND DEVELOPMENT COMMAND AND PUBLIC HEALTH COMMANDS TO DEFENSE HEALTH AGENCY.

(a) DELAY OF TRANSFER.—

(1) IN GENERAL.—Section 1073c(e) of title 10, United States Code, is amended, in the matter preceding paragraph (1), by striking ''September 30, 2022'' and inserting ''September 30, 2024''.

(2) CONFORMING AMENDMENTS.—Section 737 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, in subsections (a) and (c), by striking ''September 30, 2022'' and inserting ''September 30, 2024'' each place it appears.

(b) MODIFICATION TO RESOURCES PRESERVED.—Such section 737 is amended—

(1) in the section heading, by striking ''**RESOURCES**'' and inserting ''**INFRASTRUCTURE AND PERSONNEL**''; and

(2) in subsection (a)—

(A) by striking ''resources'' and inserting ''infrastructure and personnel''; and

(B) by striking '', which shall include manpower and funding, at not less than the level of such resources''.

(c) ELIMINATION OF TRANSFER OF FUNDS.—Such section 737 is further amended by—

(1) striking subsection (b); and

(2) redesignating subsection (c) as subsection (b).

(d) CHANGE OF NAME OF COMMAND.—

(1) DELAY OF TRANSFER.—Section 1073c(e)(1)(B) of title 10, United States Code, is amended by striking ''Materiel'' and inserting ''Development''.

(2) PRESERVATION OF INFRASTRUCTURE AND PERSONNEL.—Section 737 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(A) in the section heading, by striking ''**MATERIEL**'' and inserting ''**DEVELOPMENT**''; and

(B) by striking ''Materiel'' each place it appears and inserting ''Development''.

(e) CLERICAL AMENDMENT.—The table of contents for the National Defense Authorization Act for Fiscal Year 2020 is amended by striking the item relating to section 737 and inserting the following new item:

''Sec. 737. Preservation of infrastructure and personnel of the Army Medical Research and Development Command and continuation as Center of Excellence.''.

SEC. 722. DELAY OF APPLICABILITY OF ADMINISTRATION OF TRICARE DENTAL PLANS THROUGH FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.

Section 713(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 5 U.S.C. 8951 note) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2023''.

SEC. 723. AUTHORITY OF SECRETARY OF DEFENSE TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES FOR PURPOSES OF PROVISION OF HEALTH CARE.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073d the following new section:

''§ 1073e. Authority to waive requirements during national emergencies

''(a) PURPOSE.—The purpose of this section is to enable the Secretary of Defense to ensure, to the maximum extent feasible, in an emergency area during an emergency period—

''(1) that sufficient authorized health care items and services are available to meet the needs of covered beneficiaries in such area eligible for the programs under this chapter; and

''(2) that private sector health care providers authorized under the TRICARE program that furnish such authorized items and services in good faith may be reimbursed for such items and services absent any determination of fraud or abuse.

''(b) AUTHORITY.—

''(1) IN GENERAL.—To the extent necessary to accomplish the purpose specified in subsection (a), the Secretary, subject to the provisions of this section, may, for a period of 60 days, waive or modify the application of the requirements of this chapter or any regulation prescribed thereunder with respect to health care items and services furnished by a health care provider (or class of health care providers) in an emergency area (or portion of such area) during an emergency period (or portion of such period), including by deferring the termination of status of a covered beneficiary.

''(2) RENEWAL.—The Secretary may renew a waiver or modification under paragraph (1) for subsequent 60-day periods during the duration of the applicable emergency declaration.

''(c) IMPLEMENTATION.—The Secretary may implement any temporary waiver or modification made pursuant to this section by program instruction or otherwise.

''(d) RETROACTIVE APPLICATION.—A waiver or modification made pursuant to this section with respect to an emergency period may, at the discretion of the Secretary, be made retroactive to the beginning of the emergency period or any subsequent date in such period specified by the Secretary.

''(e) SATISFACTION OF PRECONDITIONS FOR STATUS AS COVERED BENEFICIARY.—A deferral under subsection (b) of termination of status of a covered beneficiary may be contingent upon retroactive satisfaction by such beneficiary of any premium or enrollment fee payments or other preconditions for such status.

''(f) CERTIFICATION.—

''(1) IN GENERAL.—Not later than two days before exercising a waiver or modification under subsection (b)(1) or renewing a waiver or modification under subsection (b)(2), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a certification and advance written notice regarding the authority to be exercised.

''(2) MATTERS INCLUDED.—Certification and advanced written notice required under paragraph (1) shall include—

''(A) a description of—

''(i) the specific provisions of law that will be waived or modified;

''(ii) the health care providers to whom the waiver or modification will apply;

''(iii) the geographic area in which the waiver or modification will apply; and

''(iv) the period of time for which the waiver or modification will be in effect; and

''(B) a certification that the waiver or modification is necessary to carry out the purpose specified in subsection (a).

''(g) TERMINATION OF WAIVER.—A waiver or modification of requirements pursuant to this section terminates upon the termination of the applicable emergency declaration.

''(h) REPORT.—Not later than one year after the end of an emergency period during which the Secretary exercised the authority under this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the approaches used to accomplish the purpose described in subsection (a), including an evaluation of such approaches and recommendations for improved approaches should the need for the exercise of such authority arise in the future.

''(i) DEFINITIONS.—In this section:

''(1) EMERGENCY AREA.—The term 'emergency area' means a geographical area covered by an emergency declaration.

''(2) EMERGENCY DECLARATION.—The term 'emergency declaration' means—

''(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.) or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

''(B) a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d).

''(3) EMERGENCY PERIOD.—The term 'emergency period' means the period covered by an emergency declaration.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1073d the following new item:

''1073e. Authority to waive requirements during national emergencies.''.

Subtitle C—Reports and Other Matters

SEC. 741. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as most recently amended by section 732(4)(B) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''September 30, 2021'' and inserting ''September 30, 2022''.

SEC. 742. MEMBERSHIP OF BOARD OF REGENTS OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) IN GENERAL.—Section 2113a(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) the Director of the Defense Health Agency, who shall be an ex officio member;''.

(b) RULE OF CONSTRUCTION.—The amendments made by this section may not be construed to invalidate any action taken by the Uniformed Services University of the Health Sciences or its Board of Regents prior to the effective date of this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2021.

SEC. 743. MILITARY HEALTH SYSTEM CLINICAL QUALITY MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, acting through the Director of the Defense Health Agency, shall implement a comprehensive program to be known as the ''Military Health System Clinical Quality Management Program'' (in this section referred to as the ''Program'').

(b) ELEMENTS OF PROGRAM.—The Program shall include, at a minimum, the following:

(1) The implementation of systematic procedures to eliminate, to the maximum extent feasible, risk of harm to patients at military medical treatment facilities, including through identification, investigation, and analysis of events indicating a risk of patient harm and corrective action plans to mitigate such risks.

(2) With respect to a potentially compensable event (including those involving members of the Armed Forces) at a military medical treatment facility—

(A) an analysis of such event, which shall occur and be documented as soon as possible after the event;

(B) use of such analysis for clinical quality management; and

(C) reporting of such event to the National Practitioner Data Bank in accordance with guidelines of the Secretary of Health and Human Services under the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.), giving special emphasis to the results of external peer reviews of the event.

(3) Validation of provider credentials and granting of clinical privileges by the Director of the Defense Health Agency for all

health care providers at a military medical treatment facility.

(4) Accreditation of military medical treatment facilities by a recognized external accreditation body.

(5) Systematic measurement of indicators of health care quality, emphasizing clinical outcome measures, comparison of such indicators with benchmarks from leading health care quality improvement organizations, and transparency with the public of appropriate clinical measurements for military medical treatment facilities.

(6) Systematic activities emphasized by leadership at all organizational levels to use all elements of the Program to eliminate unwanted variance throughout the health care system of the Department of Defense and make constant improvements in clinical quality.

(7) A full range of procedures for productive communication between patients and health care providers regarding actual or perceived adverse clinical events at military medical treatment facilities, including procedures—

(A) for full disclosure of such events (respecting the confidentiality of peer review information under a medical quality assurance program under section 1102 of title 10, United States Code);

(B) providing an opportunity for the patient to be heard in relation to quality reviews; and

(C) to resolve patient concerns by independent, neutral healthcare resolution specialists.

(c) ADDITIONAL CLINICAL QUALITY MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—In addition to the elements of the Program set forth in subsection (b), the Secretary shall establish and maintain clinical quality management activities in relation to functions of the health care system of the Department separate from delivery of health care services in military medical treatment facilities.

(2) HEALTH CARE DELIVERY OUTSIDE MILITARY MEDICAL TREATMENT FACILITIES.—In carrying out paragraph (1), the Secretary shall maintain policies and procedures to promote clinical quality in health care delivery on ships and planes, in deployed settings, and in all other circumstances not covered by subsection (b), with the objective of implementing standards and procedures comparable, to the extent practicable, to those under such subsection.

(3) PURCHASED CARE SYSTEM.—In carrying out paragraph (1), the Secretary shall maintain policies and procedures for health care services provided outside the Department but paid for by the Department, reflecting best practices by public and private health care reimbursement and management systems.

(d) MILITARY MEDICAL TREATMENT FACILITY DEFINED.—In this section, the term ''military medical treatment facility'' means any fixed facility or portion thereof of the Department of Defense that is outside of a deployed environment and used primarily for health care.

SEC. 744. MODIFICATIONS TO PILOT PROGRAM ON CIVILIAN AND MILITARY PARTNERSHIPS TO ENHANCE INTEROPERABILITY AND MEDICAL SURGE CAPABILITY AND CAPACITY OF NATIONAL DISASTER MEDICAL SYSTEM.

Section 740 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary of Defense may'' and inserting ''Beginning not later than September 30, 2021, the Secretary of Defense shall''; and

(B) by striking ''health care organizations, institutions, and entities'' and inserting ''health care organizations, health care institutions, health care entities, academic medical centers of institutions of higher education, and hospitals''; and

(C) by striking ''in the vicinity of major aeromedical and other transport hubs and logistics centers of the Department of Defense'';

(2) by striking subsection (c) and inserting the following new subsections:

''(c) LEAD OFFICIAL FOR DESIGN AND IMPLEMENTATION OF PILOT PROGRAM.—

''(1) IN GENERAL.—The Assistant Secretary of Defense for Health Affairs shall be the lead official for design and implementation of the pilot program under subsection (a).

''(2) RESOURCES.—The Assistant Secretary of Defense for Health Affairs shall leverage the resources of the Defense Health Agency for execution of the pilot program under subsection (a) and shall coordinate with the Chairman of the Joint Chiefs of Staff throughout the planning and duration of the pilot program.

''(d) LOCATIONS.—

''(1) IN GENERAL.—The Secretary of Defense shall carry out the pilot program under subsection (a) at not fewer than five locations in the United States that are located at or near locations with established expertise in disaster health preparedness and response and trauma care that augment and enhance the effectiveness of the pilot program.

''(2) PHASED SELECTION OF LOCATIONS.—

''(A) INITIAL SELECTION.—Not later than the earlier of the date that is 180 days after the date of the enactment of this Act or March 31, 2021, the Assistant Secretary of Defense for Health Affairs, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation, shall select not fewer than two locations at which to carry out the pilot program.

''(B) SUBSEQUENT SELECTION.—Not later than the end of each one-year period following selection of locations under subparagraph (A), the Assistant Secretary of Defense for Health Affairs, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation, shall select not fewer than two additional locations at which to carry out the pilot program until not fewer than five locations are selected in total.

''(3) CONSIDERATION AND PRIORITY FOR LOCATIONS.—In selecting locations for the pilot program under subsection (a), the Secretary shall—

''(A) consider—

''(i) the proximity of the location to civilian or military transportation hubs, including airports, railways, interstate highways, or ports;

''(ii) the ability of the location to accept a redistribution of casualties during times of war;

''(iii) the ability of the location to provide trauma care training opportunities for medical personnel of the Department of Defense; and

''(iv) the proximity of the location to existing academic medical centers of institutions of higher education, facilities of the Department, or other institutions that have established expertise in the areas of—

''(I) highly infectious disease;

''(II) biocontainment;

''(III) quarantine;

''(IV) trauma care;

''(V) combat casualty care;

''(VI) the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11);

''(VII) disaster health preparedness and response;

''(VIII) medical and public health management of biological, chemical, radiological, or nuclear hazards; or

''(IX) such other areas of expertise as the Secretary considers appropriate; and

''(B) give priority to public-private partnerships with academic medical centers of institutions of higher education, hospitals, and other entities with facilities that have an established history of providing clinical care, treatment, training, and research in the areas described in subparagraph (A)(ii) or other specializations determined important by the Secretary for purposes of the pilot program.'';

(3) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(4) in subsection (g), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''the commencement of the pilot program under subsection (a)'' and inserting ''the initial selection of locations for the pilot program under subsection (d)(2)(A)''; and

(ii) in subparagraph (B)—

(I) in clause (ii), by striking ''subsection (d)'' and inserting ''subsection (e)'';

(II) in clause (iii), by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(B) in paragraph (2)(B)(iv), by striking ''the authority for''; and

(5) by adding at the end the following new subsection:

''(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' means a four-year institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).''.

SEC. 745. STUDY ON FORCE MIX OPTIONS AND SERVICE MODELS TO ENHANCE READINESS OF MEDICAL FORCE OF THE ARMED FORCES TO PROVIDE COMBAT CASUALTY CARE.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center or other independent entity to perform a study on force mix options and service models (including traditional and nontraditional active and reserve models) to optimize the readiness of the medical force of the Armed Forces to deliver combat care on the battlefield.

(b) ISSUES TO BE ADDRESSED.—The study required by subsection (a) shall include, at a minimum—

(1) with respect to options relating to members of the Armed Forces on active duty—

(A) a review of existing models for such members who are medical professionals to support clinical readiness skills by serving in civilian trauma centers;

(B) an assessment of the extent to which existing models can be optimized, standardized, and scaled to address current readiness shortfalls; and

(C) an evaluation of the cost and effectiveness of alternative models for such members who are medical professionals to serve in civilian trauma centers; and

(2) with respect to options relating to members of the reserve components of the Armed Forces—

(A) a review of existing models for such members of the reserve components who are medical professionals to support clinical readiness skills by serving in civilian trauma centers;

(B) an assessment of the extent to which existing models can be optimized, standardized, and scaled to address current readiness shortfalls; and

(C) an evaluation of the cost and effectiveness of alternative models for such members of the reserve components who are medical professionals to serve in civilian trauma centers.

(c) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings and recommendations of the independent study required by subsection (a).

SEC. 746. COMPTROLLER GENERAL STUDY ON DELIVERY OF MENTAL HEALTH SERVICES TO MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the delivery of Federal, State, and private mental health services to members of the reserve components.

(b) ELEMENTS.—The study conducted under subsection (a) shall—

(1) identify all programs, coverage, and costs associated with services described in such subsection;

(2) specify gaps or barriers to access that could result in delayed or insufficient mental health care support to members of the reserve components.

(3) evaluate the mental health screening requirements for members of the reserve components immediately before, during, and after—

(A) Federal deployment under title 10, United States Code; or

(B) State deployment under title 32, United States Code; and

(4) provide recommendations when practicable to strengthen the reintegration of members of the reserve components, including an assessment of the effectiveness of making programming mandatory.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a).

(d) RESERVE COMPONENT DEFINED.—In this section, the term ''reserve component'' means a reserve component of the Armed Forces named in section 10101 of title 10, United States Code.

SEC. 747. REVIEW AND REPORT ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES STATIONED AT REMOTE INSTALLATIONS OUTSIDE THE CONTIGUOUS UNITED STATES.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a review of efforts by the Department of Defense to prevent suicide among members of the Armed Forces stationed at covered installations.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include an assessment of each of the following:

(1) Current policy guidelines of the Armed Forces on the prevention of suicide among members of the Armed Forces stationed at covered installations.

(2) Current suicide prevention programs of the Armed Forces and activities for members of the Armed Forces stationed at covered installations and their dependents, including programs provided by the Defense Health Program and the Office of Suicide Prevention.

(3) The integration of mental health screenings and suicide risk and prevention efforts for members of the Armed Forces stationed at covered installations and their dependents into the delivery of primary care for such members and dependents.

(4) The standards for responding to attempted or completed suicides among members of the Armed Forces stationed at covered installations and their dependents, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(5) The standards regarding data collection for members of the Armed Forces stationed at covered installations and their dependents, including related factors such as domestic violence and child abuse.

(6) The means to ensure the protection of privacy of members of the Armed Forces stationed at covered installations and their dependents who seek or receive treatment related to suicide prevention.

(7) The availability of information from indigenous populations on suicide prevention for members of the Armed Forces stationed at covered installations who are members of such a population.

(8) The availability of information from graduate research programs of institutions of higher education on suicide prevention for members of the Armed Forces.

(9) Such other matters as the Comptroller General considers appropriate in connection with the prevention of suicide among members of the Armed Forces stationed at covered installations and their dependents.

(c) BRIEFING AND REPORT.—The Comptroller General shall—

(1) not later than October 1, 2021, brief the Committees on Armed Services of the Senate and the House of Representatives on preliminary observations relating to the review conducted under subsection (a); and

(2) not later than March 1, 2022, submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of such review.

(d) COVERED INSTALLATION DEFINED.—In this section, the term ''covered installation'' means a remote installation of the Department of Defense outside the contiguous United States.

SEC. 748. AUDIT OF MEDICAL CONDITIONS OF TENANTS IN PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall commence the conduct of an audit of the medical conditions of eligible individuals and the association between adverse exposures of such individuals in unsafe or unhealthy housing units and the health of such individuals.

(b) CONTENT OF AUDIT.—The audit conducted under subsection (a) shall—

(1) determine the percentage of units of privatized military housing that are unsafe or unhealthy housing units;

(2) study the adverse exposures of eligible individuals that relate to residing in an unsafe or unhealthy housing unit and the effect of such exposures on the health of such individuals; and

(3) determine the association, to the extent permitted by available scientific data, and provide quantifiable data on such association, between such adverse exposures and the occurrence of a medical condition in eligible individuals residing in unsafe or unhealthy housing units.

(c) CONDUCT OF AUDIT.—The Inspector General of the Department shall conduct the audit under subsection (a) using the same privacy preserving guidelines used by the Inspector General in conducting other audits of health records.

(d) SOURCE OF DATA.—In conducting the audit under subsection (a), the Inspector General of the Department shall use—

(1) de-identified data from electronic health records of the Department;

(2) records of claims under the TRICARE program (as defined in section 1072(7) of title 10, United States Code); and

(3) such other data as determined necessary by the Inspector General.

(e) SUBMITTAL AND PUBLIC AVAILABILITY OF REPORT.—Not later than one year after the commencement of the audit under subsection (a), the Inspector General of the Department shall—

(1) submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the audit conducted under subsection (a); and

(2) publish such report on a publicly available internet website of the Department of Defense.

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means a member of the Armed Forces or a family member of a member of the Armed Forces who has resided in an unsafe or unhealthy housing unit.

(2) PRIVATIZED MILITARY HOUSING.—The term ''privatized military housing'' means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(3) UNSAFE OR UNHEALTHY HOUSING UNIT.—The term ''unsafe or unhealthy housing unit'' means a unit of privatized military housing in which, at any given time, at least one of the following hazards is present:

(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.

(ii) Lead-based paint.

(iii) Asbestos or manmade fibers.

(iv) Ionizing radiation.

(v) Biocides.

(vi) Carbon monoxide.

(vii) Volatile organic compounds.

(viii) Infectious agents.

(ix) Fine particulate matter.

(B) Psychological hazards, including ease of access by unlawful intruders or lighting issues.

(C) Poor ventilation.

(D) Safety hazards.

(E) Other hazards as determined by the Inspector General of the Department.

SEC. 749. COMPTROLLER GENERAL STUDY ON PRENATAL AND POSTPARTUM MENTAL HEALTH CONDITIONS AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on prenatal and postpartum mental health conditions among members of the Armed Forces and dependents of such members.

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

(A) An assessment of the extent to which beneficiaries under the TRICARE program, including members of the Armed Forces and dependents of such members, are diagnosed with prenatal or postpartum mental health conditions, including—

(i) prenatal or postpartum depression;

(ii) prenatal or postpartum anxiety disorder;

(iii) prenatal or postpartum obsessive compulsive disorder;

(iv) prenatal or postpartum psychosis; and

(v) other relevant mood disorders.

(B) A demographic assessment of the population included in the study with respect to race, ethnicity, sex, age, relationship status, military service, military occupation, and rank, where applicable.

(C) An assessment of the status of prenatal and postpartum mental health care for beneficiaries under the TRICARE program, including those who seek care at military medical treatment facilities and those who rely on civilian providers.

(D) An assessment of the ease or delay for beneficiaries under the TRICARE program in obtaining treatment for prenatal and postpartum mental health conditions, including—

(i) an assessment of wait times for mental health treatment at each military medical treatment facility; and

(ii) a description of the reasons such beneficiaries may cease seeking such treatment.

(E) A comparison of the rates of prenatal or postpartum mental health conditions within the military community to such rates in the civilian population, as reported by the Centers for Disease Control and Prevention.

(F) An assessment of any effects of implicit or explicit bias in prenatal and postpartum mental health care under the TRICARE program, or evidence of racial or socioeconomic barriers to such care.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the study conducted under subsection (a), including—

(1) recommendations for actions to be taken by the Secretary of Defense to improve prenatal and postpartum mental health among members of the Armed Forces and dependents of such members; and

(2) such other recommendations as the Comptroller General determines appropriate.

(c) DEFINITIONS.—In this section, the terms ''dependent'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 750. PLAN FOR EVALUATION OF FLEXIBLE SPENDING ACCOUNT OPTIONS FOR MEMBERS OF THE UNIFORMED SERVICES AND THEIR FAMILIES.

(a) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a plan to evaluate flexible spending account options that allow pre-tax payment of health and dental insurance premiums, out-of-pocket health care expenses, and dependent care expenses for members of the uniformed services and their family members, including an identification of any legislative or administrative barriers to achieving the implementation of such options.

(b) UNIFORMED SERVICES DEFINED.—In this section, the term ''uniformed services'' has the meaning given that term in section 101 of title 37, United States Code.

SEC. 751. ASSESSMENT OF RECEIPT BY CIVILIANS OF EMERGENCY MEDICAL TREATMENT AT MILITARY MEDICAL TREATMENT FACILITIES.

(a) ASSESSMENT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall complete an assessment of the provision by the Department of Defense of emergency medical treatment to civilians who are not covered beneficiaries at military medical treatment facilities during the period beginning on October 1, 2015, and ending on September 30, 2020.

(b) ELEMENTS OF ASSESSMENT.—The assessment completed under subsection (a) shall include, with respect to civilians who received emergency medical treatment at a military medical treatment facility during the period specified in such paragraph, the following:

(1) The total fees charged to such civilians for such treatment and the total fees collected.

(2) The amount of medical debt from such treatment that was garnished from such civilians, categorized by garnishment from Social Security benefits, tax refunds, wages, or other financial asset.

(3) The number of such civilians from whom medical debt from such treatment was garnished.

(4) The total fees for such treatment that were waived for such civilians.

(5) With respect to medical debt incurred by such civilians from such treatment—

(A) the amount of such debt that was collected by the Department of Defense;

(B) the amount of such debt still owed to the Department; and

(C) the amount of debt transferred from the Department of Defense to the Department of the Treasury for collection.

(6) The number of such civilians from whom such medical debt was collected who did not possess medical insurance at the time of such treatment.

(7) The number of such civilians from whom such medical debt was collected who collected Social Security benefits at the time of such treatment.

(8) The number of such civilians from whom such medical debt was collected who, at the time of such treatment, earned—

(A) less than the poverty line;

(B) less than 200 percent of the poverty line;

(C) less than 300 percent of the poverty line; and

(D) less than 400 percent of the poverty line.

(9) An assessment of the process through which military medical treatment facilities seek to recover unpaid medical debt from such civilians, including whether the Department of Defense contracts with private debt collectors to recover such unpaid medical debt.

(10) An assessment of the process, if any, through which such civilians can apply to have medical debt for such treatment waived, forgiven, canceled, or otherwise determined to not be a financial obligation of the civilian.

(11) Such other information as the Comptroller General determines appropriate.

(c) REPORT.—Not later than 180 days after the completion of the assessment under subsection (a), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment.

(d) DEFINITIONS.—In this section:

(1) CIVILIAN.—The term ''civilian'' means an individual who is not—

(A) a member of the Armed Forces;

(B) a contractor of the Department of Defense; or

(C) a civilian employee of the Department.

(2) COVERED BENEFICIARY.—The term ''covered beneficiary'' has the meaning given that term in section 1072(5) of title 10, United States Code.

(3) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

SEC. 752. REPORT ON BILLING PRACTICES FOR HEALTH CARE FROM DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) Through the TRICARE program, the Department of Defense provides health care benefits and services to approximately 9,500,000 beneficiaries.

(2) The Department of Defense is not structured as a typical health care provider, which can lead to complicated billing practices and strict deadlines for members of the Armed Forces, former members of the Armed Forces, and their dependents, as well as for providers.

(3) Numerous findings issued by the Inspector General of the Department of Defense between 2014 and 2019 describe the third-party collection program of the Department as inadequately managed, resulting in substantial uncollected funds that could be used to improve the quality of health care at military medical treatment facilities.

(4) Numerous press reports have found that the Federal Government aggressively collects unpaid debts from uninsured or low-income civilian patients who happen to receive treatment at a military medical treatment facility, even though providing that treatment often benefits military readiness by providing experience to military medical professionals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is in the national interest of the United States to ensure members of the Armed Forces, former members of the Armed Forces, and their dependents receive high-quality health care, and that Federal agencies prioritize fairness and accessibility when administering health care.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report assessing the billing practices of the Department of Defense for care received under the TRICARE program or at military medical treatment facilities.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the extent to which data is being collected and maintained on whether beneficiaries under the TRICARE program have other forms of health insurance.

(B) A description of the extent to which the Secretary of Defense has implemented the recommendations of the Inspector General of the Department of Defense to improve collections of third-party payments for care at military medical treatment facilities and a description of the impact such implementation has had on such beneficiaries.

(C) A description of the extent to which the process used by managed care support contractors under the TRICARE program to adjudicate third-party liability claims is efficient and effective, including with respect to communication with such beneficiaries.

(d) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 753. ACCESS OF VETERANS TO INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.

The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall provide to a veteran read-only access to the documents of the veteran contained in the Individual Longitudinal Exposure Record in a printable format through a portal accessible through a website of the Department of Veterans Affairs and a website of the Department of Defense.

SEC. 754. STUDY ON THE INCIDENCE OF CANCER DIAGNOSIS AND MORTALITY AMONG MILITARY AVIATORS AND AVIATION SUPPORT PERSONNEL.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense, in conjunction with the National Institutes of Health and the National Cancer Institute, shall conduct a study on cancer among covered individuals in two phases as provided in this subsection.

(2) PHASE 1.—

(A) IN GENERAL.—Under the initial phase of the study conducted under paragraph (1), the Secretary of Defense shall determine if there is a higher incidence of cancers occurring for

covered individuals as compared to similar age groups in the general population through the use of the database of the Surveillance, Epidemiology, and End Results program of the National Cancer Institute.

(B) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the initial phase of the study under subparagraph (A).

(3) PHASE 2.—

(A) IN GENERAL.—If, pursuant to the initial phase of the study under paragraph (2), the Secretary concludes that there is an increased rate of cancers among covered individuals, the Secretary shall conduct a second phase of the study under which the Secretary shall do the following:

(i) Identify the carcinogenic toxins or hazardous materials associated with military flight operations from shipboard or land bases or facilities, such as fuels, fumes, and other liquids.

(ii) Identify the operating environments, including frequencies or electromagnetic fields, where exposure to ionizing radiation (associated with high altitude flight) and nonionizing radiation (associated with airborne, ground, and shipboard radars) occurred in which covered individuals could have received increased radiation amounts.

(iii) Identify, for each covered individual, duty stations, dates of service, aircraft flown, and additional duties (including Landing Safety Officer, Catapult and Arresting Gear Officer, Air Liaison Officer, Tactical Air Control Party, or personnel associated with aircraft maintenance, supply, logistics, fuels, or transportation) that could have increased the risk of cancer for such covered individual.

(iv) Determine locations where a covered individual served or additional duties of a covered individual that are associated with higher incidences of cancers.

(v) Identify potential exposures due to service in the Armed Forces that are not related to aviation, such as exposure to burn pits or toxins in contaminated water, embedded in the soil, or inside bases or housing.

(vi) Determine the appropriate age to begin screening covered individuals for cancer based on race, gender, flying hours, period of service as aviation support personnel, Armed Force, type of aircraft, and mission.

(B) DATA.—The Secretary shall format all data included in the study conducted under this paragraph in accordance with the Surveillance, Epidemiology, and End Results program of the National Cancer Institute, including by disaggregating such data by race, gender, and age.

(C) REPORT.—Not later than one year after the submittal of the report under paragraph (2)(B), if the Secretary conducts the second phase of the study under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the study conducted under this paragraph.

(4) USE OF DATA FROM PREVIOUS STUDIES.—In conducting the study under this subsection, the Secretary of Defense shall incorporate data from previous studies conducted by the Air Force, the Navy, or the Marine Corps that are relevant to the study under this subsection, including data from the comprehensive study conducted by the Air Force identifying each covered individual and documenting the cancers, dates of diagnoses, and mortality of each covered individual.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEE OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

(2) ARMED FORCES.—The term ''Armed Forces''—

(A) has the meaning given the term ''armed forces'' in section 101 of title 10, United States Code; and

(B) includes the reserve components named in section 10101 of such title.

(3) COVERED INDIVIDUAL.—The term ''covered individual''—

(A) means an aviator or aviation support personnel who—

(i) served in the Armed Forces on or after February 28, 1961; and

(ii) receives benefits under chapter 55 of title 10, United States Code; and

(B) includes any air crew member of fixed-wing aircraft and personnel supporting generation of the aircraft, including pilots, navigators, weapons systems operators, aircraft system operators, personnel associated with aircraft maintenance, supply, logistics, fuels, or transportation, and any other crew member who regularly flies in an aircraft or is required to complete the mission of the aircraft.

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

SEC. 761. SHORT TITLE.

This subtitle may be cited as the ''Care and Readiness Enhancement for Reservists Act of 2020'' or the ''CARE for Reservists Act of 2020''.

SEC. 762. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND RELATED OUTPATIENT SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.

(a) READJUSTMENT COUNSELING.—Subsection (a)(1) of section 1712A of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(D)(i) The Secretary, in consultation with the Secretary of Defense, may furnish to any member of the reserve components of the Armed Forces who has a behavioral health condition or psychological trauma, counseling under subparagraph (A)(i), which may include a comprehensive individual assessment under subparagraph (B)(i).

''(ii) A member of the reserve components of the Armed Forces described in clause (i) shall not be required to obtain a referral before being furnished counseling or an assessment under this subparagraph.''.

(b) OUTPATIENT SERVICES.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by inserting ''to an individual'' after ''If, on the basis of the assessment furnished''; and

(B) by striking ''veteran'' each place it appears and inserting ''individual''; and

(2) in paragraph (2), by striking ''veteran'' and inserting ''individual''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 763. PROVISION OF MENTAL HEALTH SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS TO MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1789. Mental health services for members of the reserve components of the Armed Forces

''The Secretary, in consultation with the Secretary of Defense, may furnish mental health services to members of the reserve components of the Armed Forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1788 the following new item:

''1789. Mental health services for members of the reserve components of the Armed Forces.''.

SEC. 764. INCLUSION OF MEMBERS OF RESERVE COMPONENTS IN MENTAL HEALTH PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) SUICIDE PREVENTION PROGRAM.—

(1) IN GENERAL.—Section 1720F of title 38, United States Code, is amended by adding at the end the following new subsection:

''(l)(1) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means a veteran or a member of the reserve components of the Armed Forces.

''(2) In determining coverage of members of the reserve components of the Armed Forces under the comprehensive program, the Secretary shall consult with the Secretary of Defense.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by striking ''veterans'' and inserting ''covered individuals'';

(B) in subsection (b), by striking ''veterans'' each place it appears and inserting ''covered individuals'';

(C) in subsection (c)—

(i) in the subsection heading, by striking ''OF VETERANS'';

(ii) by striking ''veterans'' each place it appears and inserting ''covered individuals''; and

(iii) by striking ''veteran'' and inserting ''individual'';

(D) in subsection (d), by striking ''to veterans'' each place it appears and inserting ''to covered individuals'';

(E) in subsection (e), in the matter preceding paragraph (1), by striking ''veterans'' and inserting ''covered individuals'';

(F) in subsection (f)—

(i) in the first sentence, by striking ''veterans'' and inserting ''covered individuals''; and

(ii) in the second sentence, by inserting ''or members'' after ''veterans'';

(G) in subsection (g), by striking ''veterans'' and inserting ''covered individuals'';

(H) in subsection (h), by striking ''veterans'' and inserting ''covered individuals'';

(I) in subsection (i)—

(i) in the subsection heading, by striking ''FOR VETERANS AND FAMILIES'';

(ii) in the matter preceding paragraph (1), by striking ''veterans and the families of veterans'' and inserting ''covered individuals and the families of covered individuals'';

(iii) in paragraph (2), by striking ''veterans'' and inserting ''covered individuals''; and

(iv) in paragraph (4), by striking ''veterans'' each place it appears and inserting ''covered individuals'';

(J) in subsection (j)—

(i) in paragraph (1), by striking ''veterans'' each place it appears and inserting ''covered individuals''; and

(ii) in paragraph (4)—

(I) in subparagraph (A), in the matter preceding clause (i), by striking ''women veterans'' and inserting ''covered individuals who are women'';

(II) in subparagraph (B), by striking ''women veterans who'' and inserting ''covered individuals who are women and''; and

(III) in subparagraph (C), by striking ''women veterans'' and inserting ''covered individuals who are women''; and

(K) in subsection (k), by striking ''veterans'' and inserting ''covered individuals''.

(3) CLERICAL AMENDMENTS.—

(A) IN GENERAL.—Such section is further amended, in the section heading, by inserting ''**and members of the reserve components of the Armed Forces**'' after ''**veterans**''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of such subchapter is amended by striking the item relating to section 1720F and inserting the following new item:

''1720F. Comprehensive program for suicide prevention among veterans and members of the reserve components of the Armed Forces.''.

(b) MENTAL HEALTH TREATMENT FOR INDIVIDUALS WHO SERVED IN CLASSIFIED MISSIONS.—

(1) IN GENERAL.—Section 1720H of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking ''eligible veteran'' and inserting ''eligible individual''; and

(II) by striking ''the veteran'' and inserting ''the individual''; and

(ii) in paragraph (3), by striking ''eligible veterans'' and inserting ''eligible individuals'';

(B) in subsection (b)—

(i) by striking ''a veteran'' and inserting ''an individual''; and

(ii) by striking ''eligible veteran'' and inserting ''eligible individual''; and

(C) in subsection (c)—

(i) in paragraph (2), in the matter preceding subparagraph (A), by striking ''The term 'eligible veteran' means a veteran'' and inserting ''The term 'eligible individual' means a veteran or a member of the reserve components of the Armed Forces''; and

(ii) in paragraph (3), by striking ''eligible veteran'' and inserting ''eligible individual''.

(2) CLERICAL AMENDMENTS.—

(A) IN GENERAL.—Such section is further amended, in the section heading, by inserting ''**and members of the reserve components of the Armed Forces**'' after ''**veterans**''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1720H and inserting the following new item:

''1720H. Mental health treatment for veterans and members of the reserve components of the Armed Forces who served in classified missions.''.

SEC. 765. REPORT ON MENTAL HEALTH AND RELATED SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives a report that includes an assessment of the following:

(1) The increase, as compared to the day before the date of the enactment of this Act, of the number of members of the Armed Forces that use readjustment counseling or outpatient mental health care from the Department of Veterans Affairs, disaggregated by State, Vet Center location, and clinical care site of the Department, as appropriate.

(2) The number of members of the reserve components of the Armed Forces receiving telemental health care from the Department.

(3) The increase, as compared to the day before the date of the enactment of this Act, of the annual cost associated with readjustment counseling and outpatient mental health care provided by the Department to members of the reserve components of the Armed Forces.

(4) The changes, as compared to the day before the date of the enactment of this Act, in staffing, training, organization, and resources required for the Department to offer readjustment counseling and outpatient mental health care to members of the reserve components of the Armed Forces.

(5) Any challenges the Department has encountered in providing readjustment counseling and outpatient mental health care to members of the reserve components of the Armed Forces.

(b) VET CENTER DEFINED.—In this section, the term ''Vet Center'' has the meaning given that term in section 1712A(h) of title 38, United States Code.

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

Subtitle A—Industrial Base Matters

SEC. 801. POLICY RECOMMENDATIONS FOR IMPLEMENTATION OF EXECUTIVE ORDER 13806 (ASSESSING AND STRENGTHENING THE MANUFACTURING AND DEFENSE INDUSTRIAL BASE AND SUPPLY CHAIN RESILIENCY).

(a) SUBMISSION OF RECOMMENDATIONS TO SECRETARY OF DEFENSE.—In order to fully implement the July 21, 2017, Presidential Executive Order on Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States, not later than 540 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the Secretary of Defense a series of recommendations regarding United States industrial policies. The recommendations shall consist of specific executive actions, programmatic changes, regulatory changes, and legislative proposals and changes, as appropriate.

(b) SCOPE OF ASSESSMENT.—In developing the recommendations required under subsection (a), the Under Secretary shall assess—

(1) direct subsidies and investment in the economy;

(2) direct provision of credit and purchases of private sector bonds and equity;

(3) prize-based technology challenges for critical research and development milestones;

(4) capital controls and dollar policy;

(5) trade policy, including export control policy, government acquisition policy, and targeted protectionist policies;

(6) export promotion policies;

(7) foreign talent attraction and retention;

(8) graduate education policy; and

(9) expansion of existing or establishment of new public-private partnerships, including the Trusted Capital Marketplace.

(c) OBJECTIVES.—The recommendations made pursuant to subsection (a) shall aim to—

(1) facilitate only high-value design, engineering, and manufacturing activities;

(2) expand the defense industrial base to include friendly and capable allies and partners;

(3) preserve the viability of domestic and international suppliers;

(4) include export and productivity incentives;

(5) accord with standing international trade law; and

(6) strengthen the domestic national security industrial base, especially in areas currently dependent on foreign suppliers.

(d) CONSULTATION.—In assessing the areas specified in subsection (b) and developing the recommendations required under subsection (a), the Under Secretary shall consult or inaugurate studies with, as appropriate, the Joint Industrial Base Working Group, the Defense Science Board, the Defense Innovation Board, economists, commercial industry, and federally funded research and development centers.

(e) SUBMISSION OF RECOMMENDATIONS TO PRESIDENT.—Not later than 30 days after receiving the recommendations under subsection (a), the Secretary of Defense shall submit the recommendations, together with any additional views or recommendations, to the President, the Office of Management and Budget, the National Security Council, and the National Economic Council.

(f) SUBMISSION OF RECOMMENDATIONS TO CONGRESS.—Not later than 30 days after submitting the recommendations to the President under section (e), the Secretary of Defense shall submit the recommendations to and brief the congressional defense committees on the recommendations.

SEC. 802. ASSESSMENT OF NATIONAL SECURITY INNOVATION BASE.

(a) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall submit to the Secretary of Defense an assessment of the economic forces and structures shaping the capacity of the national security innovation base and policy recommendations pertaining to the outcome of such assessment.

(b) ELEMENTS.—The assessment required under subsection (a) shall review the following matters as they pertain to the innovative and manufacturing capacity of the national security innovation base:

(1) Competition and antitrust policy.

(2) Immigration policy, including the policies germane to the attraction and retention of skilled immigrants.

(3) Graduate education funding and policy.

(4) Demand stabilization and social safety net policies.

(5) The structure and incentives of financial markets and businesses' access to credit.

(6) Trade policy, including export control policy.

(7) The tax code and its effect on investment, including the Federal research and development tax credit.

(8) Deregulation in critical economic sectors, land use, environment review, and construction and manufacturing activities.

(9) National economic and manufacturing infrastructure.

(10) Intellectual property reform.

(11) Federally funded investments in the economy, including research and development and advanced manufacturing.

(12) Federally funded procurement of goods and services.

(13) Federally funded investments to expand domestic manufacturing capabilities.

(c) ENGAGEMENT WITH CERTAIN ENTITIES.—In conducting the assessment required under subsection (a), the Deputy Secretary shall engage through appropriate mechanisms with the Defense Science Board, the Defense Innovation Board, the Defense Business Board, academic experts, commercial industry, and federally funded research and development centers.

(d) SUBMISSION OF ASSESSMENT.—Not later than 30 days after receiving the assessment and recommendations under subsection (a), the Secretary of Defense shall submit the assessment, together with recommendations and any additional views of the Secretary, to the President, the Office of Management and Budget, the National Security Council, the National Economic Council, and the congressional defense committees.

SEC. 803. IMPROVING IMPLEMENTATION OF POLICY PERTAINING TO THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE IMPLEMENTATION.—

(1) ASSESSMENT OF RESEARCH AND DEVELOPMENT, MANUFACTURING, AND PRODUCTION CAPABILITIES.—

(A) IN GENERAL.—In developing the strategy required by section 2501 of title 10, United States Code, carrying out the analysis of the national technology and industrial base required by section 2503 of such title, and performing the periodic assessments required under section 2505 of such title, the Secretary of Defense shall, in consultation with the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Research and Engineering, assess the research and development, manufacturing, and production capabilities of entities within the United States and non-United States members of the national technology and industrial base as well as other friendly nations.

(B) IDENTIFICATION OF SPECIFIC TECHNOLOGIES, COMPANIES, LABORATORIES, AND FACTORIES.—The assessment shall include identification of specific technologies, companies, laboratories, and factories of or located in the United States and the non-United States members of the national technology and industrial base of potential value to current and future Department of Defense plans and programs.

(2) POLICY AND GUIDANCE.—Consistent with section 2440 of title 10, United States Code, the Under Secretary of Defense for Acquisition and Sustainment shall develop and promulgate to the service and command acquisition executives, the heads of the appropriate defense agencies and field activities, and relevant program managers acquisition policy and guidance germane to the use of the research and development, manufacturing, and production capabilities identified pursuant to paragraph (1)(B) and the technologies, companies, laboratories, and factories in specific Department of Defense research and development, international cooperative research, procurement, and sustainment activities.

(b) COOPERATIVE RESEARCH AND DEVELOPMENT.—

(1) AUTHORITY TO ENTER INTO COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS WITH NATIONS IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Section 2350a(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) A nation in the National Technology and Industrial Base, as defined by section 2500 of title 10, United States Code.''.

(2) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to conform with subparagraph (F) of section 2350a(a)(2) of title 10, United States Code, as added by paragraph (1).

(c) REGULATORY COUNCIL.—Section 2502 of title 10, United States Code, is amended by inserting after subsection (d) the following new subsection:

''(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE REGULATORY COUNCIL.—

''(1) ESTABLISHMENT.—The Chairman of the National Defense Technology and Industrial Base Council shall work with the equivalent designees in the countries that comprise the national technology and industrial base to establish the National Technology and Industrial Base Regulatory Council.

''(2) MEETINGS.—The National Technology and Industrial Base Regulatory Council shall meet biannually to harmonize respective policies and regulations, and to propose new legislation and regulations that increase the integration between the policies, persons, and organizations comprising the national technology and industrial base.

''(3) DUTIES.—The National Technology and Industrial Base Regulatory Council shall—

''(A) address and review issues related to industrial security, supply chain security, cybersecurity, regulating foreign direct investment and foreign ownership, control and influence mitigation, market research, technology assessment, and research cooperation within public and private research and development organizations and universities, technology and export control measures, acquisition processes and oversight, and management best practices; and

''(B) establish a mechanism for national technology and industrial base members to raise disputes that arise within the national technology and industrial base at a government-to-government level.''.

(d) RECOMMENDATIONS FOR ADDITIONAL MEMBERS OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a process to consider the inclusion of additional member nations in the national technology and industrial base.

(2) ELEMENTS.—The process developed under paragraph (1) shall include—

(A) analysis of the national security costs and benefits to the United States and allies of the inclusion of such additional member nation in the national technology and industrial base;

(B) analysis of the economic costs and benefits to entities within the United States and allies of the inclusion of such additional member nation into the national technology and industrial base, including an assessment of—

(i) specific shortfalls in the technological and industrial capacities of current member nations of the national technology and industrial base that would be addressed by inclusion of such additional member nation; and

(ii) specific areas in the industrial bases of current member nations of the national technology and industrial base that would likely be impacted by additional competition if such additional nation were included in the national technology and industrial base; and

(C) analysis of other factors as determined relevant by the Secretary.

(3) RECOMMENDED LEGISLATION.—

(A) IN GENERAL.—The Secretary of Defense may submit legislative proposals to Congress to add new nations to the national technology and industrial base.

(B) ELEMENTS.—Proposals submitted pursuant to subparagraph (A) shall include the following elements:

(i) A summary of the analyses performed pursuant to subsection (d)(2).

(ii) A set of metrics to assess the national security and economic benefits that such inclusion is expected to accrue to entities within the United States and allied nations.

(4) REPORT.—Not later than 540 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report with recommendations regarding whether to include in the national technology and industrial base each country with which the United States maintains a mutual defense treaty, a reciprocal defense procurement agreement, or other defense cooperation agreement. The report shall be based on assessments conducted using the process established under paragraph (1) and shall include, for each country recommended for inclusion, the information specified in paragraph (3)(B).

SEC. 804. MODIFICATION OF FRAMEWORK FOR MODERNIZING ACQUISITION PROCESSES TO ENSURE INTEGRITY OF INDUSTRIAL BASE.

Section 2509 of title 10, United States Code, as added by section 845(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by inserting '', such as those identified through the Department of Defense's supply chain risk management process and by the Federal Acquisition Security Council, and'' after ''supply chain risks''; and

(ii) in clause (ii), by striking ''(other than optical transmission components)'';

(B) in subparagraph (C)—

(i) in clause (x), by striking ''; and'' and inserting a semicolon;

(ii) by redesignating clause (xi) as clause (xii); and

(iii) by inserting after clause (x) the following new clause:

''(xi) processes and procedures related to supply chain risk management, including those implemented pursuant to section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2304 note); and''; and

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

''(E) Characterization and assessment of industrial base support policies, programs, and procedures, including—

''(i) limitations and acquisition guidance relevant to the national technology and industrial base (as defined in section 2500(1) of this title);

''(ii) limitations and acquisition guidance relevant to section 2533a of this title;

''(iii) the Industrial Base Analysis and Sustainment program, including direct support and common design activities;

''(iv) the Small Business Innovation Research program;

''(v) the Department of Defense Manufacturing Technology program;

''(vi) programs related to the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.);

''(vii) the Trusted Capital Marketplace program; and

''(viii) programs in the military services.''; and

(2) in subsection (f)(2), by inserting '', and supporting policies, procedures, and guidance'' after ''pursuant to subsection (b)''.

SEC. 805. ASSESSMENTS OF INDUSTRIAL BASE CAPABILITIES AND CAPACITY.

(a) ASSESSMENTS.—The Secretary of Defense shall define intelligence and other information requirements, sources, and organizational responsibilities for assessing foreign adversary technological and industrial bases and conducting comparative analyses of such technological and industrial bases. The requirements, sources, and responsibilities shall include—

(1) examining the competitive advantages foreign adversaries are pursuing, including with respect to regulation, raw materials, educational capacity, labor, and capital accessibility;

(2) assessing relative cost, speed of product development, age and value of the installed capital base, leadership's technical competence and agility, nationally imposed inhibiting conditions, the availability of human and material resources, and the burdens of government oversight;

(3) a temporal evaluation of the competitive strengths and weaknesses of United States industry, including manufacturing surge capacity, versus the directed priorities and capabilities of foreign adversary governments; and

(4) assessing any other issues that the Secretary of Defense determines appropriate.

(b) METHODOLOGY.—The Deputy Assistant Secretary of Defense for Industrial Policy shall incorporate inputs pursuant to subsection (a) as part of a methodology to continuously assess domestic and foreign industries, markets, and companies of significance to military and industrial advantage to identify supply chain vulnerabilities.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on efforts to establish the continuous assessment activity required under subsections (a) and (b).

(2) ELEMENTS.—The report submitted under paragraph (1) shall include a consideration of whether it would be appropriate to task some of the assessment work to an organization independent of the Department, and any recommendations regarding which organization should perform such work.

SEC. 806. ANALYSES OF CERTAIN MATERIALS AND TECHNOLOGY SECTORS FOR ACTION TO ADDRESS SOURCING AND INDUSTRIAL CAPACITY.

(a) ANALYSES REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Undersecretary for Acquisition and Sustainment and other appropriate officials, shall review the materials, processes, and technology sectors under subsection (c) to determine and develop appropriate actions, consistent with the policies, programs, and activities required under chapter 148 of title 10, United States Code, including—

(A) restricting procurement, with appropriate waivers for cost, emergency requirements, and non-availability of suppliers, including restricting procurement to—

(i) suppliers in the United States;

(ii) suppliers in the national technology and industrial base (as defined in section 2500(1) of title 10, United States Code);

(iii) suppliers in other allied nations; or

(iv) other suppliers;

(B) increasing investment to expand capacity or diversifying sources of supply or alternative approaches to addressing military requirements, through use of research and development or procurement activities and acquisition authorities;

(C) taking a combination of actions described under subparagraphs (A) and (B); or

(D) taking no actions, restrictions, or additional investment.

(2) CONSIDERATIONS.—The analyses conducted pursuant to paragraph (1) shall consider national security, economic, and treaty implications, as well as impacts on current and potential suppliers of goods and services.

(b) RECOMMENDATIONS.—The analyses conducted pursuant to subsection (a) shall be used to inform policy, agreements, guidance and reporting requirements under chapter 148 of title 10, United States Code, including—

(1) the annual report to Congress required under section 2504 of such title;

(2) the annual report on unfunded priorities of the national technology and industrial base required under section 2504a of such title;

(3) Department of Defense technology and industrial base policy guidance prescribed under section 2506 of such title;

(4) activities to modernize acquisition processes to ensure integrity of industrial base pursuant to section 2509 of such title;

(5) defense memoranda of understanding and related agreements considered in accordance with section 2531 of such title;

(6) other requirements as appropriate.

(c) MATERIALS, TECHNOLOGIES, AND PROCESSES OF INTEREST.—The Secretary of Defense shall prioritize undertaking analyses and making recommendations under this section for the following goods and services:

(1) Goods and services covered under existing restrictions, where a domestic non-availability determination has been made.

(2) Critical technologies identified in the National Defense Strategy.

(3) Technologies and sectors identified in reports required regarding the defense industrial base.

(4) Microelectronics.

(5) Printed circuit boards and other electronics components.

(6) Pharmaceuticals.

(7) Medical devices.

(8) Personal protective equipment.

(9) Rare earth materials.

(10) Synthetic graphite.

(11) Coal-based rayon carbon fibers.

(12) Aluminum.

SEC. 807. MICROELECTRONICS MANUFACTURING STRATEGY.

(a) IN GENERAL.—Not later than January 1, 2021, the Deputy Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary for Research and Engineering, and the Director of the Defense Advanced Research Projects Agency, shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a strategy to manufacture state-of-the art integrated circuits in the United States within a period of three to five years that includes a plan to explore and evaluate options for re-establishing microelectronics foundry services and the industrial capabilities associated with such services.

(b) ELEMENTS.—In developing the strategy required under subsection (a), the Under Secretary shall consider—

(1) multiple models of public-private partnerships to execute the strategy;

(2) processes and criteria for competitive selection of commercial companies, including companies headquartered in allied and partner countries, to provide design, foundry and assembly, and packaging services and to build and operate the industrial capabilities associated with such services;

(3) the role that the broader Federal Government should play in organizing and supporting the strategy, including any required direct or indirect funding support, or legislative and regulatory actions, including restricting procurements to domestic sources, and providing anti-trust and export control relief; and

(4) all potential funding sources and mechanisms for initial and sustaining investments.

(c) SUBMISSION OF STRATEGY TO PRESIDENT.—Not later February 1, 2021, the Secretary of Defense shall submit the strategy, together with any views and recommendations, and an estimated budget to implement the strategy, to the President, the National Security Council, and the National Economic Council.

(d) BRIEFING.—Not later than March 1, 2021, the Secretary of Defense shall submit the strategy to and brief the congressional defense committees on the strategy and the Secretary's recommendations.

SEC. 808. ADDITIONAL REQUIREMENTS PERTAINING TO PRINTED CIRCUIT BOARDS.

(a) PURCHASES.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall require for new contracts or other acquisition activities that contractors, or subcontractors at any tier, that provide covered printed circuit boards for use by the Department of Defense certify that, of the total value of the covered printed circuit boards provided by the contractor or subcontractor pursuant to a contract or subcontract with the Department of Defense, not less than the percentages set forth in subsection (b) were manufactured and assembled within a covered nation.

(b) IMPLEMENTATION.—

(1) ESTABLISHMENT OF REQUIRED PERCENTAGES.—In establishing the certification process under subsection (a), the Secretary shall establish and publish increasing percentages of values of the covered printed circuit boards under subsection (a) to be complied with by appropriate contractors and subcontractors, based on—

(A) assessment of covered nation capacity to supply printed circuit boards, over time;

(B) assessment of threats to national security capabilities from use of printed circuit boards from non-covered nations;

(C) economic benefits accrued by non-covered nations which would otherwise be accrued by covered nations;

(D) achieving a goal of production of 100 percent of manufacture and assembly of printed circuit boards in covered nations within ten years; and

(E) other criteria as determined appropriate.

(2) MINIMUM PERCENTAGES.—The percentages established by the Secretary under this subsection shall, in any case, be equal to or greater than, unless specifically directed by the Secretary for an individual contract or subcontract—

(A) 25 percent by October 1, 2023;

(B) 50 percent by October 1, 2025;

(C) 75 percent by October 1, 2029; and

(D) 100 percent by October 1, 2032.

(3) LIMITED EXCEPTIONS.—If the Secretary of Defense directs that a specific contract or subcontract is required to comply with a different percentage than those prescribed under this subsection, the Secretary shall notify the congressional defense committees not later than 30 days after such direction is issued, along with a rationale for the changed percentage.

(c) REMEDIATION.—In the event that a contractor or subcontractor is unable to complete the certification required under subsection (a), the Secretary may accept covered printed circuit boards from the contractor or subcontractor for an appropriate time period, not to exceed 18 months over a five-year period, while requiring the contractor to complete a remediation plan. Such a plan shall be submitted to the congressional defense committees and shall require the contractor or subcontractor to—

(1) audit its supply chain to identify any areas of security vulnerability and compliance with section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 119–92); and

(2) meet the requirements of subsection (a) within in an expedited fashion after the initial missed certification deadline to address national security threats.

(d) WAIVER.—A contractor may request that the Secretary of Defense waive the requirement for certification, and the Secretary may grant such a waiver, if the Secretary has conclusively determined that—

(1) there are no significant national security concerns regarding counterfeiting, quality, or unauthorized access created by any covered printed circuit boards provided to the Department of Defense by the contractor in the fiscal year under the certification requirement or the previous fiscal year;

(2) the contractor is otherwise in compliance with all relevant cybersecurity provisions relating to members of the defense industrial base, including section 244 of the National Defense Authorization Act for Fiscal Year 2020; and

(3) the waiver is required to support national security needs, particularly with respect to acquisitions of commercial items.

(e) AVAILABILITY AND COST EXCEPTIONS.—Subsection (a) shall not apply to the extent that the Secretary of Defense or the Secretary of the military department concerned

determines that covered printed circuit boards of satisfactory quality and sufficient quantity, in the required form, cannot be procured as and when needed from covered nations at reasonable cost, excluding comparisons with non-market economies, or in time to meet an operational requirement.

(f) DEFINITIONS.—In this section—

(1) the term ''covered printed circuit board'' means any printed circuit board that is a—

(A) noncommercial item; or

(B) commercial or commercially available off-the-shelf item that transmits or stores national security sensitive information for—

(i) telecommunications;

(ii) data communications;

(iii) data storage;

(iv) medical applications;

(v) networking;

(vi) fifth-generation cellular communications;

(vii) computing;

(viii) radar;

(ix) munitions; or

(x) any other system that the Secretary of Defense determines should be covered under this section; and

(2) the term ''covered nation'' means—

(A) the United States;

(B) a member nation of the national technology and industrial base under section 2500 of title 10, United States Code; or

(C) a nation that has agreed, in compliance with section 36 of the Arms Export Control Act (22 U.S.C. 2776) and section 2457 of title 10, United States Code—

(i) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

(ii) along with the United States Government, to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; or

(D) any country, other than the People's Republic of China, the Russian Federation, Iran, or the Democratic People's Republic of Korea, that the Secretary designates, upon a determination to be published in the Federal Register, that accepting covered printed circuit boards from which—

(i) is in the national security interests of the United States; and

(ii) does not pose a significant risk to national security systems.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Department of Defense from entering into a contract with an entity that connects to the facilities of a third party, for the purposes of backhaul, roaming, or interconnection arrangements, on the basis of the third party's noncompliance with the provisions of this section.

SEC. 809. STATEMENT OF POLICY WITH RESPECT TO SUPPLY OF STRATEGIC MINERALS AND METALS FOR DEPARTMENT OF DEFENSE PURPOSES.

(a) STATEMENT OF POLICY.—It is the policy of the United States that the Department of Defense shall pursue the following goals:

(1) Ensure, by 2030, secure sources of supply of strategic minerals and metals that will—

(A) fully meet the demands of the domestic defense industrial base;

(B) eliminate the dependence of the United States on unsecure sources of supply of strategic minerals and metals; and

(C) ensure that the Department of Defense is not reliant upon unsecure sources of supply for the processing or manufacturing of any strategic mineral and metal deemed essential to national security by the Secretary of Defense.

(2) Provide incentives for the defense industrial base to develop robust processing and manufacturing capabilities in the United States to refine strategic minerals and metals for Department of Defense purposes.

(3) Maintain secure sources of supply of strategic minerals and metals required to maintain current military requirements in the event that international supply chains are disrupted.

(4) Achieve the goals described in paragraphs (1) through (3) through, among other methods—

(A) the continued and expanded use of existing programs, such as the National Defense Stockpile administered by the Defense Logistics Agency; and

(B) the continued use of authorities under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.).

(b) STRATEGIC MINERALS AND METALS.—For purposes of this section, strategic minerals and metals include critical minerals, as defined pursuant to Executive Order 13817.

SEC. 810. REPORT ON STRATEGIC AND CRITICAL MINERALS AND METALS.

(a) REPORT REQUIRED.—Not later than June 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of a study, conducted for purposes of this section, concerning strategic and critical minerals and metals and vulnerabilities in supply chains of such minerals and metals.

(b) STRATEGIC AND CRITICAL MINERALS AND METALS.—For purposes of this section, strategic and critical minerals and metals are minerals and metals, including rare earth elements, that are necessary to meet national defense and national security requirements, including supply chain resiliency, and for the economic security of the United States.

(c) ELEMENTS.—The study required for purposes of the report under subsection (a) shall do the following:

(1) Identify the strategic and critical minerals and metals that are currently utilized by the Department of Defense.

(2) To the extent practicable, identify the overall annual tonnage of each strategic or critical mineral or metal identified pursuant to paragraph (1) that was utilized by the Department during the 10-year period ending on December 31, 2020.

(3) Identify domestic and international sources for the strategic and critical minerals and metals identified pursuant to paragraph (1).

(4) Identify risks to access to the strategic and critical minerals and metals identified pursuant to paragraph (1) from supply chain disruptions due to geopolitical, economic, and other vulnerabilities.

(5) Evaluate the benefits of a robust domestic supply chain for providing strategic and critical minerals and metals to Department manufacturing supply chains in real time.

(6) Evaluate the effects of the use of waivers by the Department of Defense Strategic Materials Protection Board on the domestic supply of strategic and critical minerals and metals.

(7) Recommend policies and procedures for the Department to ensure a capability to secure strategic and critical minerals and metals necessary for emerging technologies such as anti-microbial products, minerals, and metals for use in medical equipment among other technologies.

(8) Identify improvements required to the National Defense Stockpile in order to ensure the Department has access to the strategic and critical minerals and metals identified pursuant to paragraph (1).

(9) Evaluate the domestic processing and manufacturing capacity needed to supply the Department with the strategic and critical minerals and metals identified pursuant to paragraph (1) in an economic and secure manner.

(10) In consultation with the United States Geological Survey, identify domestic locations already verified to contain large supplies of strategic and critical minerals and metals identified pursuant to paragraph (1) with existing commercial manufacturing interest.

(11) Address any other matter relating to strategic and critical minerals and metals that the Secretary considers appropriate.

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

SEC. 811. STABILIZATION OF SHIPBUILDING INDUSTRIAL BASE WORKFORCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of the Navy must explore and identify solutions, in consultation with the Department of Labor, to enhance shipbuilding workforce stability and ensure industry preparedness to construct the 355-ship fleet.

(b) WORKING GROUP TO STABILIZE SHIPBUILDING INDUSTRIAL BASE WORKFORCE.—

(1) IN GENERAL.—The Secretary of the Navy shall form a working group with the Secretary of Labor for the purpose of enhancing integration of programs, resources, and expertise to strengthen the shipbuilding industrial base, as well as to provide recommendations to Congress, to better stabilize the shipbuilding industrial base workforce and determine appropriate solutions for workforce fluctuations.

(2) DUTIES.—The working group shall carry out the following activities related to the ongoing challenges with workforce stability:

(A) Analyze existing Department of the Navy contracts with the shipbuilding industry and other relevant information to better anticipate future employment trends and tailor workforce resources and opportunities for workers most vulnerable to upcoming workforce fluctuations.

(B) Identify existing Department of Labor programs for unemployed, underemployed, and furloughed employees that could benefit the shipbuilding industrial base workforce during times of workload fluctuations and workforce instability, and explore potential partnerships to connect employees with appropriate resources.

(C) Explore possible cost sharing agreements to enable the Department of the Navy to contribute funding to existing Department of Labor workforce programs to support the shipbuilding workforce.

(D) Examine possible programs that will specifically assist furloughed employees who may sporadically rely on unemployment benefits.

(E) Explore opportunities for unemployed, underemployed, or furloughed employees to provide workforce training through temporary partnerships with States, technical schools, community colleges, and other local workforce development opportunities.

(F) Review existing training programs for the shipbuilding workforce to maximize relevant and necessary training opportunities that would broaden employee skillset during times of unemployment, underemployment, or furlough, where applicable.

(G) Assess the possibility of shipbuilding worker support programs to weather a period of unemployment, underemployment, or furlough, including compensation options, alternative employment, temporary stipends, or other worker support opportunities.

(H) Study cross-State credentialing requirements and identify any restrictions

that inhibit the flexibility of the shipbuilding workforce to seek employment opportunities across State lines, and make recommendations to streamline licensing, credentialing, certification, and qualification requirements within the shipbuilding industry.

(I) Review additional or new contracting authorities that could enable the Department of the Navy to award short-term, flexible contracts that will prioritize work for unemployed, underemployed, or furloughed employees within the shipbuilding workforce.

(J) Identify specific workforce support programs to support suppliers of all sizes within the shipbuilding industrial base, and assess any additional support from prime contractors that would improve the stability of such suppliers.

(K) Assess whether greater collaboration with the United States Coast Guard and its shipbuilding contractors and subcontractors would improve workforce stability by assessing a totality of shipbuilding demands.

(L) Consider potential pilot programs that will specifically address shipbuilding industrial base workforce stability.

(M) Explore any additional opportunities to invest in recruiting, retaining, and training a skilled shipbuilding workforce.

(N) Consider and incorporate the findings and recommendations, as appropriate, of the report on shipbuilder training and the defense industrial base required under section 1037 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(3) NOTIFICATION REQUIREMENT REGARDING ESTABLISHMENT AND STRUCTURE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy, in coordination with the Secretary of Labor, shall notify the congressional defense committees regarding the membership and structure of the working group.

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Secretary of Labor, shall submit to the congressional defense committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a report with the findings and recommendations of the working group.

SEC. 812. MISCELLANEOUS LIMITATIONS ON THE PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS.

Section 2534 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) through (5);

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

''(2) COMPONENTS FOR NAVAL VESSELS.—

''(A) Vessel propellers with a diameter of six feet or more.

''(B) The following components of vessels, to the extent they are unique to marine applications: gyrocompasses, electronic navigation chart systems, steering controls, propulsion and machinery control systems, and totally enclosed lifeboats.'';

(C) by redesignating paragraph (6) as paragraph (3); and

(D) in paragraph (3), as redesignated by subparagraph (C), by striking ''(k)'' and inserting ''(j)'';

(2) in subsection (b)—

(A) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(B) in paragraph (2), as redesignated by subparagraph (A), by striking ''subsection (a)(3)(A)(iii)'' and inserting ''subsection (a)(2)(A)'';

(3) in subsection (c)—

(A) by striking ''ITEMS.'' and all that follows through ''Subsection (a) does not apply'' in paragraph (1) and inserting ''ITEMS.—Subsection (a) does not apply''; and

(B) by striking paragraphs (2) though (5);

(4) in subsection (g)—

(A) by striking ''(1) This section'' and inserting ''This section''; and

(B) by striking paragraph (2);

(5) in subsection (h), by striking ''subsection (a)(3)(B)'' and inserting ''subsection (a)(2)(B)'';

(6) in subsection (i)(3), by striking ''Acquisition, Technology, and Logistics'' and inserting ''Acquisition and Sustainment'';

(7) by striking subsection (j); and

(8) by redesignating the first subsection designated subsection (k) as subsection (j).

SEC. 813. USE OF DOMESTICALLY SOURCED STAR TRACKERS IN NATIONAL SECURITY SATELLITES.

(a) IN GENERAL.— Except as provided in subsection (a), any acquisition executive of the Department of Defense who approves a contract for a national security satellite after October 1, 2021, shall require any star tracker system included in the design of such national security satellite to be domestically sourced.

(b) EXCEPTIONS.— The application of subsection (a) may be waived if the acquisition executive certifies in writing that—

(1) there is no available domestically sourced star tracker system that meets the national security satellite systems mission and design requirements;

(2) the cost of the available domestically sourced star tracker system is unreasonably priced based on a market survey; or

(3) an urgent and compelling national security need exists to necessitate a foreign-made star tracker.

(c) NATIONAL SECURITY SATELLITE DEFINED.— In this section, ''national security satellite'' is a satellite the principle purpose of which is to support the national security needs of the United States Government.

SEC. 814. MODIFICATION TO SMALL PURCHASE THRESHOLD EXCEPTION TO SOURCING REQUIREMENTS FOR CERTAIN ARTICLES.

Subsection (h) of section 2533a of title 10, United States Code, is amended to read as follows:

''(h) EXCEPTION FOR SMALL PURCHASES.— Subsection (a) does not apply to purchases for amounts not greater than $150,000. A proposed purchase or contract for an amount greater than $150,000 may not be divided into several purchases or contracts for lesser amounts in order to qualify for this exception. On October 1 of each year evenly divisible by 5, the Secretary of Defense may adjust the dollar threshold in this subsection based on changes in the Consumer Price Index. The Secretary shall publish notice of any such adjustment in the Federal Register, and the new price threshold shall take effect on the date of publication.''.

Subtitle B—Acquisition Policy and Management

SEC. 831. REPORT ON ACQUISITION RISK ASSESSMENT AND MITIGATION AS PART OF ADAPTIVE ACQUISITION FRAMEWORK IMPLEMENTATION.

(a) SERVICE ACQUISITION EXECUTIVES INPUT.—The Service Acquisition Executives shall report to the Secretary of Defense, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, and the Chief Information Officer of the Department of Defense how they are assessing, mitigating, and reporting on the following risks in acquisition programs:

(1) Technical risks in engineering, software, manufacturing and testing.

(2) Integration and interoperability risks, including complications related to systems working across multiple domains while using machine learning and artificial intelligence capabilities to continuously change and optimize system performance.

(3) Operations and sustainment risks, including as mediated by access to technical data and intellectual property rights.

(4) Workforce and training risks, including consideration of the role of contractors as part of the total workforce.

(5) Supply chain risks, including cybersecurity, foreign control and ownership of key elements of supply chains, and the consequences a fragile and weakening defense industrial base, combined with barriers to industrial cooperation with allies and partners pose for delivering systems and technologies in a trusted and assured manner.

(b) REPORT TO CONGRESS.—Not later than March 31, 2021, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report including—

(1) the input received from the Service Acquisition Executives pursuant to subsection (a); and

(2) the views of the Under Secretary with respect to the matters described in paragraphs (1) through (5) of such subsection.

SEC. 832. COMPTROLLER GENERAL REPORT ON IMPLEMENTATION OF SOFTWARE ACQUISITION REFORMS.

(a) IN GENERAL.—Not later than March 15, 2021, the Comptroller General of the United States shall brief the congressional defense committees on the implementation by the Department of Defense of required acquisition reforms with respect to acquiring software for weapon systems, business systems, and other activities that are part of the defense acquisition system, with a report, or reports, to follow as agreed upon by the committees and the Comptroller General.

(b) ELEMENTS.—The briefing and report, or reports, required under subsection (a) shall include an assessment of the extent to which the Department of Defense has implemented requirements related to the following:

(1) Software acquisition studies and their implementation, including pursuant to section 872 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; Defense Innovation Board analysis of software acquisition regulations), section 868 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; implementation of recommendations of the final report of the Defense Science Board Task Force on the Design and Acquisition of Software for Defense Systems).

(2) Software acquisition activities pursuant to section 2322a of title 10, United States Code (related to consideration of certain maters during the acquisition of noncommercial computer software), section 875 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; pilot program for open source software), and section 800 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92, related to continuous integration and delivery of software applications and upgrades to embedded systems).

(3) Software acquisition pilots, including the pilot program pursuant to section 873 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; relating to the use of agile or iterative development methods to tailor major software-intensive warfighting systems and defense business systems) and the pilot program pursuant to section 874 of such Act (relating to using agile best practices for software development).

(c) ASSESSMENT OF ACQUISITION POLICY, GUIDANCE, AND PRACTICES.—Each report under subsection (a) should include an assessment of the extent to which Department

of Defense software acquisition policy, guidance, and practices reflect implementation of relevant recommendations from related studies, pilot programs, and directives from the congressional defense committees.

(d) MODIFICATION OF REQUIREMENTS FOR COMPTROLLER GENERAL ASSESSMENT OF ACQUISITION PROGRAMS AND INITIATIVES.—Section 2229b(b)(2) of title 10, United States Code, is amended by striking ''a summary of organizational and legislative changes and emerging assessment methodologies since the last assessment, and a discussion of the implications'' and inserting ''a discussion of selected organizational, policy, and legislative changes, as determined appropriate by the Comptroller General, and the potential implications''.

(e) DEFENSE ACQUISITION SYSTEM DEFINED.—In this section, the term ''defense acquisition system'' has the meaning given that term in section 2545(2) of title 10, United States Code.

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

SEC. 841. AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL PRODUCTS AND SERVICES USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2380c. Authority to acquire innovative commercial products and services using general solicitation competitive procedures

''(a) AUTHORITY.—The Secretary of Defense may acquire innovative commercial products and services through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

''(b) TREATMENT AS COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures under subsection (a) shall be considered to be use of competitive procedures for purposes of chapter 137 of this title.

''(c) LIMITATIONS.—(1) The Secretary may not enter into a contract or agreement in excess of $100,000,000 using the authority under subsection (a) without a written determination from the Under Secretary of Defense for Acquisition and Sustainment or the relevant service acquisition executive of the efficacy of the effort to meet mission needs of the Department of Defense or the relevant military department.

''(2) Contracts or agreements entered into using the authority under subsection (a) shall be fixed-price, including fixed-price incentive fee contracts.

''(3) Notwithstanding section 2376(1) of this title, products and services acquired using the authority under subsection (a) shall be treated as commercial products and services.

''(d) CONGRESSIONAL NOTIFICATION REQUIRED.—(1) Not later than 45 days after the award of a contract for an amount exceeding $100,000,000 using the authority in subsection (a), the Secretary of Defense shall notify the congressional defense committees of such award.

''(2) Notice of an award under paragraph (1) shall include the following:

''(A) Description of the innovative commercial product or service acquired.

''(B) Description of the requirement, capability gap, or potential technological advancement with respect to which the innovative commercial product or service acquired provides a solution or a potential new capability.

''(C) Amount of the contract awarded.

''(D) Identification of contractor awarded the contract.

''(e) INNOVATIVE DEFINED.—. In this section, the term 'innovative' means—

''(1) any technology, process, or method, including research and development, that is new as of the date of submission of a proposal; or

''(2) any application that is new as of the date of submission of a proposal of a technology, process, or method existing as of such date.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of title 10, United States Code, is amended by inserting after the item relating to section 2380b the following new item:

''2380c. Authority to acquire innovative commercial products and services using general solicitation competitive procedures.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note) is hereby repealed.

SEC. 842. TRUTH IN NEGOTIATIONS ACT THRESHOLD FOR DEPARTMENT OF DEFENSE CONTRACTS.

Section 2306a(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''contract if'' and all that follows through clause (iii) and inserting ''contract if the price adjustment is expected to exceed $2,000,000.'';

(2) in subparagraph (C), by striking ''section and—'' and all that follows through clause (iii) and inserting ''section and the price of the subcontract is expected to exceed $2,000,000.''; and

(3) in subparagraph (D), by striking ''subcontract if—'' and all that follows through clause (ii) and inserting ''subcontract if the price adjustment is expected to exceed $2,000,000.''.

SEC. 843. REVISION OF PROOF REQUIRED WHEN USING AN EVALUATION FACTOR FOR DEFENSE CONTRACTORS EMPLOYING OR SUBCONTRACTING WITH MEMBERS OF THE SELECTED RESERVE OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3385; 10 U.S.C. 2305 note) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 844. CONTRACT AUTHORITY FOR ADVANCED DEVELOPMENT OF INITIAL OR ADDITIONAL PROTOTYPE UNITS.

(a) IN GENERAL.—Section 2302e of title 10, United States Code, is amended—

(1) in the heading, by striking ''**advanced development**'' and inserting ''**development and demonstration**''; and

(2) in subsection (a)(1), by striking ''provision of advanced component development, prototype,'' and inserting ''development and demonstration''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking the item relating to section 2302e and inserting the following new item:

''2302e. Contract authority for development and demonstration of initial or additional prototype units.''.

SEC. 845. DEFINITION OF BUSINESS SYSTEM DEFICIENCIES FOR CONTRACTOR BUSINESS SYSTEMS.

Section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) is amended—

(1) by striking ''significant deficiencies'' both places it appears and inserting ''material weaknesses'';

(2) by striking ''significant deficiency'' each place it appears and inserting ''material weakness''; and

(3) by amending paragraph (4) of subsection (g) to read as follows:

''(4) The term 'material weakness' means a deficiency, or combination of deficiencies, in internal control over risks related to Government contract compliance or other shortcomings in the system, such that there is a reasonable possibility that a material noncompliance will not be prevented, or detected and corrected, on a timely basis. A reasonable possibility exists when the likelihood of an event occurring is either reasonably possible, meaning the chance of the future event occurring is more than remote but less than likely, or is probable.''.

SEC. 846. REPEAL OF PILOT PROGRAM ON PAYMENT OF COSTS FOR DENIED GOVERNMENT ACCOUNTABILITY OFFICE BID PROTESTS.

Section 827 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is repealed.

Subtitle D—Provisions Relating to Major Defense Acquisition Programs

SEC. 861. IMPLEMENTATION OF MODULAR OPEN SYSTEMS ARCHITECTURE REQUIREMENTS.

(a) REQUIREMENTS FOR INTERFACE DELIVERY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Joint All Domain Command and Control Cross Functional Team under the supervision of the Department of Defense Chief Information Officer and the Joint Staff Director for Command, Control, Communications, and Computers/Cyber, shall prescribe regulations and issue guidance to the military services, defense agencies and field activities, and combatant commands, as appropriate, in order to—

(A) facilitate the Department of Defense's access to and utilization of system, major subsystem, and major component software-defined interfaces;

(B) fully meet the intent of chapter 144B of title 10, United States Code; and

(C) advance the Department's efforts to generate diverse and recomposable kill chains.

(2) ELEMENTS.—The regulations and guidance required in subsection (a)(1) shall include, at a minimum—

(A) requirements that each relevant program office characterizes the desired modularity of the system for which it is responsible, either, in the case of major defense acquisition programs, in the acquisition strategy required under section 2431a of title 10, United States Code, or, in the case of other programs, via other documentation, including—

(i) specification of which system, major subsystems, and major components should be able to execute without requiring coincident execution of other systems, major subsystems, and major components;

(ii) a default configuration specifying which systems, major subsystems, and major components should communicate with other systems, major subsystems, and major components; and

(iii) specification of what information should be communicated, the method of the communication, and the desired function of the communication;

(B) requirements that relevant Department of Defense contracts include mandates for the delivery of system, major subsystem, and major component software-defined interfaces for systems, major subsystems, and major components deemed relevant in the acquisition strategy or documentation referred to in subsection (a)(2)(a), including—

(i) software-defined interface syntax and properties, specifically governing how values

are validly passed and received between major subsystems and components, in machine-readable format;

(ii) a machine-readable definition of the relationship between the delivered interface and existing common standards or interfaces available in the interface repository of subsection (c), if appropriate and available, using interface field transform technology developed under the Defense Advanced Research Projects Agency System of Systems Technology Integration Tool Chain for Heterogeneous Electronic Systems (STITCHES) program or technology that is functionally similar; and

(iii) documentation with functional descriptions of software-defined interfaces, conveying semantic meaning of interface elements, such as the function of a given interface field;

(C) requirements that relevant program offices, including those responsible for maintaining and upgrading legacy systems, that have awarded contracts that do not include the requirements specified in subparagraph (B) of paragraph (2) nevertheless acquire the items specified in clauses (i) through (iii) of such subparagraph, either through contractual updates, separate negotiations or contracts, or program management mechanisms; and

(D) requirements that program offices deliver these interfaces and the associated documentation to the controlled repository established under subsection (c).

(3) APPLICABILITY OF REGULATIONS AND GUIDANCE.—

(A) APPLICABILITY.—The regulations and guidance required under subsection (a)(1) shall apply, at a minimum, to program offices responsible for the prototyping, acquisition, or sustainment of new or existing cyber-physical weapon systems with software-defined interfaces, or with major subsystems or components with software-defined interfaces, developed or to be developed, wholly or in part with Federal funds, including those applicable program offices using other transaction authorities (OTA).

(B) EXTENSION OF SCOPE.—One year after the promulgation of the regulations and guidance required under subsection (a)(1) for cyber-physical systems, the Under Secretary of Defense for Acquisition and Sustainment shall extend the regulations and guidance to apply to purely software systems, including business systems and cybersecurity systems. The Secretary may make the regulations and guidance applicable, as practicable, to program offices responsible for the acquisition of systems and capabilities under part 12 of the Federal Acquisition Regulation and commercially available off the-the-shelf items.

(C) INCLUSION OF SUBSYSTEMS AND COMPONENTS.—The major subsystems and components covered under paragraph (2)(A) shall include all subsystems and components covered by contract line items.

(b) RIGHTS IN INTERFACE SOFTWARE.—

(1) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall prescribe regulations to define the legitimate interest of the United States and of a contractor or subcontractor in interface software. The regulations shall be included in regulations of the Department of Defense prescribed as part of the Defense Supplement to the Federal Acquisition Regulation.

(2) LIMITATION ON REGULATIONS.—The regulations prescribed pursuant to paragraph (1) may not—

(A) impair any right of the United States or of any contractor or subcontractor with respect to patents or copyrights or any other right in software otherwise established by law; or

(B) impair the right of a contractor or subcontractor to receive from a third party a fee or royalty for the use of software pertaining to an item or process developed exclusively at private expense by the contractor or subcontractor, except as otherwise specifically provided by law.

(3) ELEMENTS.—Such regulations shall include the following provisions:

(A) In the case of a software interface that is developed by a contractor or subcontractor exclusively with Federal funds (other than an item developed under a contract or subcontract to which regulations under section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)) apply), the United States shall have the unlimited and non-expiring right to use the software or release or disclose the software to persons outside the government or permit the use of the software by such persons.

(B) In the case of a software interface that is developed in part with Federal funds and in part at private expense and except in any case in which the Secretary of Defense determines that negotiation of different rights in such software would be in the best interest of the United States, the Government—

(i) shall have Government-purpose rights to the software interface, and, in addition, may release or disclose the software interface, or authorize others to do so, if—

(I) prior to release or disclosure, the intended recipient is subject to an exclusive for-Government-use and non-disclosure agreement;

(II) the intended recipient is a Government contractor receiving access to the interface for the performance of a Government contract; and

(III) the intended use is for the purpose of system, major subsystem, and major component segregation, interoperability, integration, or reintegration; and

(ii) may not use, or authorize other persons to use, interface software for commercial purposes.

(C) In the case of a software interface that is developed exclusively at private expense, the Government shall negotiate with the contractor or the subcontractor to best achieve, if practical, Government-purpose rights to the software interface and rights to release or disclose the software interface, or authorize others to do so, if—

(i) prior to release or disclosure, the intended recipient is subject to an exclusive for-Government use and non-disclosure agreement;

(ii) the intended recipient is a Government contractor receiving access to the interface for the performance of a Government contract; and

(iii) the intended use is for the purpose of system, major subsystem, and major component segregation, interoperability, integration and reintegration.

(c) INTERFACE REPOSITORY.—

(1) ESTABLISHMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall establish and maintain, at the appropriate classification level, an interface repository for interfaces, syntax and properties, documentation, and communication implementations delivered pursuant to the requirements established under subsection (a)(2)(B) and shall provide interfaces, access to interfaces, and relevant documentation to the military services, defense agencies and field activities, combatant commands, and contractors, as appropriate, to facilitate system, major subsystem, and major component segregation and reintegration.

(2) DISTRIBUTION OF INTERFACES.—Consistent with section 2320 of title 10, United States Code, and in accordance with subsection (b), the Under Secretary of Defense for Acquisition and Sustainment may distribute interfaces, access to interfaces, and relevant documentation to Government entities and contractors. Any such protected transfer or disclosure by the Government to a recipient is limited to only those data necessary for segregation, interoperability, integration, or reintegration.

(d) SYSTEM OF SYSTEMS INTEGRATION TECHNOLOGY AND EXPERIMENTATION.—

(1) DEMONSTRATIONS AND ASSESSMENT.—No later than one year after the date of the enactment of this Act, the Joint Staff Director for Command, Control, Communications, and Computers/Cyber and Department of Defense Chief Information Officer, through the Joint All Domain Command and Control Cross Functional Team, shall conduct demonstrations and complete an assessment of the technologies developed under the Defense Advanced Research Projects Agency's System of Systems Integration Technology and Experimentation program, including the STITCHES technology, and their applicability to the Joint All-Domain Command and Control architecture. The demonstrations and assessment shall include—

(A) at least three demonstrations of the use of the STITCHES technology to create, under constrained schedules and budgets, novel kill chains involving previously incompatible weapon systems, sensors, and command, control, and communication systems from multiple military services in cooperation with United States Indo-Pacific Command or United States European Command;

(B) an evaluation as to whether the communications enabled via the STITCHES technology are sufficient for military missions and whether the technology results in any substantial performance loss in communication between systems, major subsystems, and major components;

(C) an evaluation as to whether the STITCHES technology obviates the need to develop, impose, and maintain strict adherence to common communication and interface standards for Department of Defense systems;

(D) the appropriate roles and responsibilities of the Department of Defense Chief Information Officer, the Under Secretary of Defense for Acquisition and Sustainment, the geographic combatant commands, the military services, the Defense Advanced Research Projects Agency, and the defense industrial base in using and maintaining the STITCHES technology to generate diverse and recomposable kill chains as part of the Joint All-Domain Command and Control architecture; and

(E) coordination with the program manager for the Time Sensitive Targeting Defeat program under the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Intelligence.

(2) CHIEF INFORMATION OFFICER ASSESSMENT.—The Department of Defense Chief Information Officer shall assess the technologies developed under the Defense Advanced Research Projects Agency's System of Systems Integration Technology and Experimentation program, including the STITCHES interface field transform technology, and their applicability to the Department's business systems and cybersecurity tools. This assessment shall include—

(A) at least two demonstrations of the use of the STITCHES technology in enabling communication between business systems;

(B) in coordination with the Cross Functional Team under the Principal Cyber Adviser and the Integrated Adaptive Cyber Defense program office of the National Security Agency, at least two demonstrations of

the use of the STITCHES technology in enabling communication between and orchestration of previously incompatible cybersecurity tools; and

(C) an evaluation as to how the STITCHES technology could be used in concert with or instead of existing cybersecurity standards, frameworks, and technologies designed to enable communication across cybersecurity tools.

(3) SUSTAINMENT OF STITCHES ENGINEERING RESOURCES AND CAPABILITIES DEVELOPED BY DARPA.—To conduct the demonstrations and assessments required under this subsection and to execute the Joint All Domain Command and Control program, the Joint All Domain Command and Control program office shall sustain the STITCHES engineering resources and capabilities developed by the Defense Advanced Research Projects Agency.

(e) TRANSFER OF RESPONSIBILITY FOR STITCHES.—One year after the date of enactment of this Act, the Secretary of Defense may transfer responsibility for maintaining the STITCHES engineering capabilities to a different organization.

(f) DEFINITIONS.—In this section:

(1) DESIRED MODULARITY.—The term ''desired modularity'' means the desired degree to which systems, major constitutive subsystems and components within a system, and major subsystems and components across subsystems can function as modules that can communicate across component boundaries and through interfaces and can be separated and recombined to achieve various effects, missions, or capabilities.

(2) MACHINE-READABLE FORMAT.—The term ''machine-readable format'' means a format that can be easily processed by a computer without human intervention.

SEC. 862. SUSTAINMENT REVIEWS.

(a) ANNUAL SUSTAINMENT REVIEWS.—Section 2441(a) of title 10, United States Code, is amended by inserting ''annually thereafter'' before ''throughout the life cycle of the weapon system''.

(b) SUBMISSION TO CONGRESS OF SUSTAINMENT REVIEWS.—Section 2441 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) SUBMISSION TO CONGRESS OF SUSTAINMENT REVIEWS.—(1) The Secretary of each military department shall submit no fewer than ten sustainment reviews required by this section to the congressional defense committees annually. The Secretary of each military department shall select the ten reviews from among the systems with the highest independent cost estimates for the remainder of the life cycle of the program.

''(2) The Secretary shall submit the reviews required under paragraph (1) to the congressional defense committees annually not later than 30 days after submission of the President's annual budget request to Congress under section 1105 of title 31. The sustainment reviews shall be posted on a publicly available website maintained by the Director of the Cost Assessment and Program Evaluation office and, for those systems with operating and support cost growth, shall include comments from the military departments regarding actions being taken to reduce the operating and support costs. The reviews may include classified appendices, as appropriate.''.

(c) COMPTROLLER GENERAL STUDY.—Not later than 180 days after the Secretaries of the military departments post the initial sustainment reviews required under paragraph (1) of subsection (d) of section 2441 of title 10, United States Code (as added by subsection (b) of this section) on a publicly available website as required under paragraph (2) of such subsection (d), the Comptroller General of the United States shall assess steps the military departments are taking to quantify and address operating and support cost growth. The assessment shall include—

(1) an evaluation of—

(A) the causes of operating and support cost growth for selected systems covered by the sustainment reviews, as well as any other systems the Comptroller General determines appropriate;

(B) the extent to which the Department has mitigated operating and support cost growth of these systems; and

(C) any other issues related to potential operating and support cost growth the Comptroller General determines appropriate; and

(2) any recommendations of the Comptroller General, including steps the military departments could take to reduce operating and support cost growth for fielded weapon systems, as well as lessons learned to be incorporated in future weapon system acquisitions.

SEC. 863. RECOMMENDATIONS FOR FUTURE DIRECT SELECTIONS.

The Secretary of each military department shall provide to the congressional defense committees in the future-years defense program submitted under section 221 of title 10, United States Code, for fiscal year 2022 a list of at least one acquisition program for which it would be appropriate to have a large number of users provide direct assessment of the outcome of a competitive contract award.

SEC. 864. DISCLOSURES FOR CERTAIN SHIPBUILDING MAJOR DEFENSE ACQUISITION PROGRAM OFFERS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2339c. Disclosures for certain shipbuilding major defense acquisition program offers

''(a) GENERAL.—Any covered offeror seeking to be awarded a shipbuilding construction contract as part of a major defense acquisition program with funds from the Shipbuilding and Conversion, Navy account shall disclose with its offer and any subsequent offer revisions, including the final proposal revision offer, whether any part of the offeror's planned contract performance will or is expected to include foreign government subsidized performance, financing, financial guarantees, or tax concessions.

''(b) DISCLOSURE.—An offeror shall make a disclosure required under subsection (a) in a format prescribed by the Secretary of the Navy and shall include therein a specific description of the extent to which the offeror's planned contract performance will include, with or without contingencies, any foreign government subsidized performance, financing, financial guarantees, or tax concessions.

''(c) CONGRESSIONAL NOTIFICATION.—Not later than 5 days after awarding a contract described under subsection (a) to an offeror that made a disclosure under subsection (b), the Secretary of the Navy shall notify the congressional defense committees and summarize such disclosure.

''(d) DEFINITIONS.—In this section:

''(1) COVERED OFFEROR.—The term 'covered offeror' means any offeror that currently requires or may reasonably be expected to require during the period of contract performance a method to mitigate or negate foreign ownership under subsection (f)(6) of part 2004.34 of title 32, Code of Federal Regulations.

''(2) FOREIGN GOVERNMENT SUBSIDIZED PERFORMANCE.—The term 'foreign government subsidized performance' means any financial support, materiel, services, or guarantees of support, services, supply, performance, or intellectual property concessions, that may be provided to or for the offeror or the offeror's Department of Defense customer by a foreign government or entity effectively owned or controlled by a foreign government, which may have the effect of supplementing, supplying, servicing, or reducing the cost or price of an end item, or supporting, financing in whole or in part, or guaranteeing contract performance by the offeror.

''(3) MAJOR DEFENSE ACQUISITION PROGRAM.—The term 'major defense acquisition program' has the meaning given the term in section 2430 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2339b the following new item:

''2339c. Disclosures for certain shipbuilding major defense acquisition program offers.''.

Subtitle E—Small Business Matters

SEC. 871. PROMPT PAYMENT OF CONTRACTORS.

Section 2307(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''if a specific payment date is not established by contract''; and

(2) in subparagraph (B), by striking ''if—'' and all that follows through ''the prime contractor agrees'' in clause (ii) and inserting ''if the prime contractor agrees or proposes''.

SEC. 872. EXTENSION OF PILOT PROGRAM FOR STREAMLINED AWARDS FOR INNOVATIVE TECHNOLOGY PROGRAMS.

Section 873(f) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2306a) is amended by striking ''2020'' and inserting ''2023''.

SEC. 873. REPORTING REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7)—

(A) in subparagraph (F), by striking ''and'' at the end;

(B) in subparagraph (G), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(H) with respect to a Federal agency to which subsection (f)(1) or (n)(1) applies, whether the Federal agency has satisfied the requirement under each applicable subsection for the year covered by the report;'';

(2) in paragraph (9), by striking ''and'' at the end;

(3) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(11) with respect to a Federal agency to which subsection (f)(1) or (n)(1) applies and that the Administration determines has not satisfied the requirement under either applicable subsection, require the head of that Federal agency to submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding why the Federal agency has not satisfied the requirement.''.

Subtitle F—Provisions Related to Software-Driven Capabilities

SEC. 881. INCLUSION OF SOFTWARE IN GOVERNMENT PERFORMANCE OF ACQUISITION FUNCTIONS.

(a) INCLUSION OF SOFTWARE.—Section 1706(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(14) Program lead software.''.

(b) TECHNICAL AMENDMENTS.—Section 1706 of such title is further amended—

(1) in subsection (a), by striking ''for each major defense acquisition program and each major automated information system program'' and inserting ''for each acquisition program''; and

(2) by striking subsection (c).

SEC. 882. BALANCING SECURITY AND INNOVATION IN SOFTWARE DEVELOPMENT AND ACQUISITION.

(a) REQUIREMENTS FOR SOLICITATIONS OF COMMERCIAL AND DEVELOPMENTAL SOLUTIONS.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Chief Information Officer of the Department of Defense, shall develop requirements for inclusion in solicitations for both commercial and developmental solutions, and for the evaluation of bids, of appropriate software security criteria, including—

(1) delineation of what processes were or will be used for a secure software development lifecycle, including management of supply chain and third-party software sources and component risks; and

(2) an associated vulnerability management plan or tools.

(b) SECURITY REVIEW OF CODE.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Chief Information Officer of the Department of Defense, shall develop processes for security review of code for the purpose of publication and other procedures necessary to fully implement the pilot program required under section 875 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2223 note).

(c) COORDINATION WITH SOFTWARE ACQUISITION PATHWAY EFFORTS.—The requirements and procedures required under subsections (a) and (b) shall be developed in conjunction with the Department of Defense's efforts to incorporate input and finalize the procedures described in the Interim Procedures for Operation of the Software Acquisition Pathway.

SEC. 883. COMPTROLLER GENERAL REPORT ON INTELLECTUAL PROPERTY ACQUISITION AND LICENSING.

(a) IN GENERAL.—Not later than October 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report evaluating the implementation of the Department of Defense's Instruction on Intellectual Property Acquisition and Licensing (DODI 5010.44), established under section 2322 of title 10, United States Code.

(b) ELEMENTS.—The report required under subsection (a) shall assess the following:

(1) The extent to which the Department of Defense is fulfilling the core principles established in DODI 5010.44.

(2) The extent to which the Defense Acquisition University, Department of Defense components, and program offices are carrying out their responsibilities under DODI 5010.44.

(3) The progress of the Department in establishing an IP Cadre, including the extent to which such experts are executing their roles and responsibilities.

(4) The performance of the Department in assessing and demonstrating the implementation of DODI 5010.44, including the effectiveness of the IP Cadre;

(5) The effect implementation of DODI 5010.44 has had on particular acquisitions;

(6) Any other matters the Comptroller General determines appropriate.

SEC. 884. PILOT PROGRAM EXPLORING THE USE OF CONSUMPTION-BASED SOLUTIONS TO ADDRESS SOFTWARE-INTENSIVE WARFIGHTING CAPABILITY.

(a) FINDING.—In its final report, the Section 809 Panel recommended the adoption of consumption-based approaches at the Department of Defense, stating, ''More things will be sold as a service in the future. XaaS could really mean everything in the context of the Internet of things (IoT). Consumption-based solutions are appearing in many industry sectors, from last mile transportation (e.g., bike shares and electric scooters) to agriculture (e.g., tractor-as-a-service for farmers in developing countries). Most smart phone users are familiar with software updates that provide bug fixes or new features. A more extreme example of technology innovation enabled by the IoT is the ability to deliver physical performance improvements to vehicles through over-the-air software updates. . . In the not-so-distant future, cloud computing and the IoT will enable consumption-based solution offerings and delivery models that are hard to imagine today.''

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the Department of Defense should take advantage of ''as-a-service'' or ''aaS'' approaches in commercial capability development, particularly where the capability is software-defined, and cloud-enabled;

(2) to support the Department of Defense's commitment to new approaches to development and acquisition of software;

(3) that the Department should explore a variety of approaches, to include the use of consumption-based solutions for software-intensive warfighting capability; and

(4) that, in conducting activities under the pilot program established under this program, the Department should use the Software pathway under the new Adaptive Acquisition Framework.

(c) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Defense is authorized to establish a pilot program to explore the use of consumption-based solutions to address software-intensive warfighting capability.

(d) SELECTION OF INITIATIVES.—The Secretary of each military department and the commander of each combatant command with acquisition authority shall propose for selection by the Secretary of Defense for the pilot program at least one and not more than three initiatives that are well-suited to explore consumption-based solutions to address software-intensive warfighting capability. The initiatives may be new or existing programs of record and shall focus on software-defined or machine-enabled warfighting applications, and may include applications that—

(1) rapidly analyze sensor data;

(2) secure warfighter networks, including multi-level security;

(3) swiftly transport information across various networks and network modalities; or

(4) otherwise enable joint all-domain operational concepts, including in a contested environment.

(e) CONTRACT REQUIREMENTS.—Contracts for consumption-based solutions entered into pursuant to the pilot program shall provide for—

(1) the solution to be measurable on a frequent interval customary for the type of solution;

(2) the contractor to notify the government when consumption reaches 75 percent and 90 percent of the contract funded amount; and

(3) discretion for the contracting officer to add new features or capabilities without additional competition for the contract, provided that the amount of the new features or capabilities does not exceed 25 percent of the total contract value.

(f) DURATION OF INITIATIVES.—Each initiative carried out under the pilot program shall be carried out during the three-year period following selection of the initiative.

(g) MONITORING AND EVALUATION OF PILOT PROGRAM.—The Director of the Office of Cost Assessment and Program Evaluation shall establish continuous monitoring to evaluate the pilot program established under subsection (c), including collecting data on cost, schedule, and performance from the program office, the user community, and the contractors.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than January 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on initiatives selected for the pilot program, roles and responsibilities for implementing the pilot program, and the monitoring and evaluation approach for the pilot.

(2) PROGRESS REPORT.—Not later than April 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the initiatives.

(3) FINAL REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the cost, schedule, and performance outcomes of the initiatives. The report shall also include lessons learned about the use of consumption-based solutions for software-intensive capabilities and any recommendations for statutory or regulatory changes to facilitate their use.

(i) CONSUMPTION-BASED SOLUTION DEFINED.—In this section, the term ''consumption-based solution'' means any combination of software, hardware or equipment, and labor or services that provides a seamless capability that is metered and billed based on actual usage and predetermined pricing per resource unit, and includes the ability to rapidly scale capacity up or down.

Subtitle G—Other Matters

SEC. 891. SAFEGUARDING DEFENSE-SENSITIVE UNITED STATES INTELLECTUAL PROPERTY, TECHNOLOGY, AND OTHER DATA AND INFORMATION.

(a) IN GENERAL.—The Secretary of Defense shall establish, enforce, and track actions being taken to protect defense-sensitive United States intellectual property, technology, and other data and information, including hardware and software, from acquisition by the Government of the People's Republic of China.

(b) LIST OF CRITICAL TECHNOLOGY.—The Secretary of Defense shall establish and maintain a list of critical national security technology.

(c) RESTRICTIONS ON EMPLOYMENT OF DEFENSE INDUSTRIAL BASE EMPLOYEES WITH CHINESE COMPANIES.—The Secretary of Defense shall provide for mechanisms to restrict employees or former employees of the defense industrial base that contribute to the technology referenced in subsection (b) from working directly for companies wholly owned by, or under the direction of, the Government of the Peoples Republic of China.

(d) REPORTS.—

(1) DEPARTMENT OF DEFENSE REPORT.—Not later than May 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on progress in implementing the measures described in subsections (a) through (c).

(2) COMPTROLLER GENERAL REPORT.— Not later than December 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report reviewing the report submitted under paragraph (1) and providing an assessment of the effectiveness of the measures implemented under this section.

(3) FORM.—The reports required under this subsection shall be submitted in unclassified form but may contain classified annexes.

SEC. 892. DOMESTIC COMPARATIVE TESTING ACTIVITIES.

Section 2350a(g)(1)(A) of title 10, United States Code, is amended by inserting ''and conventional defense equipment, munitions, and technologies manufactured and developed domestically'' after ''in subsection (a)(2)''.

SEC. 893. REPEAL OF APPRENTICESHIP PROGRAM.

(a) IN GENERAL.—Section 2870 of title 10, United States Code, as added by section 865 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is repealed.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of title 10, United States Code, is amended by striking the item relating to section 2870.

(2) OBSOLETE PROVISION.—Section 865 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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

SEC. 901. ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT AND RELATED MATTERS.

(a) IN GENERAL.—

(1) CLARIFICATION OF CHAIN OF ADMINISTRATIVE COMMAND.—Section 138(b)(2) of title 10, United States Code, is amended—

(A) by redesignating clauses (i), (ii), and (iii) of subparagraph (B) as subclauses (I), (II), and (III), respectively;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by inserting ''(A)'' after ''(2)'';

(D) in clause (i) of subparagraph (A), as redesignated by this paragraph, by inserting before the period at the end the following: ''through the administrative chain of command specified in section 167(f) of this title;'' and

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

''(B) In the discharge of the responsibilities specified in subparagraph (A)(i), the Assistant Secretary is immediately subordinate to the Secretary of Defense and the Deputy Secretary of Defense. No officer below the Secretary or the Deputy Secretary may intervene to exercise authority, direction, or control over the Assistant Secretary in the discharge of such responsibilities.''.

(2) TECHNICAL AMENDMENT.—Subparagraph (A) of such section, as redesignated by paragraph (2), is further amended in the matter preceding clause (i), as so redesignated, by striking ''section 167(j)'' and inserting ''section 167(k)''.

(b) FULFILLMENT OF SPECIAL OPERATIONS RESPONSIBILITIES.—

(1) IN GENERAL.—Section 139b of title 10, United States Code, is amended to read as follows:

''§ 139b. Secretariat for Special Operations; Special Operations Policy and Oversight Council

''(a) SECRETARIAT FOR SPECIAL OPERATIONS.—

''(1) IN GENERAL.—In order to fulfill the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict specified in section 138(b)(2)(A)(i) of this title, there shall be within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict an office to be known as the 'Secretariat for Special Operations'.

''(2) PURPOSE.—The purpose of the Secretariat is to assist the Assistant Secretary in exercising authority, direction, and control with respect to the special operations-peculiar administration and support of the special operations command, including the readiness and organization of special operations forces, resources and equipment, and civilian personnel as specified in such section.

''(3) DIRECTOR.—The Director of the Secretariat for Special Operations shall be appointed by the Secretary of Defense from among individuals qualified to serve as the Director. The Director shall have a grade of Deputy Assistant Secretary of Defense.

''(4) ADMINISTRATIVE CHAIN OF COMMAND.—For purposes of the support of the Secretariat for the Assistant Secretary in the fulfillment of the responsibilities referred to in paragraph (1), the administrative chain of command is as specified in section 167(f) of this title. No officer below the Secretary of Defense or the Deputy Secretary of Defense (other than the Assistant Secretary) may intervene to exercise authority, direction, or control over the Secretariat in its support of the Assistant Secretary in the discharge of such responsibilities.

''(b) SPECIAL OPERATIONS POLICY AND OVERSIGHT COUNCIL.—

''(1) IN GENERAL.—In order to fulfill the responsibilities specified in section 138(b)(2)(A)(i) of this title, there shall also be within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict a team known as the 'Special Operation Policy and Oversight Council'. The team is lead by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, or the Assistant Secretary's designee..

''(2) PURPOSE.—The purpose of the Council is to integrate the functional activities of the headquarters of the Department of Defense in order to most efficiently and effectively provide for special operations forces and capabilities. In fulfilling this purpose, the Council shall develop and continuously improve policy, joint processes, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations forces and capabilities.

''(3) MEMBERSHIP.—The Council shall include the following:

''(A) The Assistant Secretary, who shall act as leader of the Council.

''(B) Appropriate senior representatives of each of the following:

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

''(ii) The Under Secretary of Defense for Management and Support.

''(iii) The Under Secretary of Defense (Comptroller).

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

''(v) The Under Secretary of Defense for Intelligence.

''(vi) The General Counsel of the Department of Defense.

''(vii) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

''(viii) The military departments.

''(ix) The Joint Staff.

''(x) The United States Special Operations Command.

''(xi) Such other officials or Agencies, elements, or components of the Department of Defense as the Secretary of Defense considers appropriate.

''(4) OPERATION.—The Council shall operate continuously.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 139b and inserting the following new item:

''139b. Secretariat for Special Operations; Special Operations Policy and Oversight Council.''.

(c) DOD DIRECTIVE ON RESPONSIBILITIES OF ASD SOLIC.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish a Department of Defense directive establishing policy and procedures related to the exercise of authority, direction, and control of all special-operations peculiar administrative matters relating to the organization, training, and equipping of special operations forces by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as specified by section 138(b)(2)(A)(i) of title 10, United States Code, as amended by subsection (a)(1).

(2) MATTERS FOR INCLUDING.—The directive required by paragraph (1) shall include the following:

(A) A specification of responsibilities for coordination on matters affecting the organization, training, and equipping of special operations forces.

(B) An identification and specification of updates to applicable documents and instructions of the Department of Defense.

(C) Mechanisms to ensure the inclusion of the Assistant Secretary in all Departmental governance forums affecting the organization, training, and equipping of special operations forces.

(D) Such other matters as the Secretary considers appropriate.

(3) APPLICABILITY.— The directive required by paragraph (1) shall apply throughout the Department of Defense to all components of the Department of Defense.

(4) LIMITATION ON AVAILABILITY OF CERTAIN FUNDING PENDING PUBLICATION.—Of the amounts authorized to be appropriated by this Act for fiscal year 2021 for operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the date that is 15 days after the date on which the Secretary publishes the directive required by paragraph (1).

SEC. 902. REDESIGNATION AND CODIFICATION IN LAW OF OFFICE OF ECONOMIC ADJUSTMENT.

(a) REDESIGNATION.—

(1) IN GENERAL.—The Office of Economic Adjustment in the Office of the Secretary of Defense is hereby redesignated as the ''Office of Local Defense Community Cooperation''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the office referred to in paragraph (1) shall be deemed to be a reference to the ''Office of Local Defense Community Cooperation''.

(b) CODIFICATION IN LAW.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 146. Office of Local Defense Community Cooperation

''(a) IN GENERAL.—There is an Office of Local Defense Community Cooperation in the Office of the Under Secretary of Defense for Acquisition and Sustainment.

''(b) DIRECTOR.—The Office shall be headed by the Director of the Office of Local Defense Community Cooperation, who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense who are qualified to serve in the position.

''(c) FUNCTIONS.—Subject to the authority, direction, and control of the Under Secretary, the Office shall—

''(1) in cooperation with the other components, of the Department of Defense be the primary office within the Department for the provision of assistance to States, counties, municipalities, regions, and communities intended to—

''(A) foster greater cooperation with military installations in order to enhance the military mission, achieve facility and infrastructure savings and reduced operating costs, address encroachment and compatible land use issues, support military families, and increase military, civilian, and industrial readiness and resiliency; and

''(B) address impacts caused by changes in defense programs, including basing decisions, defense industry expansions or contractions, increases or reductions in Federal civilian or contractor personnel, and expansions, realignments, and closures of military installations;

''(2) provide support to the Economic Adjustment Committee within the Executive Office of the President, or any successor interagency coordination body; and

''(3) perform such other functions as the Secretary of Defense may prescribe.

''(d) ANNUAL REPORT TO CONGRESS.—Not later than June 1 each year, the Director of the Office of Local Defense Community Cooperation shall submit to the congressional defense committees a report on the activities of the Office during the preceding year, including the assistance provided pursuant to subsection (c)(1) during such year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item:

''146. Office of Local Defense Community Cooperation.''.

SEC. 903. MODERNIZATION OF PROCESS USED BY THE DEPARTMENT OF DEFENSE TO IDENTIFY, TASK, AND MANAGE CONGRESSIONAL REPORTING REQUIREMENTS.

(a) ANALYSIS REQUIRED.—The Assistant Secretary of Defense for Legislative Affairs shall conduct an analysis of the process used by the Department of Defense to identify reports to Congress required by annual national defense authorization Acts, assign responsibility for preparation of such reports, and manage the completion and delivery of such reports to Congress for the purpose of identifying mechanisms to optimize and otherwise modernize the process.

(b) CONSULTATION.—The Assistant Secretary shall conduct the analysis required by subsection (a) with the assistance of and in consultation with the Chief Data Officer of the Department of Defense and the Director of the Defense Digital Service.

(c) ELEMENTS.—The analysis required by subsection (a) shall include the following:

(1) A business process reengineering of the process described in subsection (a).

(2) An assessment of applicable commercially available analytics tools, technologies, and services in connection with such business process reengineering.

(3) Such other actions as the Assistant Secretary considers appropriate for purposes of the analysis.

(d) BRIEFING.—Not later than November 15, 2020, the Assistant Secretary shall brief the congressional defense committees on the results of the analysis required by subsection (a). The briefing shall address the following:

(1) The results of the analysis and of the business process reengineering described in subsection (c)(1).

(2) A description of the actions being taken, and to be taken, to optimize and otherwise improve the process described in subsection (a).

(3) Such recommendations for administrative and legislative action as the Assistant Secretary considers appropriate to facilitate the optimization and improvement of the process described in subsection (a) as a result of the analysis and the business process reengineering.

(4) Such other matters as the Assistant Secretary considers appropriate in connection with the analysis, the business process reengineering and the optimization and improvement of the process described in subsection (a).

SEC. 904. INCLUSION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AS AN ADVISOR TO THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 181(d)(3) of title 10, United States Code, is amended—

(1) in the heading, by inserting ''AND VICE CHIEF OF THE NATIONAL GUARD BUREAU'' after ''OF STAFF'';

(2) by striking ''of the Chiefs of Staff'' and inserting ''of—

''(A) the Chiefs of Staff'';

(3) by striking the period at the end and inserting ''; and''; and

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

''(B) the Vice Chief of the National Guard Bureau when matters involving non-Federalized National Guard capabilities in support of homeland defense or civil support missions are under consideration by the Council.''.

SEC. 905. ASSIGNMENT OF RESPONSIBILITY FOR THE ARCTIC REGION WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE.

The Assistant Secretary of Defense for International Security Affairs shall assign responsibility for the Arctic region to the Deputy Assistant Secretary of Defense for the Western Hemisphere or any other Deputy Assistant Secretary of Defense the Secretary of Defense considers appropriate.

Subtitle B—Department of Defense Management Reform

SEC. 911. TERMINATION OF POSITION OF CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) TERMINATION.—

(1) IN GENERAL.—The position of Chief Management Officer of the Department of Defense is terminated, effective on the date specified by the Secretary of Defense, which date may not be later than September 30, 2022.

(2) NOTICE.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice on the effective date specified pursuant to paragraph (1).

(b) CONFORMING REPEAL OF ESTABLISHING AUTHORITY.—

(1) IN GENERAL.—Section 132a of title 10, United States Code, is repealed.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the effective date specified pursuant to subsection (a)(1).

SEC. 912. REPORT ON ASSIGNMENT OF RESPONSIBILITIES, DUTIES, AND AUTHORITIES OF CHIEF MANAGEMENT OFFICER TO OTHER OFFICERS OR EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) REPORT.—Not later than 45 days before the effective date specified pursuant to section 911(a)(1), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The position and title of each officer or employee of the Department of Defense, and the component of such officer or employee, in whom the Secretary will vest responsibility and authority to perform responsibilities and duties, and exercise authorities, assigned to the Chief Management Officer of the Department of Defense, whether by statute or by directive, instruction, policy, or practice of the Department of Defense, on the termination of the position of Chief Management Officer under section 911.

(2) A description of the responsibilities, duties, and authorities, if any, assigned to the Chief Management Officer by statute that the Secretary recommends for discontinuation or modification, and a justification for such recommendation.

(3) A description of the responsibilities, duties, and authorities, if any, assigned to the Chief Management Officer by directive, instruction, policy, or practice of the Department that the Secretary recommends for discontinuation or modification, and a justification for such recommendation.

(4) A description of the general process and timeline for the effective transfer of each responsibility, duty, and authority assigned to the Chief Management Officer by statute or by policy, instruction, or practice of the Department to the officer or employee in whom such responsibility, duty, and authority will be vested as described in paragraph (1).

(5) A description of the manner and timeline in which the resources of the Chief Management Officer, including funding and human capital, will be realigned or repurposed to other organizations in the Office of the Secretary of Defense or to other components of the Department.

(6) A description of the general process and timeline for the assignment of responsibility of each issue under the jurisdiction of the Chief Management Officer current identified by the Comptroller General of the United States as ''high risk'' to an officer or employee in the Department who is specifically charged by the Secretary to initiate and sustain progress toward resolution of such issue.

(7) Such recommendations (including recommendations for legislative action) as the Secretary considers appropriate for additional authorities and resources (including funding and human capital resources) necessary to ensure that each officer or employee, in whom the Secretary vests responsibility and authority as described in paragraph (1) is capable of exercising such responsibility and authority effectively.

(8) Such other matters in connection with the termination of the position of Chief Management Officer, and the transition of the responsibilities, duties, and authorities of the Chief Management Officer in connection with such termination, as the Secretary considers appropriate.

(b) VESTING OF CERTAIN RESPONSIBILITIES, DUTIES, AND AUTHORITIES IN PARTICULAR OFFICERS.—In setting forth matters under paragraph (1) of subsection (a), the report required by that subsection shall address, in particular, the following:

(1) Vesting of responsibilities, duties, and authorities of the Chief Management Officer in the Deputy Secretary of Defense in the Deputy Secretary's capacity as the Chief Operating Officer of the Department of Defense for purposes of functions specified in section 1123 of title 31, United States Code.

(2) Vesting of responsibilities, duties, and authorities of the Chief Management Officer in the Performance Improvement Officer of the Department of Defense under section 142a of title 10, United States Code (as added by section 913 of this Act), for purposes of functions specified in section 1124 of title 31, United States Code.

(c) OTHER RESPONSIBILITIES, DUTIES AND AUTHORITIES.—In addition to any other responsibilities, duties, and authorities of the Chief Management Officer, the report required by subsection (a) shall specifically address responsibilities, duties, and authorities of the Chief Management Officer with respect to the following:

(1) Establishment of policies for, and the direction and management of, enterprise business operations and shared business services of the Department, as set forth in section 132a(b) of title 10, United States Code,

and section 921(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2222 note).

(2) Exercise of authority, direction, and control over the Defense Agencies and Department of Defense Field Activities for shared business services and budget review, assessment, certification, and reporting, as set forth in subsections (b) and (c) of section 132a of title 10, United States Code, and section 192 of that title.

(3) Minimization of duplication of efforts, maximization of efficiency and effectiveness, and establishment of metrics for performance among and for all components of the Department, as set forth in section 132a(b) of title 10, United States Code.

(4) Issuance and maintenance of guidance on covered defense business systems, development and maintenance of the defense business enterprise architecture, exercise of authorities and responsibilities with respect to common enterprise data, leadership of and matters within the Defense Business Council, and service as the appropriate approval official in the case of certain covered defense business systems and programs, as set forth in section 2222 of title 10, United States Code.

(5) The Financial Improvement and Audit Remediation Plan, as set forth in section 240b of title 10, United States Code.

(6) Receipt of audit reports, as set forth in section 240d of title 10, United States Code.

(7) Discharge by the Department of the annual reviews required by section 11319 of title 40, United States Code.

(8) Business transformation efforts of the defense commissary system and the exchange stores system, as set forth in section 631 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(9) Analysis of Department business management and operations datasets, as set forth in section 922 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2222 note).

(10) Reviews, reports, and other actions required by sections 924, 925, 926, 927, and 1624 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, to the extent such reviews, reports, and actions have not been completed as of the date of the report under subsection (a).

(11) Science and technology activities in support of business systems information technology acquisition as set forth in section 217 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2445a note).

(12) Relationships with the Chief Management Officers of the military departments, and the development and update of a strategic management plan for the Department, as set forth in section 904 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) and the amendments made by that section.

SEC. 913. PERFORMANCE IMPROVEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) PERFORMANCE IMPROVEMENT OFFICER.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 142 the following new section:

''§ 142a. Performance Improvement Officer of the Department of Defense

''(a) There is an Performance Improvement Officer of the Department of Defense, who is designated as provided in section 1124(a)(1) of title 31.

''(b) The Performance Improvement Officer shall—

''(1) perform the duties and responsibilities, and exercise the powers set forth in section 1124 of title 31; and

''(2) perform such additional duties and responsibilities, and exercise such other powers, as the Secretary of Defense and the Deputy Secretary of Defense may prescribe.

''(c) Subject to the authority, direction, and control of the Secretary of Defense, the Performance Improvement Officer reports, without intervening authority, directly to the Deputy Secretary of Defense, in the Deputy Secretary's role as the Chief Operating Officer of the Department of Defense under section 1123 of title 31.

''(d) The Performance Improvement Officer may communicate views on matters within the responsibility of the Officer directly to the Deputy Secretary of Defense, without obtaining the approval or concurrence of any other officer in the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of section at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 142 the following new item:

''142a. Performance Improvement Officer of the Department of Defense.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on such date as the Secretary of Defense shall specify for purposes of this section, which date may not be later than one day before the effective date specified by the Secretary pursuant to section 911(a)(1).

(2) NOTICE.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice on the effective date specified pursuant to paragraph (1).

SEC. 914. ASSIGNMENT OF CERTAIN RESPONSIBILITIES AND DUTIES TO PARTICULAR OFFICERS OF THE DEPARTMENT OF DEFENSE.

(a) CERTAIN RESPONSIBILITIES AND DUTIES OF DEPUTY SECRETARY OF DEFENSE.—

(1) CHIEF OPERATING OFFICER OF THE DEPARTMENT OF DEFENSE.—Section 132 of title 10, United States Code, is amended—

(A) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

''(c)(1) In accordance with section 1123 of title 31, the Deputy Secretary performs the duties, has the responsibilities, and exercises the powers of the Chief Operating Officer of the Department of Defense.

''(2) Subject to the authority, direction, and control of the Secretary of Defense, the Deputy Secretary shall supervise the Performance Improvement Officer of the Department of Defense in the Officer's performance of duties and responsibilities specified in section 142a of this title.''.

(2) DESIGNATION OF PRIORITY DEFENSE BUSINESS SYSTEMS.—Section 2222(h)(5)(B) of such title is amended by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''the Deputy Secretary of Defense, or such other officer of the Department of Defense as the Secretary or the Deputy Secretary may designate,''.

(b) PERIODIC REVIEWS OF DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES IN CONNECTION WITH BUSINESS ENTERPRISE REFORM.—Section 192(c) of such title is amended—

(1) by redesignating paragraph (3), as redesignated by section 923(a)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1930), as paragraph (4);

(2) by redesignating paragraphs (1) and (2), as added by section 923(a)(2) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, as paragraphs (2) and (3), respectively;

(3) in paragraph (2), as redesignated by paragraph (2) of this subsection—

(A) in subparagraph (A), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''the Secretary, the Deputy Secretary of Defense, or an officer of the Department of Defense designated by the Secretary or the Deputy Secretary'';

(B) in subparagraph (B), by striking ''the Chief Management Officer'' and inserting ''the officer conducting such review''; and

(C) in subparagraph (C), by striking ''the Chief Management Officer'' and inserting ''the Secretary''; and

(4) in paragraph (3), as so redesignated, by striking ''the Chief Management Officer'' each place it appears in subparagraphs (A) and (B) and inserting ''the officer conducting such review''.

(c) RESPONSIBILITY OF UNDER SECRETARY OF DEFENSE (COMPTROLLER) FOR FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN.—Subsection (a) of section 240b of such title is amended to read as follows:

''(a) IN GENERAL.—The Under Secretary of Defense (Comptroller) shall, together with such other officers and employees of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense may designate, shall maintain a plan to be known as the 'Financial Improvement and Audit Remediation Plan'.''.

(d) PERFORMANCE IMPROVEMENT OFFICER FUNCTIONS FOR DEFENSE BUSINESS SYSTEMS.—Section 2222 of such title is amended—

(1) in subsection (e)(6)(C), by inserting ''and the Performance Improvement Officer of the Department of Defense'' after ''The Director of Cost Assessment and Program Evaluation''; and

(2) in subsection (f)(2)(B)—

(A) by redesignating clauses (i) through (iii) as clauses (ii) through (iv), respectively; and

(B) by inserting before clause (ii), as redesignated by paragraph (1), the following new clause (i):

''(i) The Performance Improvement Officer of the Department of Defense.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date specified in section 911(a)(1).

SEC. 915. ASSIGNMENT OF RESPONSIBILITIES AND DUTIES OF CHIEF MANAGEMENT OFFICER TO OFFICERS OR EMPLOYEES OF THE DEPARTMENT OF DEFENSE TO BE DESIGNATED.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) In section 240d(d)(1)(A), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''any other officer or employee of the Department of Defense that the Secretary of Defense or the Deputy Secretary of Defense may designate for purposes of this section''.

(2) Section 2222 is amended—

(A) in subsection (c)(2)—

(i) by striking ''the Chief Management Officer of the Department of Defense,''; and

(ii) by striking ''and the Chief Management Officer of each of the military departments'' and inserting ''the Chief Management Officer of each of the military departments, and other appropriate officers or employees of the Department and its components'';

(B) in subsection (e)—

(i) in paragraph (1), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officers or employees of the Department of Defense as the Secretary shall designate'';

(ii) in paragraph (6)—

(I) in subparagraph (A)—

(aa) by striking ''The Chief Management Officer of the Department of Defense'' and inserting ''Such officers of the Department of Defense as the Secretary shall designate''; and

(bb) by striking ''the Chief Management Officer'' and inserting ''such officers''; and

(II) in subparagraph (B), by striking ''The Chief Management Officer and the Under Secretary of Defense (Comptroller)'' and inserting ''The Under Secretary of Defense (Comptroller) and such other officers of the Department as the Secretary shall designate'';

(C) in subsection (f)(1), by striking ''the Chief Management Office and the Chief Information Office of the Department of Defense'' and inserting ''the Chief Information Officer of the Department of Defense and such other officers or employees of the Department of Defense as the Secretary may designate''; and

(D) in subsection (g)(2), by striking ''the Chief Management Officer of the Department of Defense'' each place it appears in subparagraphs (A) and (B)(ii) and inserting ''an officer or employee of the Department of Defense designated by the Secretary''.

(b) TITLE 40, UNITED STATES CODE.—Section 11319(d)(4) of title 40, United States Code, is amended by striking ''the Chief Management Officer of the Department of Defense (of any successor to such Officer)'' and inserting ''the officer of the Department of Defense designated by the Secretary of Defense or the Deputy Secretary of Defense for such purpose''.

(c) PUBLIC LAW 116–92.—Section 631(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officer of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense may designate''.

(d) PUBLIC LAW 115–232.—The John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended as follows:

(1) In section 921(b)(1) (10 U.S.C. 2222 note)—

(A) in subparagraph (A), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officer or employee of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense shall designate'';

(B) in subparagraph (B)—

(i) in the subparagraph heading, by striking ''CMO'';

(ii) by striking ''the Chief Management Officer'' the first place it appears and inserting ''the Secretary shall, acting through such officer or employee of the Department as the Secretary or the Deputy Secretary shall designate''; and

(iii) by striking ''by the Chief Management Officer''.

(2) In section 922 (10 U.S.C. 2222 note)—

(A) in subsection (a), by striking ''The Chief Management Officer of the Department of Defense'' and inserting ''An officer or employee of the Department of Defense designated by the Secretary of Defense or the Deputy Secretary of Defense''; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''The Chief Management Officer'' and inserting ''The officer or employee designated pursuant to subsection (a)''; and

(II) in subparagraph (B), by striking ''The Chief Management Officer'' and inserting ''such officer or employee''; and

(ii) in paragraph (2), by striking ''the Chief Management Officer shall take appropriate actions'' and inserting ''all appropriate actions shall be taken''.

(3) In section 924 (10 U.S.C. 191 note)—

(A) in subsection (a), by striking ''the Chief Management Officer of the Department of Defense'' in the matter preceding paragraph (1) and inserting ''such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''the Chief Management Officer'' and inserting ''the officer designated pursuant to subsection (a)''; and

(ii) in subparagraph (B), by striking ''the Chief Management Officer'' and inserting ''such officer''; and

(C) in subsection (c)—

(i) by striking ''the Chief Management Officer'' the first place it appears and inserting ''the officer designated pursuant to subsection (a)''; and

(ii) by striking ''the Chief Management Officer'' the second place it appears and inserting ''such officer''.

(4) In section 925(a) (132 Stat. 1932), by striking ''the Chief Management Officer of the Department of Defense'' in the matter preceding paragraph (1) and inserting ''such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate''.

(5) In section 926(a) (132 Stat. 1932), by striking ''the Chief Management Officer of the Department of Defense'' in the matter preceding paragraph (1) and inserting ''such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate''.

(6) In section 927 (132 Stat. 1933)—

(A) in subsection (a), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate''; and

(B) in subsections (c) and (d), by striking ''the Chief Management Officer'' each place it appears and inserting ''the officer designated pursuant to subsection (a)''.

(7) In section 1624(a) (10 U.S.C. 2222 note)—

(A) in paragraph (1), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officer of the Department of Defense as the Secretary or Defense or the Deputy Secretary of Defense shall designate'';

(B) by striking ''the Chief Management Officer'' each place it appears in paragraphs (2), (3), and (4) and inserting ''the officer designated pursuant to paragraph (1)''; and

(C) by inserting ''and Security'' after ''for Intelligence'' each place it appears.

(e) PUBLIC LAW 114–92.—The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended as follows:

(1) In section 217—

(A) in subsection (a), by striking ''the Deputy Chief Management Officer, and the Chief Information Officer'' and inserting ''the Chief Information Officer, and any other officer of the Department of Defense designated by the Secretary of Defense or the Deputy Secretary of Defense for such purpose''; and

(B) in subsections (b), (f)(1)(A)(ii), and (f)(2)(B), by striking ''the Deputy Chief Management Officer'' each place it appears and inserting ''any officer designated pursuant to subsection (a)''.

(2) In section 881(a) (10 U.S.C. 2302 note), by striking ''the Deputy Chief Management Officer,''.

(f) PUBLIC LAW 110–81.—Section 904 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–81; 122 Stat. 273)) is amended—

(1) in subsection (b)(4), by striking ''the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense'' and inserting ''such officer of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense shall designate''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''the Chief Management Officer of the Department of Defense'' and inserting ''such officer of the Department of Defense as the Secretary of Defense or the Deputy Secretary of Defense may designate for purposes of this subsection''; and

(B) in paragraph (3), by striking ''the Chief Management Officer'' and inserting ''the officer designated pursuant to paragraph (1)''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date specified in section 911(a)(1).

SEC. 916. DEFINITION OF ENTERPRISE BUSINESS OPERATIONS FOR TITLE 10, UNITED STATES CODE.

Effective on the effective date specified in section 911(a)(1) of this Act, section 101(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(9) ENTERPRISE BUSINESS OPERATIONS.—The term 'enterprise business operations'—

''(A) means activities that constitute cross-cutting business operations used by multiple components of the Department of Defense, but excludes activities that are directly tied to a single military department or Department of Defense component; and

''(B) includes business-support functions designated by the Secretary of Defense or the Deputy Secretary of Defense, including aspects of financial management, healthcare, acquisition and procurement, supply chain and logistics, certain information technology, real property, and human resources operations.''.

SEC. 917. ANNUAL REPORT ON ENTERPRISE BUSINESS OPERATIONS OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—Not later than March 31 each year, the Secretary of Defense shall submit to Congress a report that includes the following:

(1) Each proposed budget for the enterprise business operations of a Defense Agency or Department of Defense Field Activity for the fiscal year beginning in the year in which such report is submitted.

(2) An identification of each proposed budget described in paragraph (1) that does not achieve required levels of efficiency and effectiveness for enterprise business operations.

(3) A discussion of the actions that the Secretary proposes to take, including recommendations for legislative action that the Secretary considers appropriate, to address inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets described in paragraph (1).

(4) Any additional comments that the Secretary considers appropriate regarding inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets described in paragraph (1).

(b) SUBMITTAL.—The Secretary may submit a report required by subsection (a) through the Deputy Secretary of Defense.

(c) ENTERPRISE BUSINESS OPERATIONS DEFINED.—In this section, the term ''enterprise business operations'' has the meaning given that term in paragraph (9) of section 101(e) of title 10, United States Code (as added by section 916 of this Act).

SEC. 918. CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) In section 131(b)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively; and

(C) in paragraph (7), as redesignated by subparagraph (B)—

(i) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(ii) by inserting before subparagraph (B), as redesignated by clause (i), the following new subparagraph (A):

''(A) The Performance Improvement Officer of the Department of Defense.''.

(2) In section 133a(c)—

(A) in paragraph (1), by striking '', the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense'' and inserting ''and the Deputy Secretary of Defense''; and

(B) in paragraph (2), by striking ''the Chief Management Officer,''.

(3) In section 133b(c)—

(A) in paragraph (1), by striking ''the Chief Management Officer of the Department of Defense,''; and

(B) in paragraph (2), by striking ''the Chief Management Officer,''.

(4) In section 137a(d), by striking ''the Chief Management Officer of the Department of Defense,''.

(5) In section 138(d), by striking ''the Chief Management Officer of the Department of Defense,''.

(6) In section 240b(b)(1)(C)(ii), by striking '', the Chief Management Officer,''.

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Chief Management Officer of the Department of Defense.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date specified in section 911(a)(1).

Subtitle C—Space Force Matters

PART I—AMENDMENTS TO INTEGRATE THE SPACE FORCE INTO LAW

SEC. 931. CLARIFICATION OF SPACE FORCE AND CHIEF OF SPACE OPERATIONS AUTHORITIES.

(a) COMPOSITION OF SPACE FORCE.—Section 9081 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection (b):

''(b) COMPOSITION.—The Space Force consists of—

''(1) the Regular Space Force;

''(2) all persons appointed or enlisted in, or conscripted into, the Space Force, including those not assigned to units, necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency; and

''(3) all Space Force units and other Space Force organizations, including installations and supporting and auxiliary combat, training, administrative, and logistic elements.''.

(b) FUNCTIONS.—Section 9081 of title 10, United States Code, is further amended—

(1) by striking subsection (c) and inserting the following new subsection (c):

''(c) FUNCTIONS.—The Space Force shall be organized, trained, and equipped to—

''(1) provide freedom of operation for the United States in, from, and to space;

''(2) conduct space operations; and

''(3) protect the interests of the United States in space.''; and

(2) by striking subsection (d).

(c) CLARIFICATION OF CHIEF OF SPACE OPERATIONS AUTHORITIES.—Section 9082 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''general officers of the Air Force'' and inserting ''general, flag, or equivalent officers of the Space Force''; and

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

''(3) The President may appoint an officer as Chief of Space Operations only if—

''(A) the officer has had significant experience in joint duty assignments; and

''(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined in section 664(d) of this title) as a general, flag, or equivalent officer of the Space Force.

''(4) The President may waive paragraph (3) in the case of an officer if the President determines such action is necessary in the national interest.'';

(2) in subsection (b), by striking ''grade of general'' and inserting ''grade in the Space Force equivalent to the grade of general in the Army, Air Force, and Marine Corps, or admiral in the Navy''; and

(3) in subsection (d)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph (5):

''(5) perform duties prescribed for the Chief of Space Operations by sections 171 and 2547 of this title and other provision of law; and''.

(d) REPEAL OF OFFICER CAREER FIELD FOR SPACE.—Section 9083 of title 10, United States Code, is repealed.

(e) REGULAR SPACE FORCE.—Chapter 908 of title 10, United States Code, as amended by subsection (d), is further amended by adding at the end the following new section 9083:

''§ 9083. Regular Space Force: composition

''(a) IN GENERAL.—The Regular Space Force is the component of the Space Force that consists of persons whose continuous service on active duty in both peace and war is contemplated by law, and of retired members of the Regular Space Force.

''(b) COMPOSITION.—The Regular Space Force includes—

''(1) the officers and enlisted members of the Regular Space Force; and

''(2) the retired officers and enlisted members of the Regular Space Force.''.

(f) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 908 of title 10, United States Code, is amended by striking the item relating to section 9083 and inserting the following new item:

''9083. Regular Space Force: composition.''.

SEC. 931A. OFFICE OF THE CHIEF OF SPACE OPERATIONS.

(a) IN GENERAL.—Chapter 908 of title 10, United States Code, as amended by section 931(e) of this Act, is further amended—

(1) by redesignating section 9083 as section 9085; and

(2) by inserting after section 9082 the following new sections:

''§ 9083. Office of the Chief of Space Operations: function; composition

''(a) FUNCTION.—There is in the executive part of the Department of the Air Force an Office of the Chief of Space Operations to assist the Secretary of the Air Force in carrying out the responsibilities of the Secretary.

''(b) COMPOSITION.—The Office of the Chief of Space Operations is composed of the following:

''(1) The Chief of Space Operations.

''(2) Such other offices and officials as may be established by law or as the Secretary of the Air Force may establish or designate.

''(3) Other members of the Space Force and Air Force assigned or detailed to the Office of the Chief of Space Operations.

''(4) Civilian employees in the Department of the Air Force assigned or detailed to the Office of the Chief of Space Operations.

''(c) ORGANIZATION.—Except as otherwise specifically prescribed by law, the Office of the Chief of Space Operations shall be organized in such manner, and the members of the Office of the Chief of Space Operations shall perform such duties and have such titles, as the Secretary of the Air Force may prescribe.

''§ 9084. Office of the Chief of Space Operations: general duties

''(a) PROFESSIONAL ASSISTANCE.—The Office of the Chief of Space Operations shall furnish professional assistance to the Secretary of the Air Force, the Chief of Space Operations, and other personnel of the Office of the Secretary of the Air Force or the Office of the Chief of Space Operations.

''(b) AUTHORITIES.—Under the authority, direction, and control of the Secretary of the Air Force, the Office of the Chief of Space Operations shall—

''(1) subject to subsections (c) and (d) of section 9014 of this title, prepare for such employment of the Space Force, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Space Force, as will assist in the execution of any power, duty, or function of the Secretary of the Air Force or the Chief of Space Operations;

''(2) investigate and report upon the efficiency of the Space Force and its preparation to support military operations by commanders of the combatant commands;

''(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

''(4) as directed by the Secretary of the Air Force or the Chief of Space Operations, coordinate the action of organizations of the Space Force; and

''(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary of the Air Force.''.

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 908 of such title, as amended by section 931(f) of this Act, is further amended by striking the item related to section 9083 and inserting the following the following new items:

''9083. Office of the Chief of Space Operations: function; composition.

''9084. Office of the Chief of Space Operations: general duties.

''9085. Regular Space Force: composition.''.

SEC. 932. AMENDMENTS TO DEPARTMENT OF THE AIR FORCE PROVISIONS IN TITLE 10, UNITED STATES CODE.

(a) SUBTITLE.—

(1) HEADING.—The heading of subtitle D of title 10, United States Code, is amended to read as follows:

''Subtitle D—Air Force and Space Force''.

(2) TABLE OF SUBTITLES.—The table of subtitles at the beginning of such title is amended is amended by striking the item relating to subtitle D and inserting the following new item:

''D. Air Force and Space Force ..... 9011''.

(b) ORGANIZATION.—

(1) SECRETARY OF THE AIR FORCE.—Section 9013 of title 10, United States Code, is amended—

(A) in subsection (f), by inserting ''and officers of the Space Force'' after ''Officers of the Air Force''; and

(B) in subsection (g)(1), by inserting '', members of the Space Force,'' after ''members of the Air Force''.

(2) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 9014 of such title is amended—

(A) in subsection (b), by striking paragraph (4) and inserting the following new paragraph (4)

''(4) The Inspector General of the Department of the Air Force.'';

(B) in subsection (c)—

(i) in paragraph (1), by striking ''and the Air Staff'' and inserting '', the Air Staff, and the Office of the Chief of Space Operations'';

(ii) in paragraph (2), by inserting ''or the Office of the Chief of Space Operations'' after ''the Air Staff'';

(iii) in paragraph (3), by striking ''to the Chief of Staff and to the Air Staff'' and all that follows through the end and inserting ''to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the Office of the Chief of Space Operations, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space Operations such staff support as the Chief concerned considers necessary to perform the Chief's duties and responsibilities.''; and

(iv) in paragraph (4)—

(I) by inserting ''and the Office of the Chief of Space Operations'' after ''the Air Staff''; and

(II) by inserting ''and the Chief of Space Operations'' after ''Chief of Staff'';

(C) in subsection (d)—

(i) in paragraph (1), by striking ''and the Air Staff'' and inserting '', the Air Staff, and the Office of the Chief of Space Operations'';

(ii) in paragraph (2), by inserting ''and the Office of the Chief of Space Operations'' after ''the Air Staff''; and

(iii) in paragraph (4), by striking ''to the Chief of Staff of the Air Force and to the Air Staff'' and all that follows through the end and inserting ''to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the Office of the Chief of Space Operations, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space Operations such staff support as the Chief concerned considers necessary to perform the Chief's duties and responsibilities.''; and

(D) in subsection (e)—

(i) by striking ''and the Air Staff'' and inserting '', the Air Staff, and the Office of the Chief of Space Operations''; and

(ii) by striking ''to the other'' and inserting ''to any of the others''.

(3) SECRETARY OF THE AIR FORCE: SUCCESSORS TO DUTIES.—Section 9017(4) of such title is amended by inserting before the period the following: ''of the Air Force and the Chief of Space Operations, in the order prescribed by the Secretary of the Air Force and approved by the Secretary of Defense''.

(4) INSPECTOR GENERAL.—Section 9020 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''Department of the'' after ''Inspector General of the''; and

(ii) by inserting ''or the general, flag, or equivalent officers of the Space Force'' after ''general officers of the Air Force'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''or the Chief of Staff'' and inserting '', the Chief of Staff of the Air Force, or the Chief of Space Operations'';

(ii) in paragraph (1), by inserting ''Department of the'' before ''Air Force''; and

(iii) in paragraph (2), by striking ''or the Chief of Staff'' and inserting '', the Chief of Staff, or the Chief of Space Operations'' ; and

(C) in subsection (e), by inserting ''or the Space Force'' before ''for a tour of duty''.

(5) THE AIR STAFF: FUNCTION; COMPOSITION.—Section 9031(b)(8) of such title is amended by inserting ''or the Space Force'' after ''of the Air Force''.

(6) SURGEON GENERAL: APPOINTMENT; DUTIES.—Section 9036(b) of such title is amended—

(A) in paragraph (1), by striking ''Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force'' and inserting ''Secretary of the Air Force, the Chief of Staff of the Air Force, and the Chief of Space Operations on all health and medical matters of the Air Force and the Space Force''; and

(B) in paragraph (2)—

(i) by inserting ''and the Space Force'' after ''of the Air Force'' the first place it appears; and

(ii) by inserting ''and members of the Space Force'' after ''of the Air Force'' the second place it appears.

(7) JUDGE ADVOCATE GENERAL, DEPUTY JUDGE ADVOCATE GENERAL: APPOINTMENT; DUTIES.—Section 9037 of such title is amended—

(A) in subsection (e)(2)(B), by inserting ''or the Space Force'' after ''of the Air Force''; and

(B) in subsection (f)(1), by striking ''the Secretary of the Air Force or the Chief of Staff of the Air Force'' and inserting ''the Secretary of the Air Force, the Chief of Staff of the Air Force, or the Chief of Space Operations''.

(8) CHIEF OF CHAPLAINS: APPOINTMENT; DUTIES.—Section 9039(a) of such title is amended by striking ''in the Air Force'' and inserting ''for the Air Force and the Space Force''.

(9) PROVISION OF CERTAIN PROFESSIONAL FUNCTIONS FOR THE SPACE FORCE.—Section 9063 of such title is amended—

(A) in subsections (a) through (i), by striking ''in the Air Force'' each place it appears and inserting ''in the Air Force and the Space Force''; and

(B) in subsection (i), as amended by subparagraph (A), by inserting ''or the Space Force'' after ''members of the Air Force''.

(c) PERSONNEL.—

(1) GENDER-FREE BASIS FOR ACCEPTANCE OF ORIGINAL ENLISTMENTS.—

(A) IN GENERAL.—Section 9132 of title 10, United States Code, is amended by inserting ''or the Regular Space Force'' after ''Regular Air Force''.

(B) HEADING.—The heading of such section 9132 is amended to read as follows:

''§ 9132. Regular Air Force and Regular Space Force: gender-free basis for acceptance of original enlistments''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 913 of such title is amended by striking the item relating to section 9132 and inserting the following new item:

''9132. Regular Air Force and Regular Space Force: gender-free basis for acceptance of original enlistments.''.

(2) REENLISTMENT AFTER SERVICE AS AN OFFICER.—

(A) IN GENERAL.—Section 9138 of such title is amended in subsection (a)—

(i) by inserting ''or the Regular Space Force'' after ''Regular Air Force'' both places it appears; and

(ii) by inserting ''or the Space Force'' after ''officer of the Air Force'' both places it appears.

(B) HEADING.—The heading of such section 9132 is amended to read as follows:

''§ 9132. Regular Air Force and Regular Space Force: reenlistment after service as an officer''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 913 of such title, as amended by paragraph (1)(C), is further by striking the item relating to section 9138 and inserting the following new item:

''9138. Regular Air Force and Regular Space Force: reenlistment after service as an officer.''.

(3) APPOINTMENTS IN THE REGULAR AIR FORCE AND REGULAR SPACE FORCE.—

(A) IN GENERAL.—Section 9160 of such title is amended—

(i) by inserting ''or the Regular Space Force'' after ''Regular Air Force''; and

(ii) by inserting ''or the Space Force'' before the period.

(B) CHAPTER HEADING.—The heading of chapter 915 of such title is amended to read as follows:

''CHAPTER 915—APPOINTMENTS IN THE REGULAR AIR FORCE AND THE REGULAR SPACE FORCE''.

(C) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle D of such title, and at the beginning of part II of subtitle D of such title, are each amended by striking the item relating to chapter 915 and inserting the following new item:

''915. Appointments in the Regular Air Force and the Regular Space Force ..... 9151''.

(4) RETIRED COMMISSIONED OFFICERS: STATUS.—Section 9203 of such title is amended by inserting ''or the Space Force'' after ''the Air Force''.

(5) DUTIES: CHAPLAINS; ASSISTANCE REQUIRED OF COMMANDING OFFICERS.—Section 9217(a) of such title is amended by inserting ''or the Space Force'' after ''the Air Force''.

(6) RANK: COMMISSIONED OFFICERS SERVING UNDER TEMPORARY APPOINTMENTS.—Section 9222 of such title is amended by inserting ''or the Space Force'' after ''the Air Force'' both places it appears.

(7) REQUIREMENT OF EXEMPLARY CONDUCT.—Section 9233 of such title is amended—

(A) in the matter preceding paragraph (1), by inserting ''and in the Space Force'' after ''the Air Force''; and

(B) in paragraphs (3) and (4), by inserting ''or the Space Force, respectively'' after ''the Air Force''.

(8) ENLISTED MEMBERS: OFFICERS NOT TO USE AS SERVANTS.—Section 9239 of such title is amended by inserting ''or the Space Force'' after ''Air Force'' both places it appears.

(9) PRESENTATION OF UNITED STATES FLAG UPON RETIREMENT.—Section 9251(a) of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(10) SERVICE CREDIT: REGULAR ENLISTED MEMBERS; SERVICE AS AN OFFICER TO BE COUNTED AS ENLISTED SERVICE.—Section 9252 of such title is amended—

(A) by inserting ''or the Regular Space Force'' after ''Regular Air Force''; and

(B) by inserting ''in the Space Force,'' after ''in the Air Force,''.

(11) WHEN SECRETARY MAY REQUIRE HOSPITALIZATION.—Section 9263 of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(12) DECORATIONS AND AWARDS.—

(A) IN GENERAL.—Chapter 937 of such title is amended by inserting ''or the Space Force'' after ''the Air Force'' each place it appears in the following provisions:

(i) Section 9271.

(ii) Section 9272.

(iii) Section 9273.

(iv) Section 9276.

(v) Section 9281 other than the first place it appears in subsection (a).

(vi) Section 9286(a) other than the first place it appears.

(B) MEDAL OF HONOR; AIR FORCE CROSS; DISTINGUISHED-SERVICE MEDAL: DELEGATION OF POWER TO AWARD.—Section 9275 of such title is amended by inserting before the period at the end the following: '', or to an equivalent commander of a separate space force or higher unit in the field''.

(13) TWENTY YEARS OR MORE: REGULAR OR RESERVE COMMISSIONED OFFICERS.—Section 9311(a) of such title is amended by inserting ''or the Space Force'' after ''officer of the Air Force''.

(14) TWENTY TO THIRTY YEARS: ENLISTED MEMBERS.—Section 9314 of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(15) THIRTY YEARS OR MORE: REGULAR ENLISTED MEMBERS.—Section 9317 of such title

is amended by inserting ''or the Space Force'' after ''Air Force''.

(16) THIRTY YEARS OR MORE: REGULAR COMMISSIONED OFFICERS.—Section 9318 of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(17) FORTY YEARS OR MORE: AIR FORCE OFFICERS.—

(A) IN GENERAL.—Section 9324 of such title is amended in subsections (a) and (b) by inserting ''or the Space Force'' after ''Air Force''.

(B) HEADING.—The heading of such section 9324 is amended to read as follows:

''§ 9324. Forty years or more: Air Force officers and Space Force officers''.

(C) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9324 and inserting the following new item:

''9324. Forty years or more: Air Force officers and Space Force officers.''.

(18) COMPUTATION OF YEARS OF SERVICE: VOLUNTARY RETIREMENT; ENLISTED MEMBERS.—Section 9325(a) of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(19) COMPUTATION OF YEARS OF SERVICE: VOLUNTARY RETIREMENT; REGULAR AND RESERVE COMMISSIONED OFFICERS.—

(A) IN GENERAL.—Section 9326(a) of such title is amended—

(i) in the matter preceding paragraph (1), by inserting ''or the Space Force'' after ''of the Air Force''; and

(ii) in paragraph (1), by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''.

(B) TECHNICAL AMENDMENTS.—Such section 9326(a) is further amended by striking ''his'' each place it appears and inserting ''the officer's''.

(20) COMPUTATION OF RETIRED PAY: LAW APPLICABLE.—Section 9329 of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(21) RETIRED GRADE.—

(A) HIGHER GRADE AFTER 30 YEARS OF SERVICE: WARRANT OFFICERS AND ENLISTED MEMBERS.—Section 9344 of such title is amended—

(i) in subsection (a), by inserting ''or the Space Force'' after ''member of the Air Force''; and

(ii) in subsection (b)—

(I) in paragraphs (1) and (3), by inserting ''or the Space Force'' after ''Air Force'' each place it appears; and

(II) in paragraph (2), by inserting ''or the Regular Space Force'' after ''Regular Air Force''.

(B) RESTORATION TO FORMER GRADE: RETIRED WARRANT OFFICERS AND ENLISTED MEMBERS.—Section 9345 of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(C) RETIRED LISTS.—Section 9346 of such title is amended—

(i) in subsections (a) and (d), by inserting ''or the Regular Space Force'' after ''Regular Air Force'';

(ii) in subsection (b)(1), by inserting before the semicolon the following: '', or for commissioned officers of the Space Force other than of the Regular Space Force''; and

(iii) in subsections (b)(2) and (c), by inserting ''or the Space Force'' after ''Air Force''.

(22) RECOMPUTATION OF RETIRED PAY TO REFLECT ADVANCEMENT ON RETIRED LIST.—Section 9362(a) of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(23) FATALITY REVIEWS.—Section 9381(a) of such title is amended in paragraphs (1), (2), and (3) by inserting ''or the Space Force'' after ''Air Force''.

(d) TRAINING.—

(1) MEMBERS OF AIR FORCE: DETAIL AS STUDENTS, OBSERVERS, AND INVESTIGATORS AT EDUCATIONAL INSTITUTIONS, INDUSTRIAL PLANTS, AND HOSPITALS.—

(A) IN GENERAL.—Section 9401 of title 10, United States Code, is amended—

(i) in subsection (a), by inserting ''and members of the Space Force'' after ''members of the Air Force'';

(ii) in subsection (b), by inserting ''or the Regular Space Force'' after ''Regular Air Force'';

(iii) in subsection (c),by inserting ''or Reserve of the Space Force'' after ''Reserve of the Air Force'';

(iv) in subsection (e), by inserting ''or the Space Force'' after ''Air Force''; and

(v) in subsection (f)—

(I) by inserting ''or the Regular Space Force'' after ''Regular Air Force''; and

(II) by inserting ''or the Space Force Reserve'' after ''the reserve components of the Air Force''.

(B) TECHNICAL AMENDMENTS.—Subsection (c) of such section 9401 is further amended—

(i) by striking ''his'' and inserting ''the Reserve's''; and

(ii) by striking ''he'' and inserting ''the Reserve'',

(C) HEADING.—The heading of such section 9401 is amended to read as follows:

''§ 9401. Members of Air Force and Space Force: detail as students, observers and investigators at educational institutions, industrial plants, and hospitals''.

(D) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 951 of such title is amended by striking the item relating to section 9401 and inserting the following new item:

''9401. Members of Air Force and Space Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals.''.

(2) ENLISTED MEMBERS OF AIR FORCE: SCHOOLS.—

(A) IN GENERAL.—Section 9402 of such title is amended—

(i) in subsection (a)—

(I) in the first sentence, by inserting ''and enlisted members of the Space Force'' after ''members of the Air Force''; and

(II) in the third sentence, by inserting ''and Space Force officers'' after ''Air Force officers''; and

(ii) in subsection (b), by inserting ''or the Space Force'' after ''Air Force'' each place it appears.

(B) HEADING.—The heading of such section 9402 is amended to read as follows:

''§ 9402. Enlisted members Air Force or Space Force: schools''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 951 of such title is amended by striking the item relating to section 9402 and inserting the following new item:

''9402. Enlisted members of Air Force or Space Force: schools.''.

(3) SERVICE SCHOOLS: LEAVES OF ABSENCE FOR INSTRUCTORS.—Section 9406 of such title is amended by inserting ''or Space Force'' after ''Air Force''.

(4) DEGREE GRANTING AUTHORITY FOR UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9414(d)(1) of such title is amended by inserting ''or the Space Force'' after ''needs of the Air Force''.

(5) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY: ADMINISTRATION.—Section 9414b(a)(2) is amended—

(A) by inserting ''or the Space Force'' after ''the Air Force'' each place it appears; and

(B) in subparagraph (B), by inserting ''or the equivalent grade in the Space Force'' after ''brigadier general''.

(6) COMMUNITY COLLEGE OF THE AIR FORCE: ASSOCIATE DEGREES.—Section 9415 of such title is amended—

(A) in subsection (a) in the matter preceding paragraph (1), by striking ''in the Air Force'' and inserting ''in the Department of the Air Force''; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting ''or the Space Force'' after ''Air Force'';

(ii) in paragraph (2), by striking ''other than'' and all that follows through the end and inserting ''other than the Air Force or the Space Force who are serving as instructors at Department of the Air Force training schools.''; and

(iii) in paragraph (3), by inserting ''or the Space Force'' after ''Air Force''.

(7) AIR FORCE ACADEMY ESTABLISHMENT; SUPERINTENDENT; FACULTY.—Section 9431(a) of such title is amended by striking ''Air Force cadets'' and inserting ''cadets''.

(8) AIR FORCE ACADEMY SUPERINTENDENT; FACULTY: APPOINTMENT AND DETAIL.—Section 9433(a) of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(9) AIR FORCE ACADEMY PERMANENT PROFESSORS; DIRECTOR OF ADMISSIONS.—

(A) IN GENERAL.—Section 9436 of such title is amended—

(i) in subsection (a)—

(I) in the first sentence, by inserting ''in the Air Force or the equivalent grade in the Space Force'' after ''colonel'';

(II) in the second sentence, by inserting ''and a permanent professor appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force'' after ''grade of colonel''; and

(III) in the third sentence, by inserting ''in the Air Force or the equivalent grade in the Space Force'' after ''lieutenant colonel''; and

(ii) in subsection (b)—

(I) in the first sentence, ''in the Air Force or the equivalent grade in the Space Force'' after ''colonel'' each place it appears; and

(II) in the second sentence, by inserting ''and a person appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force'' after ''grade of colonel''.

(B) TECHNICAL AMENDMENTS.—Subsections (a) and (b) of such section 9436 are further amended by striking ''he'' each place it appears and inserting ''such person''.

(10) CADETS: APPOINTMENT; NUMBERS, TERRITORIAL DISTRIBUTION.—

(A) IN GENERAL.—Section 9442 of such title is amended—

(i) by striking ''Air Force Cadets'' each place it appears and inserting ''cadets''; and

(ii) in subsection (b)(2), by inserting ''or the Regular Space Force'' after ''Regular Air Force''.

(B) TECHNICAL AMENDMENT.—Subsection (b)(4) of such section 9442 is amended by striking ''him'' and inserting ''the Secretary''.

(11) CADETS: AGREEMENT TO SERVE AS OFFICER.—Section 9448(a) of such title is amended—

(A) in paragraph (2)(A), by inserting ''or the Regular Space Force'' after ''Regular Air Force''; and

(B) in paragraph (3)(A), by inserting before the semicolon the following: ''or as a Reserve in the Space Force for service in the Space Force Reserve''.

(12) CADETS: ORGANIZATION; SERVICE; INSTRUCTION.—Section 9449 of such title is amended by striking subsection (d).

(13) CADETS: HAZING.—Section 9452(c) of such title is amended—

(A) by striking ''an Air Force cadet'' and inserting ''a cadet''; and

(B) by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(14) CADETS: DEGREE AND COMMISSION ON GRADUATION.—Section 9453(b) of such title is amended by inserting ''or in the equivalent grade in the Regular Space Force'' after ''Regular Air Force''.

(15) SUPPORT OF ATHLETIC PROGRAMS.—Section 9462(c)(2) of such title is amended by striking ''personnel of the Air Force'' and inserting ''personnel of the Department of the Air Force''.

(16) SCHOOLS AND CAMPS: ESTABLISHMENT: PURPOSE.—Section 9481 of such title is amended—

(A) by inserting '', the Space Force,'' after ''members of the Air Force,''; and

(B) by inserting ''or the Space Force Reserve'' after ''the Air Force Reserve''.

(17) SCHOOLS AND CAMPS: OPERATION.—Section 9482 of such title is amended—

(A) in paragraph (4), by inserting ''or the Regular Space Force'' after ''Regular Air Force''; and

(B) in paragraph (7), in the matter preceding subparagraph (A), by inserting ''or Space Force'' after ''Air Force''.

(e) SERVICE, SUPPLY, AND PROCUREMENT.—

(1) EQUIPMENT: BAKERIES, SCHOOLS, KITCHENS, AND MESS HALLS.—Section 9536 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting ''or the Space Force'' after ''the Air Force''.

(2) RATIONS.—Section 9561 of such title is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting ''and the Space Force ration'' after ''the Air Force ration''; and

(ii) in the second sentence, by inserting ''or the Space Force'' after ''the Air Force''; and

(B) in subsection (b), by inserting ''or the Space Force'' after ''the Air Force''.

(3) CLOTHING.—Section 9562 of such title is amended by inserting ''and members of the Space Force'' after ''the Air Force''.

(4) CLOTHING: REPLACEMENT WHEN DESTROYED TO PREVENT CONTAGION.—Section 9563 of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(5) COLORS, STANDARDS, AND GUIDONS OF DEMOBILIZED ORGANIZATIONS: DISPOSITION.—Section 9565 of such title is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting ''or the Space Force'' after ''organizations of the Air Force''; and

(B) in subsection (b), by inserting ''or the Space Force'' after ''the Air Force''.

(6) UTILITIES: PROCEEDS FROM OVERSEAS OPERATIONS.—Section 9591 of such title is amended by inserting ''or the Space Force'' after ''the Air Force''.

(7) QUARTERS: HEAT AND LIGHT.—Section 9593 of such title is amended by inserting ''and members of the Space Force'' after ''the Air Force''.

(8) AIR FORCE MILITARY HISTORY INSTITUTE: FEE FOR PROVIDING HISTORICAL INFORMATION TO THE PUBLIC.—

(A) IN GENERAL.—Section 9594 of such title is amended—

(i) in subsections (a) and (d), by inserting ''Department of the'' before ''Air Force Military History'' each place it appears; and

(ii) in subsection (e)(1)—

(I) by inserting ''Department of the'' before ''Air Force Military History''; and

(II) by inserting ''and the Space Force'' after ''materials of the Air Force''.

(B) HEADING.—The heading of such section 9594 is amended to read as follows:

''§ 9594. Department of the Air Force Military History Institute: fee for providing historical information to the public''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 967 of such title is amended by striking the item relating to section 9594 and inserting the following new item:

''9594. Department of the Air Force Military History Institute: fee for providing historical information to the public.''.

(9) SUBSISTENCE AND OTHER SUPPLIES: MEMBERS OF ARMED FORCES; VETERANS; EXECUTIVE OR MILITARY DEPARTMENTS AND EMPLOYEES; PRICES.—Section 9621 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''and members of the Space Force'' after ''the Air Force''; and

(ii) in paragraph (2), by inserting ''and officers of the Space Force'' after ''the Air Force'';

(B) in subsection (b), by inserting ''or the Space Force'' after ''the Air Force'';

(C) in subsection (c), by inserting ''or the Space Force'' after ''the Air Force'';

(D) in subsection (d), by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force'';

(E) in subsection (e)—

(i) by inserting ''or the Space Force'' after ''the Air Force'' the first place it appears; and

(ii) by inserting ''or the Space Force, respectively'' after ''the Air Force'' the second place it appears;

(F) in subsection (f), by inserting ''or the Space Force'' after ''the Air Force''; and

(G) in subsection (h)—

(i) by inserting ''or the Space Force'' after ''the Air Force'' the first place it appears; and

(ii) by inserting ''or members of the Space Force'' after ''members of the Air Force''.

(10) RATIONS: COMMISSIONED OFFICERS IN FIELD.—Section 9622 of such title is amended by inserting ''and commissioned officers of the Space Force'' after ''officers of the Air Force''.

(11) MEDICAL SUPPLIES: CIVILIAN EMPLOYEES OF THE AIR FORCE.—Section 9624(a) of such title is amended—

(A) by striking ''air base'' and inserting ''Air Force or Space Force military installation''; and

(B) by striking ''Air Force when'' and inserting ''Department of the Air Force when''.

(12) ORDNANCE PROPERTY: OFFICERS OF ARMED FORCES; CIVILIAN EMPLOYEES OF AIR FORCE.—

(A) IN GENERAL.—Section 9625 of such title is amended—

(i) in subsection (a), by inserting ''or the Space Force'' after ''officers of the Air Force''; and

(ii) in subsection (b), by striking ''the Air Force'' and inserting ''the Department of the Air Force''.

(B) HEADING.—The heading of such section is amended to read as follows:

''§ 9625. Ordnance property: officers of the armed forces; civilian employees of the Department of the Air Force; American National Red Cross; educational institutions; homes for veterans' orphans''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 969 of such title is amended by striking the item relating to section 9625 and inserting the following new item:

''9625. Ordnance property: officers of the armed forces; civilian employees of the Department of the Air Force; American National Red Cross; educational institutions; homes for veterans' orphans.''.

(13) SUPPLIES: EDUCATIONAL INSTITUTIONS.—Section 9627 of such title is amended—

(A) by inserting ''or the Space Force'' after ''for the Air Force'';

(B) by inserting ''or the Space Force'' after ''officer of the Air Force''; and

(C) by striking ''air science and tactics'' and inserting ''science and tactics''.

(14) SUPPLIES: MILITARY INSTRUCTION CAMPS.—Section 9654 of such title is amended—

(A) by inserting ''or Space Force'' after ''an Air Force''; and

(B) by striking ''air science and tactics'' and inserting ''science and tactics''.

(15) DISPOSITION OF EFFECTS OF DECEASED PERSONS BY SUMMARY COURT-MARTIAL.—Section 9712(a)(1) of such title is amended by inserting ''or the Space Force'' after ''the Air Force''.

(16) ACCEPTANCE OF DONATIONS: LAND FOR MOBILIZATION, TRAINING, SUPPLY BASE, OR AVIATION FIELD.—

(A) IN GENERAL.—Section 9771 of such title is amended in paragraph (2) by inserting ''or space mission-related facility'' after ''aviation field''.

(B) HEADING.—The heading of such section 9771 is amended to read as follows:

''§ 9771. Acceptance of donations: land for mobilization, training, supply base, aviation field, or space mission-related facility''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 979 of such title is amended by striking the item relating to section 9771 and inserting the following new item:

''9771. Acceptance of donations: land for mobilization, training, supply base, aviation field, or space mission-related facility.''.

(17) ACQUISITION AND CONSTRUCTION: AIR BASES AND DEPOTS.—

(A) IN GENERAL.—Section 9773 of such title is amended—

(i) in subsection (a)—

(I) by striking ''permanent air bases'' and inserting ''permanent Air Force and Space Force military installations'';

(II) by striking ''existing air bases'' and inserting ''existing installations''; and

(III) by inserting ''or the Space Force'' after ''training of the Air Force'';

(ii) in subsections (b) and (c), by striking ''air bases'' each place it appears and inserting ''installations'';

(iii) in subsection (b)(7), by inserting ''or Space Force'' after ''Air Force'';

(iv) in subsection (c)—

(I) in paragraph (1), by inserting ''or Space Force'' after ''Air Force''; and

(II) in paragraphs (3) and (4), by inserting ''or the Space Force'' after ''the Air Force'' both places it appears; and

(v) in subsection (f), by striking ''air base'' and inserting ''installation''.

(B) HEADING.—The heading of such section 9773 is amended to read as follows:

''§ 9773. Acquisition and construction: installations and depots''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 979 of such title is amended by striking the item relating to section 9773 and inserting the following new item:

''9773. Acquisition and construction: installations and depots.''.

(18) EMERGENCY CONSTRUCTION: FORTIFICATIONS.—Section 9776 of such title is amended by striking ''air base'' and inserting ''installation''.

(19) USE OF PUBLIC PROPERTY.—Section 9779 of such title is amended—

(A) in subsection (a), by inserting ''or the Space Force'' after ''economy of the Air Force''; and

(B) in subsection (b), by inserting ''or the Space Force'' after ''support of the Air Force''.

(20) DISPOSITION OF REAL PROPERTY AT MISSILE SITES.—Section 9781(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by striking ''Air Force'' and inserting ''Department of the Air Force'';

(B) in subparagraph (A), by striking ''Air Force'' the first two places it appears and inserting ''Department of the Air Force''; and

(C) in subparagraph (C), by striking ''Air Force'' and inserting ''Department of the Air Force''.

(21) MAINTENANCE AND REPAIR OF REAL PROPERTY.—Section 9782 of such title is amended in subsections (c) and (d) by inserting ''or the Space Force'' after ''the Air Force'' both places it appears.

(22) SETTLEMENT OF ACCOUNTS: REMISSION OR CANCELLATION OF INDEBTEDNESS OF MEMBERS.—Section 9837(a) of such title is amended by inserting ''or the Space Force'' after ''member of the Air Force''.

(23) FINAL SETTLEMENT OF OFFICER'S ACCOUNTS.—

(A) IN GENERAL.—Section 9840 of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(B) TECHNICAL AMENDMENTS.—Such section 9840 is further amended—

(i) by striking ''he'' each place it appears and inserting ''the officer''; and

(ii) by striking ''his'' each place it appears and inserting ''the officer's''.

(24) PAYMENT OF SMALL AMOUNTS TO PUBLIC CREDITORS.—Section 9841 of such title is amended by inserting ''or Space Force'' after ''official of Air Force''.

(25) SETTLEMENT OF ACCOUNTS OF LINE OFFICERS.—Section 9842 of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(f) SERVICE OF INCUMBENTS IN CERTAIN POSITIONS WITHOUT REAPPOINTMENT.—

(1) IN GENERAL.—The individual serving in a position under a provision of law specified in paragraph (2) as of the date of the enactment of this Act may continue to serve in such position after that date without further appointment as otherwise provided by such provision of law, notwithstanding the amendment of such provision of law by subsection (b).

(2) PROVISIONS OF LAW.—The provisions of law specified in this paragraph are the provisions of title 10, United States Code, as follows:

(A) Section 9020, relating to the Inspector General of the Department of the Air Force.

(B) Section 9036. relating to the Surgeon General of the Air Force.

(C) Section 9037(a), relating to the Judge Advocate General of the Air Force.

(D) Section 9037(d), relating to the Deputy Judge Advocate General of the Air Force.

(E) Section 9039, relating to the Chief of Chaplains for the Air Force and the Space Force.

SEC. 933. AMENDMENTS TO OTHER PROVISIONS OF TITLE 10, UNITED STATES CODE.

(a) DEFINITIONS.—Section 101(b)(13) of title 10, United States Code, is amended in paragraph (13), by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(b) OTHER PROVISIONS OF SUBTITLE A.—

(1) SPACE FORCE I.—Subtitle A of title 10, United States Code, as amended by subsection (a), is further amended by striking ''and Marine Corps'' each place it appears and inserting ''Marine Corps, and Space Force'' in the following provisions:

(A) Section 116(a)(1) in the matter preceding subparagraph (A).

(B) Section 533(a)(2).

(C) Section 646.

(D) Section 661(a).

(E) Section 712(a).

(F) Section 717(c)(1).

(G) Subsections (c) and (d) of section 741.

(H) Section 743.

(I) Section 1111(b)(4).

(J) Subsections (a)(2)(A) and (c)(2)(A)(ii) of section 1143.

(K) Section 1174(j).

(L) Section 1463(a)(1).

(M) Section 1566.

(N) Section 2217(c)(2).

(O) Section 2259(a).

(P) Section 2640(j).

(2) SPACE FORCE II.—

(A) IN GENERAL.—Such subtitle is further amended by striking ''Marine Corps,'' each place it appears and inserting ''Marine Corps, Space Force,'' in the following provisions:

(i) Section 123(a).

(ii) Section 172(a).

(iii) Section 518.

(iv) Section 747.

(v) Section 749.

(vi) Section 1552(c)(1).

(vii) Section 2632(c)(2)(A).

(viii) Section 2686(a).

(ix) Section 2733(a).

(B) HEADING.—The heading of section 747 of such title is amended to read as follows:

''§ 747. Command: when different commands of Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard join''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 747 and inserting the following new item:

''747. Command: when different commands of Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard join.''.

(3) SPACE FORCE III.—Such subtitle is further amended by striking ''or Marine Corps'' each place it appears and inserting ''Marine Corps, or Space Force'' in the following provisions:

(A) Section 125(b).

(B) Section 541(a).

(C) Section 601(a).

(D) Section 603(a).

(E) Section 619(a).

(F) Section 619a(a).

(G) Section 624(c).

(H) Section 625(b).

(I) Subsections (a) and (d) of section 631.

(J) Section 632(a).

(K) Section 637(a)(2).

(L) Section 638(a).

(M) Section 741(d).

(N) Section 771.

(O) Section 772.

(P) Section 773.

(Q) Section 1123.

(R) Section 1143(d).

(S) Section 1174(a)(2).

(T) Section 1251(a).

(U) Section 1252(a).

(V) Section 1253(a).

(W) Section 1375.

(X) Section 1413a(h).

(Y) Section 1551.

(Z) Section 1561(a).

(AA) Section 1731(a)(1)(A)(ii).

(BB) Section 2102(a).

(CC) Section 2103a(a)(2).

(DD) Section 2104(b)(5).

(EE) Section 2107.

(FF) Section 2421.

(GG) Section 2631(a).

(HH) Section 2787(a).

(4) REGULAR SPACE FORCE I.—Such subtitle is further amended by striking ''or Regular Marine Corps'' each place it appears and inserting ''Regular Marine Corps, or Regular Space Force'' in the following provisions:

(A) Section 531(c).

(B) Section 532(a) in the matter preceding paragraph (1).

(C) Subsections (a)(1), (b)(1), and (f) of section 533.

(D) Section 633(a).

(E) Section 634(a).

(F) Section 635.

(G) Section 636(a).

(H) Section 647(c).

(I) Section 688(b)(1).

(J) Section 1181.

(5) REGULAR SPACE FORCE II.—Such subtitle is further amended by striking ''Regular Marine Corps,'' each place it appears and inserting ''Regular Marine Corps, Regular Space Force,'' in the following provisions:

(A) Section 505.

(B) Section 506.

(C) Section 508.

(6) TRANSFER, ETC. OF FUNCTIONS, POWERS, AND DUTIES.—Section 125(b) of such title, as amended by paragraph (3)(A), is further amended by striking ''or 9062(c)'' and inserting ''9062(c), or 9081''.

(7) JOINT STAFF MATTERS.—

(A) APPOINTMENT OF CHAIRMAN; GRADE AND RANK.—Section 152 of such title is amended—

(i) in subsection (b)(1)(C), by striking ''or the Commandant of the Marine Corps'' and inserting ''the Commandant of the Marine Corps, or the Chief of Space Operations''; and

(ii) in subsection (c), by striking ''or, in the case of the Navy, admiral'' and inserting '', in the case of the Navy, admiral, or, in the case of an officer of the Space Force, the equivalent grade,''.

(B) INCLUSION OF SPACE FORCE ON JOINT STAFF.—Section 155(a) of such title is amended—

(i) in paragraph (2) by inserting ''the Space Force and'' before ''the Coast Guard'';

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

(iii) by inserting after paragraph (2) the following new paragraph (3):

''(3) Officers of the Space Force assigned to serve on the Joint Staff shall be selected by the Chairman in a number that, to the extent practicable, bears the same proportion to the numbers of officers of the armed forces selected under paragraph (2) as the number of Regular members of the Space Force bears to the number of Regular members of the armed forces specified in that paragraph (with the Navy and the Marine Corps treated as a single armed force for purposes of this paragraph).''.

(8) ARMED FORCES POLICY COUNCIL.—Section 171(a) of such title is amended—

(A) in paragraph (15), by striking ''and'';

(B) in paragraph (16), by striking the period and inserting ''; and''; and

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

''(17) the Chief of Space Operations.''.

(9) JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(c)(1) of such title is amended by adding at the end the following new subparagraph:

''(F) A Space Force officer in the grade equivalent to the grade of general in the Army, Air Force, or Marine Corps, or admiral in the Navy.''.

(10) UNFUNDED PRIORITIES.—Section 222a(b) of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

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

''(5) The Chief of Space Operations.''.

(11) THEATER SECURITY COOPERATION EXPENSES.—Section 312(b)(3) of such title is amended by inserting ''the Chief of Space Operations,'' after ''the Commandant of the Marine Corps,''.

(12) WESTERN HEMISPHERE INSTITUTE.—Section 343(e)(1)(E) of such title is amended by inserting ''or Space Force'' after ''for the Air Force''.

(13) ORIGINAL APPOINTMENTS OF COMMISSIONED OFFICERS.—Section 531(a) of such title is amended—

(A) in paragraph (1), by striking ''and in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy'' and inserting ''in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy, and in the equivalent grades in the Regular Space Force''; and

(B) in paragraph (2), by striking ''and in the grades of lieutenant commander, commander, and captain in the Regular Navy'' and inserting ''in the grades of lieutenant commander, commander, and captain in the Regular Navy, and in the equivalent grades in the Regular Space Force''.

(14) SERVICE CREDIT UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.—Section 533(b)(2) of such title is amended by striking ''or captain in the Navy'' and inserting '', captain in the Navy, or an equivalent grade in the Space Force''.

(15) SENIOR JOINT OFFICER POSITIONS: RECOMMENDATIONS TO THE SECRETARY OF DEFENSE.—Section 604(a)(1)(A) of such title is amended by inserting ''and the name of at least one Space Force officer'' after ''Air Force officer''.

(16) FORCE SHAPING AUTHORITY.—Section 647(a)(2) of such title is amended by striking ''of that armed force''.

(17) MEMBERS: REQUIRED SERVICE.—Section 651(b) of such title is amended by striking ''of his armed force''.

(18) CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS.—Section 710(c)(1) of such title is amended by striking ''the armed force concerned'' and inserting ''an armed force''.

(19) SENIOR MEMBERS OF MILITARY STAFF COMMITTEE OF UNITED NATIONS.—Section 711 of such title is amended by inserting ''or the Space Force'' after ''Air Force''.

(20) RANK: CHIEF OF SPACE OPERATIONS.—

(A) IN GENERAL.—Section 743 of such title is amended by striking ''and the Commandant of the Marine Corps'' and inserting ''the Commandant of the Marine Corps, and the Chief of Space Operations''.

(B) HEADING.—The heading of such section 743 is amended to read as follows:

''§ 743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps; Chief of Space Operations''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 743 and inserting the following new item:

''743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps; Chief of Space Operations.''.

(21) UNIFORM CODE OF MILITARY JUSTICE.—Chapter 47 of such title (the Uniform Code of Military Justice) is amended—

(A) in section 822(a)(7) (article 22(a)(7)), by striking ''Marine Corps'' and inserting ''Marine Corps, or the commanding officer of a corresponding unit of the Space Force'';

(B) in section 823(a) (article 23(a))—

(i) in paragraph (2)—

(I) by striking ''Air Force base'' and inserting ''Air Force or Space Force military installation''; and

(II) by striking ''or the Air Force'' and inserting ''the Air Force, or the Space Force''; and

(ii) in paragraph (4), by inserting ''or a corresponding unit of the Space Force'' after ''Air Force''; and

(C) in section 824(a)(3) (article 24(a)(3)), by inserting ''or a corresponding unit of the Space Force'' after ''Air Force''.

(22) SERVICE AS CADET OR MIDSHIPMAN NOT COUNTED FOR LENGTH OF SERVICE.—Section 971(b)(2) of such title is amended by striking ''or Air Force'' and inserting '', Air Force, or Space Force''.

(23) REFERRAL BONUS.—Section 1030(h)(3) of such title is amended by inserting ''and the Space Force'' after ''concerning the Air Force''.

(24) RETURN TO ACTIVE DUTY FROM TEMPORARY DISABILITY.—Section 1211(a) of such title is amended—

(A) in the matter preceding paragraph (1), by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''; and

(B) in paragraph (6)—

(i) by striking ''or the Air Force, who'' and inserting ''the Air Force, or the Space Force who''; and

(ii) by striking ''or the Air Force, as'' and inserting ''the Air Force, or the Space Force, as''.

(25) YEARS OF SERVICE.—Section 1405(c) of such title is amended by striking ''or Air Force'' and inserting '', Air Force, or Space Force''.

(26) RETIRED PAY BASE FOR PERSONS WHO BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—Section 1406 of such title is amended—

(A) in the heading of subsection (e), by inserting ''AND SPACE FORCE'' after ''AIR FORCE''; and

(B) in subsection (i)(3)—

(i) in subparagraph (A)—

(I) by redesignating clause (v) as clause (vi); and

(II) by inserting after clause (iv) the following new clause (v):

''(v) Chief of Space Operations.''; and

(ii) in subparagraph (B)—

(I) by redesignating clause (v) as clause (vi); and

(II) by inserting after clause (iv) the following new clause (v):

''(v) The senior enlisted advisor of the Space Force.''.

(27) SPECIAL REQUIREMENTS FOR MILITARY PERSONNEL IN THE ACQUISITION FIELD.—

(A) IN GENERAL.—Section 1722a(a) of such title is amended by striking ''and the Commandant of the Marine Corps (with respect to the Army, Navy, Air Force, and Marine Corps, respectively)'' and inserting '', the Commandant of the Marine Corps, and the Chief of Space Operations (with respect to the Army, Navy, Air Force, Marine Corps, and Space Force, respectively)''.

(B) CLARIFYING AMENDMENT.—Such section 1722a(a) is further amended by striking ''the Under Secretary of Defense for Acquisition, Technology, and Logistics'' and inserting ''the Under Secretary of Defense for Acquisition and Sustainment''.

(28) SENIOR MILITARY ACQUISITION ADVISORS.—Section 1725(e)(1)(C) of such title is amended by inserting ''and Space Force'' before the period.

(29) MILITARY FAMILY READINESS COUNCIL.—Section 1781a(b)(1) of such title is amended by striking ''Marine Corps, and Air Force'' each place it appears and inserting ''Air Force, Marine Corps, and Space Force''.

(30) FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS.—Section 2107 of such title is amended—

(A) in subsection (a)—

(i) by striking ''or as a'' and inserting '', as a''; and

(ii) by inserting ''or as an officer in the equivalent grade in the Space Force'' after ''Marine Corps,'';

(B) in subsection (b)—

(i) in paragraph (3), by striking ''the reserve component of the armed force in which he is appointed as a cadet or midshipman'' and inserting ''the reserve component of an armed force''; and

(ii) in paragraph (5), by striking ''reserve component of that armed force'' each place it appears and inserting ''reserve component of an armed force''; and

(C) in subsection (d), by striking ''second lieutenant or ensign'' and inserting ''second lieutenant, ensign, or an equivalent grade in the Space Force''.

(31) SPACE RAPID CAPABILITIES OFFICE.—Section 2273a(d) of such title is amended by striking paragraph (3).

(32) ACQUISITION-RELATED FUNCTIONS OF CHIEFS OF THE ARMED FORCES.—Section 2547(a) of such title is amended by striking ''and the Commandant of the Marine Corps'' and inserting ''the Commandant of the Marine Corps, and the Chief of Space Operations''.

(33) AGREEMENTS RELATED TO MILITARY TRAINING, TESTING, AND OPERATIONS.—Section 2684a(i) of such title is amended by inserting ''Space Force,'' before ''or Defense-wide activities'' each place it appears.

(c) PROVISIONS OF SUBTITLE B.—

(1) IN GENERAL.—Subtitle B of title 10, United States Code, is amended by striking ''or Marine Corps'' each place it appears and inserting ''Marine Corps, or Space Force'' in the following provisions:

(A) Section 7452(c).

(B) Section 7621(d).

(2) COMPUTATION OF YEARS OF SERVICE.—Section 7326(a)(1) of such title is amended by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''.

(d) PROVISIONS OF SUBTITLE C.—

(1) CADETS; HAZING.—Section 8464(f) of title 10, United States Code, is amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(2) SALES PRICES.—

(A) IN GENERAL.—Section 8802 of such title is amended by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''.

(B) HEADING.—The heading of such section 8802 is amended to read as follows:

''§ 8802. Sales: members of Army, Air Force, and Space Force; prices''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 879 of such title is amended by striking the item relating to section 8802 and inserting the following new item:

''8802. Sales: members of Army, Air Force, and Space Force; prices.''.

(3) SALES TO CERTAIN VETERANS.—Section 8803 of such title is amended by striking ''or the Marine Corps'' and inserting ''the Marine Corps, or the Space Force''.

(4) SUBSISTENCE AND OTHER SUPPLIES.—Section 8806(d) of such title is amended by striking ''or Air Force or Marine Corps'' and inserting '', Air Force, Marine Corps, or Space Force''.

(5) SCOPE OF CHAPTER ON PRIZE.—Section 8851(a) of such title is amended by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''.

SEC. 934. AMENDMENTS TO PROVISIONS OF LAW RELATING TO PAY AND ALLOWANCES.

(a) DEFINITIONS.—Section 101 of title 37, United States Code, is amended—

(1) in paragraphs (3) and (4), by inserting ''Space Force,'' after ''Marine Corps,'' each place it appears; and

(2) in paragraph (5)(C), by inserting ''and the Space Force'' after ''Air Force''.

(b) BASIC PAY RATES.—

(1) COMMISSIONED OFFICERS.—Footnote 2 of the table titled ''COMMISSIONED OFFICERS'' in section 601(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 37 U.S.C. 1009 note) is amended by inserting after ''Commandant of the Marine Corps,'' the following: ''Chief of Space Operations,''.

(2) ENLISTED MEMBERS.—Footnote 2 of the table titled ''ENLISTED MEMBERS'' in section 601(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 37 U.S.C. 1009 note) is amended by inserting after ''Sergeant Major of the Marine Corps,'' the following: ''the senior enlisted advisor of the Space Force,''.

(c) PAY GRADES: ASSIGNMENT TO; GENERAL RULES.—Section 201(a) of title 37, United States Code, is amended—

(1) by striking ''(a) For the purpose'' and inserting ''(a)(1) Subject to paragraph (2), for the purpose''; and

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

''(2) For the purpose of computing their basic pay, commissioned officers of the Space Force are assigned to the pay grades in the table in paragraph (1) by grade or rank in the Air Force that is equivalent to the grade or rank in which such officers are serving in the Space Force.''.

(d) PAY OF SENIOR ENLISTED MEMBERS.—Section 210(c) of title 37, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) The senior enlisted advisor of the Space Force.''.

(e) ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(1) PERSONAL MONEY ALLOWANCE.—Section 414 of title 37, United States Code, is amended—

(A) in subsection (a)(5), by inserting ''Chief of Space Operations,'' after ''Commandant of the Marines Corps,''; and

(B) in subsection (b), by inserting ''the senior enlisted advisor of the Space Force,'' after ''the Sergeant Major of the Marine Corps,''.

(2) CLOTHING ALLOWANCE: ENLISTED MEMBERS.—Section 418(d) of such title is amended—

(A) in paragraph (1), by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''; and

(B) in paragraph (4), by striking ''or the Marine Corps'' and inserting ''the Marine Corps, or the Space Force''.

(f) TRAVEL AND TRANSPORTATION ALLOWANCES: PARKING EXPENSES.—Section 481i(b) of title 37, United States Code, is amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(g) LEAVE.—

(1) ADDITION OF SPACE FORCE.—Chapter 9 of title 37, United States Code, is amended by inserting ''Space Force,'' after ''Marines Corps,'' each place it appears in the following provisions:

(A) Subsections (b)(1) and (e)(1) of section 501.

(B) Section 502(a).

(C) Section 503(a).

(2) ADDITION OF REGULAR SPACE FORCE.—Section 501(b)(5)(C) of such title is amended by striking ''or Regular Marine Corps'' and inserting ''Regular Marine Corps, or Regular Space Force''.

(3) TECHNICAL AMENDMENTS.—Chapter 9 of such title is further amended as follows:

(A) In section 501(b)(1)—

(i) by striking ''his'' each place it appears and inserting ''the member's''; and

(ii) by striking ''he'' and inserting ''the member''.

(B) In section 502—

(i) by striking ''his designated representative'' each place it appears and inserting ''the Secretary's designated representative'';

(ii) in subsection (a), by striking ''he'' each place it appears and inserting ''the member''; and

(iii) in subsection (b), by striking ''his'' and inserting ''the member's''.

(h) ALLOTMENT AND ASSIGNMENT OF PAY.—

(1) IN GENERAL.—Subsections (a), (c), and (d) of section 701 of title 37, United States Code, are each amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(2) TECHNICAL AMENDMENTS.—Such section 701 is further amended—

(A) in subsection (a), by striking ''his'' and inserting ''the officer's'';

(B) in subsection (b), by striking ''his'' and inserting ''the person's''; and

(C) in subsection (c), by striking ''his pay, and if he does so'' and inserting ''the member's pay, and if the member does so''.

(3) HEADING.—The heading of such section 701 is amended to read as follows:

''§ 701. Members of the Army, Navy, Air Force, Marine Corps, and Space Force; contract surgeons''.

(4) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 701 and inserting the following new item:

''701. Members of the Army, Navy, Air Force, Marine Corps, and Space Force; contract surgeons.''.

(i) FORFEITURE OF PAY.—

(1) FORFEITURE FOR ABSENCE FOR INTEMPERATE USE OF ALCOHOL OR DRUGS.—

(A) IN GENERAL.—Section 802 of title 37, United States Code, is amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(B) TECHNICAL AMENDMENTS.—Such section 802 is further amended by striking ''his'' each place it appears and inserting ''the member's''.

(2) FORFEITURE WHEN DROPPED FROM ROLLS.—

(A) IN GENERAL.—Section 803 of such title is amended by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''.

(B) HEADING.—The heading of such section 803 is amended to read as follows:

''§ 803. Commissioned officers of the Army, Air Force, or Space Force: forfeiture of pay when dropped from rolls''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to section 803 and inserting the following new item:

''803. Commissioned officers of the Army, Air Force, or Space Force: forfeiture of pay when dropped from rolls.''.

(j) EFFECT ON PAY OF EXTENSION OF ENLISTMENT.—Section 906 of title 37, United States Code, is amended by inserting ''Space Force,'' after ''Marine Corps,''.

(k) ADMINISTRATION OF PAY.—

(1) PROMPT PAYMENT REQUIRED.—

(A) IN GENERAL.—Section 1005 of title 37, United States Code, is amended by striking ''and of the Air Force'' and inserting '', the Air Force, and the Space Force''.

(B) HEADING.—The heading of such section 1005 is amended to read as follows:

''§ 1005. Army, Air Force, and Space Force: prompt payments required''.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to section 803 and inserting the following new item:

''1005. Army, Air Force, and Space Force: prompt payments required.''.

(2) DEDUCTIONS FROM PAY.—

(A) IN GENERAL.—Section 1007 of such title is amended—

(i) in subsections (b), (d), (f), and (g), by striking ''or the Air Force'' and inserting '', the Air Force, or the Space Force''; and

(ii) in subsection (e), by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(B) TECHNICAL AMENDMENTS.—Such section 1007 is further amended—

(i) in subsection (b), by striking ''him'' and inserting ''the member'';

(ii) in subsection (d), by striking ''his'' each place it appears and inserting ''the member's''; and

(iii) in subsection (f)—

(I) by striking ''his'' and inserting ''the officer's''; and

(II) by striking ''he'' both places it appears and inserting ''the officer''.

SEC. 935. AMENDMENTS RELATING TO PROVISIONS OF LAW ON VETERANS' BENEFITS.

(a) ADDITION OF SPACE SERVICE TO REFERENCES TO MILITARY, NAVAL, OR AIR SERVICE.—Title 38, United States Code, is amended by striking ''or air service'' and inserting ''air, or space service'' each place it appears in the following provisions:

(1) Paragraphs (2), (5), (12), (16), (17), (18), (24), and (32) of section 101.

(2) Section 105(a).

(3) Section 106(b).

(4) Section 701.

(5) Paragraphs (1) and (2)(A) of section 1101.

(6) Section 1103.

(7) Section 1110.

(8) Subsections (b)(1) and (c)(1) of section 1112.

(9) Section 1113(b).

(10) Section 1131.

(11) Section 1132.

(12) Section 1133.

(13) Section 1137.

(14) Section 1141.

(15) Section 1153.

(16) Section 1301.

(17) Subsections (a) and (b) of section 1302.

(18) Section 1310(b).

(19) Section 1521(j).

(20) Section 1541(h).

(21) Subsections (a)(2)(B) and (e)(3) of section 1710.

(22) Section 1712(a).

(23) Section 1712A(c).

(24) Section 1717(d)(1).

(25) Subsections (b) and (c) of section 1720A.

(26) Section 1720D(c)(3).

(27) Section 1720E(a).

(28) Section 1720G(a)(2)(B).

(29) Subsections (b)(2), (e)(1), and (e)(4) of section 1720I.

(30) Section 1781(a)(3).

(31) Section 1783(b)(1).

(32) Section 1922(a).

(33) Section 2002(b)(1).

(34) Section 2101A(a)(1).

(35) Subsections (a)(1)(C) and (d) of section 2301.

(36) Section 2302(a).

(37) Section 2303(b)(2).

(38) Subsections (b)(4)(A) and (g)(2) of section 2306.

(39) Section 2402(a)(1).

(40) Section 3018B(a).

(41) Section 3102(a)(1)(A)(ii).

(42) Subsections (a) and (b)(2)(A) of section 3103.

(43) Section 3113(a).

(44) Section 3501(a).

(45) Section 3512(b)(1)(B)(iii).

(46) Section 3679(c)(2)(A).

(47) Section 3701(b)(2).

(48) Section 3712(e)(2).

(49) Section 3729(c)(1).

(50) Subparagraphs (A) and (B) of section 3901(1).

(51) Subsections (c)(1)(A) and (d)(2)(B) of section 5103A.

(52) Section 5110(j).

(53) Section 5111(a)(2)(A).

(54) Section 5113(b)(3)(C).

(55) Section 5303(e).
(56) Section 6104(c).
(57) Section 6105(a).
(58) Subsections (a)(1) and (b)(3) of section 6301.
(59) Section 6303(b).
(60) Section 6304(b)(1).
(61) Section 8301.

(b) DEFINITIONS.—

(1) ARMED FORCES.—Paragraph (10) of section 101 of title 38, United States Code, is amended by inserting ''Space Force,'' after ''Air Force,''.

(2) SECRETARY CONCERNED.—Paragraph (25)(C) of such section is amended by inserting ''or the Space Force'' before the semicolon.

(3) SPACE FORCE RESERVE.—Paragraph (27) of such section is amended—

(A) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) the Space Force Reserve;''.

(c) PLACEMENT OF EMPLOYEES IN MILITARY INSTALLATIONS.—Section 701 of title 38, United States Code, is amended by striking ''and Air Force'' and inserting ''Air Force, and Space Force''.

(d) CONSIDERATION TO BE ACCORDED TIME, PLACE, AND CIRCUMSTANCES OF SERVICE.—Section 1154(b) of title 38, United States Code, is amended by striking ''or air organization'' and inserting ''air, or space organization''.

(e) PREMIUM PAYMENTS.—Section 1908 of title 38, United States Code, is amended by inserting ''Space Force,'' after ''Marine Corps,''.

(f) SECRETARY CONCERNED FOR GI BILL.—Section 3020(l)(3) of title 38, United States Code, is amended by inserting ''or the Space Force'' before the semicolon.

(g) DEFINITIONS FOR POST-9/11 GI BILL.—Section 3301(2)(C) of title 38,United States Code, is amended by inserting ''or the Space Force'' after ''Air Force''.

(h) PROVISION OF CREDIT PROTECTION AND OTHER SERVICES.—Section 5724(c)(2) of title 38, United States Code, is amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

SEC. 936. AMENDMENTS TO OTHER PROVISIONS OF THE UNITED STATES CODE.

(a) TITLE 5; DEFINITION OF ARMED FORCES.—Section 2101(2) of title 5, United States Code, is amended by inserting after ''Marine Corps,'' the following: ''Space Force,''.

(b) TITLE 14.—

(1) VOLUNTARY RETIREMENT.—Section 2152 of title 14, United States Code, is amended by striking ''or Marine Corps'' and inserting ''Marine Corps, or Space Force''.

(2) COMPUTATION OF LENGTH OF SERVICE.—Section 2513 of such title is amended by inserting after ''Air Force,'' the following: ''Space Force,''.

(c) TITLE 18; FIREARMS AS NONMAILABLE.—Section 1715 of such title is amended by inserting ''Space Force,'' after ''Marine Corps,''.

(d) TITLE 31.—

(1) DEFINITIONS RELATING TO CLAIMS.—Section 3701(a)(7) of title 31, United States Code, is amended by inserting ''Space Force,'' after ''Marine Corps,''.

(2) COLLECTION AND COMPROMISE.—Section 3711(f) of such title is amended in paragraphs (1) and (3) by inserting ''Space Force,'' after ''Marine Corps,'' each place it appears.

(e) TITLE 41; HONORABLE DISCHARGE CERTIFICATE IN LIEU OF BIRTH CERTIFICATE.—Section 6309(a) of title 41, United States Code, is amended by inserting ''Space Force,'' after ''Marine Corps,''.

(f) TITLE 51; POWERS OF THE ADMINISTRATION IN PERFORMANCE OF FUNCTIONS.—Section 20113(l) of title 51, United States Code, is amended—

(1) in the subsection heading, by striking ''SERVICES'' and inserting ''FORCES''; and

(2) by striking ''and Marine Corps'' and inserting ''Marine Corps, and Space Force''.

SEC. 937. APPLICABILITY TO OTHER PROVISIONS OF LAW.

(a) SECRETARY OF DEFENSE AUTHORITY.—The authority of the Secretary of Defense with respect to the Air Force or members of the Air Force under any covered provision of law may be exercised by the Secretary with respect to the Space Force or members of the Space Force.

(b) SECRETARY OF THE AIR FORCE AUTHORITY.—The authority of the Secretary of the Air Force with respect to the Air Force or members of the Air Force under any covered provision of law may be exercised with respect to the Space Force or members of the Space Force.

(c) BENEFITS FOR MEMBERS.—A member of the Space Force shall be eligible for any benefit under a covered provision of law that is available to a member of the Air Force under the same terms and conditions as the provision of law applies to members of the Air Force.

(d) COVERED PROVISION OF LAW DEFINED.—In this section, the term ''covered provision of law'' means a provision of law other than a provision of title 5, 10, 14, 18, 31, 37, 38, 41, or 51, United States Code.

PART II—OTHER MATTERS

SEC. 941. MATTERS RELATING TO RESERVE COMPONENTS FOR THE SPACE FORCE.

(a) LIMITATION ON ESTABLISHMENT OF SPACE NATIONAL GUARD.—

(1) IN GENERAL.—The Space National Guard may not be established as a reserve component of the Space Force until the Secretary of Defense certifies in writing, to the congressional defense committees that a Space National Guard is the organization best suited to discharge in an effective and efficient manner the missions intended to be assigned to the Space National Guard.

(2) BASIS FOR CERTIFICATION.—The certification must be based on the results of a study conducted for purposes of this subsection by the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

(3) PROPOSED MISSIONS.—The certification shall include a description of each mission proposed to be assigned to the Space National Guard in connection with the certification.

(b) SPACE FORCE RESERVE.—

(1) INCLUSION WITHIN SPACE FORCE.—Section 9081(b)(2) of title 10, United States Code, is amended by inserting '', including the Regular Space Force and the Space Force Reserve,'' after ''space forces''.

(2) NAMED RESERVE COMPONENT.—Section 10101 of title 10, United States Code, is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph (7):

''(7) The Space Force Reserve.''.

(3) COMPOSITION.—

(A) IN GENERAL.—Chapter 1003 of such title is amended—

(i) by redesignating section 10114 as section 10115; and

(ii) by inserting after section 10113 the following new section 10114:

''§ 10114. Space Force Reserve: composition

''The Space Force Reserve is a reserve component of the Space Force to provide a reserve for active duty. It consists of the members of the officers' section of the Space Force Reserve and of the enlisted section of the Space Force Reserve.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1003 of such title is amended by striking the item relating to section 10114 and inserting the following new items:

''10114. Space Force Reserve: composition.
''10115. Coast Guard Reserve.''.

(4) SPACE FORCE RESERVE COMMAND.—

(A) IN GENERAL.—Chapter 1006 of such title is amended by adding at the end the following new section:

''§ 10175. Space Force Reserve Command

''(a) ESTABLISHMENT OF COMMAND.—The Secretary of the Air Force, with the advice and assistance of the Chief of Space Operations, shall establish a Space Force Reserve Command. The Space Force Reserve Command shall be operated as a separate command of the Space Force.

''(b) COMMANDER.—The Chief of Space Force Reserve is the Commander of the Space Force Reserve Command. The commander of the Space Force Reserve Command reports directly to the Chief of Space Operations.

''(c) ASSIGNMENT OF FORCES.—The Secretary of the Air Force—

''(1) shall assign to the Space Force Reserve Command all forces of the Space Force Reserve stationed in the continental United States other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title; and

''(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Air Force specified in section 9013 of this title, shall assign to the combatant commands all such forces assigned to the Space Force Reserve Command under paragraph (1) in the manner specified by the Secretary of Defense.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1006 of such title is amended by adding at the end the following new item:

''10175. Space Force Reserve Command.''.

(c) MILITARY PERSONNEL MANAGEMENT.—Any authority in title 10, United States Code, may be applied to a member of the Space Force Reserve in the same manner as such authority is applied to a similarly situated member of the Air Force Reserve. In the application of such authority to a member of the Space Force Reserve, any reference to a grade of a member of in the Air Force or Air Force Reserve shall be deemed to refer to the equivalent grade in the Space Force or Space Force Reserve.

(d) REPORT ON INTEGRATION OF SPACE FORCE RESERVE INTO LAW.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report setting forth the amendments to title 10, United States Code, and any other laws, necessary to fully integrate the Space Force Reserve into statutory authorities on the personnel, activities, missions, and management of the Space Force.

SEC. 942. TRANSFERS OF MILITARY AND CIVILIAN PERSONNEL TO THE SPACE FORCE.

(a) PROHIBITION ON INVOLUNTARY TRANSFER.—A member of the Armed Forces or civilian employee of the Department of Defense may not be transferred to the military or civilian part of the Space Force, as the case may be, without the consent of such member or employee.

(b) STATUS WITHIN SPACE FORCE UPON TRANSFER.—Any member of the Armed Forces or civilian employee of the Department of Defense who is transferred to the Space Force shall, after transfer, have the status of member or civilian employee, as the case may be, of the Space Force.

(c) DETAIL OR ASSIGNMENT OF MEMBERS.—

(1) PERMANENT NATURE OF DETAIL OR ASSIGNMENT.—The detail or assignment of any member of the Armed Forces to the Space Force on or after the date of the enactment of this Act shall be permanent, and shall be treated as a transfer to which subsection (b) applies.

(2) ACKNOWLEDGMENT OF NATURE.—Any member undergoing a detail or assignment described in paragraph (1) shall execute a written acknowledgment, before undergoing such detail or assignment, of the permanent nature of the detail or assignment by reason of paragraph (1).

SEC. 943. LIMITATION ON TRANSFER OF MILITARY INSTALLATIONS TO THE JURISDICTION OF THE SPACE FORCE.

(a) LIMITATION.—A military installation (whether or not under the jurisdiction of the Department of the Air Force) may not be transferred to the jurisdiction or command of the Space Force until the Secretary of the Air Force briefs the congressional defense committees on the results of a business case analysis, conducted by the Secretary in connection with the transfer, of the cost and efficacy of the transfer.

(b) TIMING OF BRIEFING.—The briefing on a business case analysis conducted pursuant to subsection (a) shall be provided not later than 15 days after the date of the completion of the business case analysis by the Secretary.

SEC. 944. CLARIFICATION OF PROCUREMENT OF COMMERCIAL SATELLITE COMMUNICATIONS SERVICES.

(a) IN GENERAL.—Chapter 963 of title 10, United States Code, is amended by inserting before section 9532 the following new section:

''§ 9531. Procurement of commercial satellite communications services

''The Secretary of the Air Force shall be responsible for the procurement of commercial satellite communications services for the Department of Defense.''.

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 963 of such title is amended by inserting before the item relating to section 9532 the following new item:

''9531. Procurement of commercial satellite communications services.''.

SEC. 945. TEMPORARY EXEMPTION FROM AUTHORIZED DAILY AVERAGE OF MEMBERS IN PAY GRADES E–8 AND E–9.

Section 517 of title 10, United States Code, shall not apply to the Space Force until October 1, 2023.

SEC. 946. APPLICATION OF ACQUISITION DEMONSTRATION PROJECT TO DEPARTMENT OF THE AIR FORCE EMPLOYEES ASSIGNED TO ACQUISITION POSITIONS WITHIN THE SPACE FORCE.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599i. Application of acquisition demonstration project to Department of the Air Force employees assigned to acquisition positions within the Space Force

''For purposes of the demonstration project authorized by section 1762 of this title, the Secretary of Defense may apply the provisions of such section, including any regulations, procedures, waivers, or guidance implementing such section, to employees of the Department of the Air Force assigned to acquisition positions within the Space Force.''.

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1599i. Application of acquisition demonstration project to Department of the Air Force employees assigned to acquisition positions within the Space Force.''.

SEC. 947. AIR AND SPACE FORCE MEDAL.

(a) SUPERSEDURE OF AIRMAN'S MEDAL WITH AIR AND SPACE FORCE MEDAL.—

(1) IN GENERAL.—Section 9280 of title 10, United States Code, is amended—

(A) by striking ''Airman's Medal'' each place it appears and inserting ''Air and Space Force Medal''; and

(B) in subsection (a)(1), by inserting ''or the Space Force'' after ''the Air Force''.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 9280. Air and Space Force Medal: award; limitations''.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 937 of such title is amended by striking the item relating to section 9280 and inserting the following new item:

''9280. Air and Space Force Medal: award; limitations.''.

(b) DIFFERENTIATION IN DESIGN.—The President shall ensure that the design of the Air and Space Force Medal and accompanying ribbon (and any related bar or device) awarded under section 9280 of title 10, United States Code (as amended by subsection (a)), differs in an appropriate manner from the design of the Airman's Medal and accompanying ribbon, bar, or device awarded under section 9280 of title 10, United States Code, as such section was in effect on the date before the date of the enactment of this Act.

Subtitle D—Organization and Management of Other Department of Defense Offices and Elements

SEC. 951. ANNUAL REPORT ON ESTABLISHMENT OF FIELD OPERATING AGENCIES.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2245 the following new section:

''§ 2246. Establishment of field operating agencies: annual report

''(a) ANNUAL REPORT REQUIRED.—Not later than January 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on each, if any, field operating agency established during the preceding year.

''(b) ELEMENTS.—Each report under subsection (a) shall include, for each field operating agency covered by such report, the following:

''(1) The name of such agency.

''(2) The physical location of such agency.

''(3) The title and grade (whether military or civilian) of the head of such agency.

''(4) The chain of command, supervision, or authority through which the head of such agency reports to the Office of the Secretary of Defense or the military department or Armed Forces headquarters, as applicable.

''(5) The mission of such agency.

''(6) The number of personnel authorized to be assigned to such agency, and the number of such authorizations encumbered by military personnel and civilian employees of the Department of Defense or military department, as applicable.

''(7) The purpose underlying the establishment of such agency.

''(8) Any cost savings or other efficiencies that have accrued, or are anticipated to accrue, to the Department of Defense or any of its components in connection with the establishment and operation of such agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by inserting after the item relating to section 2245 the following new item:

''2246. Establishment of field operating agencies: annual report.''.

SEC. 952. BRIEFING ON ASSIGNMENT OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY TO THE JOINT ARTIFICIAL INTELLIGENCE CENTER OF THE DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, with appropriate representatives of the Armed Forces, shall brief the Committees on Armed Services of the Senate and the House of Representatives on the feasibility and the current status of assigning members of the Armed Forces on active duty to the Joint Artificial Intelligence Center (JAIC) of the Department of Defense. The briefing shall include an assessment of such assignment on each of the following:

(1) The strengthening of ties between the Joint Artificial Intelligence Center and operational forces for purposes of—

(A) identifying tactical and operational use cases for artificial intelligence (AI);

(B) improving data collection; and

(C) establishing effective liaison between the Center and operational forces for identification and clarification of concerns in the widespread adoption and dissemination of artificial intelligence.

(2) The creation of opportunities for additional non-traditional broadening assignments for members on active duty.

(3) The career trajectory of active duty members so assigned, including potential negative effects on career trajectory.

(4) The improvement and enhancement of the capacity of the Center to influence Department-wide policies that affect the adoption of artificial intelligence.

SEC. 953. THREATS TO UNITED STATES FORCES FROM SMALL UNMANNED AERIAL SYSTEMS WORLDWIDE.

(a) FINDINGS.—Congress makes the following findings:

(1) United States military forces face an ever increasing and constantly evolving threat from small unmanned aerial systems in operations worldwide, whether in the United States or abroad.

(2) The Department of Defense is already doing important work to address the threats from small unmanned aerial systems worldwide, though the need for engagement in that area continues.

(b) EXECUTIVE AGENT.—

(1) IN GENERAL.—The Secretary of the Army is the executive agent of the Department of Defense for programs, projects, and activities to counter small unmanned aerial systems (in this section referred to as the ''Counter-Small Unmanned Aerial Systems Program'').

(2) FUNCTIONS.—The functions of the Secretary as executive agent shall be as follows:

(A) To develop the strategy required by subsection (c).

(B) To carry out such other activities to counter threats to United States forces worldwide from small unmanned aerial systems as the Secretary of Defense and the Secretary of the Army consider appropriate.

(3) STRUCTURE.—The Secretary as executive agent shall carry out the functions specified in paragraph (2) through such administrative structures as the Secretary considers appropriate.

(c) STRATEGY TO COUNTER THREATS FROM SMALL UNMANNED AERIAL SYSTEMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army, as executive agent for the Counter-Small Unmanned Aerial Systems Program, shall develop and submit to relevant committees of Congress a strategy for the Armed Forces to effectively counter threats from small unmanned aerial systems worldwide. The report shall be submitted in classified form.

(d) REPORT ON EXECUTIVE AGENT ACTIVITIES.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army, as executive agent for the Counter-Small Unmanned Aerial Systems Program, shall submit to Congress a report on the Counter-Small Unmanned Aerial Systems Program.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description and assessment of the structure and activities of the executive agent as established and put in place by the Secretary, including the following:

(i) Any obstacles hindering the effective discharge of its functions and activities, including limitations in authorities or policy.

(ii) The changes, if any, to airspace management, rules of engagement, and training plans that are required in order to optimize the use by the Armed Forces of counter-small unmanned aerial systems.

(B) An assessment of the implementation of the strategy required by subsection (c), and a description of any updates to the strategy that are required in light of evolving threats to the Armed Forces from small unmanned aerial systems.

(e) REPORT ON THREAT FROM SMALL UNMANNED AERIAL SYSTEMS.—

(1) REPORT REQUIRED.—Not later than 180 days after the submittal of the strategy required by subsection (c), the Secretary of Defense shall submit to the appropriate committees of Congress a report that sets forth a direct comparison between the threats United States forces in combat settings face from small unmanned aerial systems and the capabilities of the United States to counter such threats. The report shall be submitted in classified form.

(2) COORDINATION.—The Secretary shall prepare the report required by paragraph (1) in coordination with the Director of the Defense Intelligence Agency and with such other appropriate officials of the intelligence community, and such other officials in the United States Government, as the Secretary considers appropriate.

(3) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An evaluation and assessment of the current and evolving threat being faced by United States forces from small unmanned aerial systems.

(B) A description of the counter-small unmanned aerial system systems acquired by the Department of Defense as of the date of the enactment of this Act, and an assessment whether such systems are adequate to meet the current and evolving threat described in subparagraph (A).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

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

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

(f) INDEPENDENT ASSESSMENT OF COUNTER-SMALL UNMANNED AERIAL SYSTEMS PROGRAM.—

(1) ASSESSMENT.—Not later than 60 days after the submittal of the strategy required by subsection (c), the Secretary of Defense shall seek to enter into a contract with a Federally funded research and development center to conduct an assessment of the efficacy of the Counter-Small Unmanned Aerial Systems Program.

(2) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include the following:

(A) An identification of metrics to assess progress in the implementation of the strategy required by subsection (c), which metrics shall take into account the threat assessment required for purposes of subsection (e).

(B) An assessment of progress, and key challenges, in the implementation of the strategy using such metrics, and recommendations for improvements in the implementation of the strategy.

(C) An assessment of the extent to which the Department of Defense is coordinating adequately with other departments and agencies of the United States Government, and other appropriate entities, in the development and procurement of counter-small unmanned aerial systems for the Department.

(D) An assessment of the extent to which the designation of the Secretary of the Army as executive agent for the Counter-Small Unmanned Aerial Systems Program has reduced redundancies and increased efficiencies in procurement of counter-small unmanned aerial systems.

(E) An assessment whether United States technological progress on counter-small unmanned aerial systems is sufficient to maintain a competitive edge over the small unmanned aerial systems technology available to United States adversaries.

(3) REPORT.—Not later than 180 days after entry into the contract referred to in paragraph (1), the Secretary shall submit to the congressional defense committees a report setting forth the results of the assessment required under the contract.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2021 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. APPLICATION OF FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN TO FISCAL YEARS FOLLOWING FISCAL YEAR 2020.

Section 240b(a)(2)(A)(iii) of title 10, United States Code, is amended by striking ''for fiscal year 2018'' and all that follows and inserting ''for each fiscal year after fiscal year 2020 occurs by not later than March 31 following such fiscal year;''.

SEC. 1003. INCENTIVES FOR THE ACHIEVEMENT BY THE COMPONENTS OF THE DEPARTMENT OF DEFENSE OF UNQUALIFIED AUDIT OPINIONS ON THE FINANCIAL STATEMENTS.

(a) INCENTIVES REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall, acting through the Deputy Chief Financial Officer of the Department of Defense, develop and issue guidance to incentivize the achievement by each department, agency, and other component of the Department of Defense of unqualified audit opinions on their financial statements.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate committees of Congress a report setting forth a description and assessment of current and proposed incentives for the achievement of unqualified audit opinions as described in subsection (a).

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

Subtitle B—Counterdrug Activities

SEC. 1011. CODIFICATION OF AUTHORITY FOR JOINT TASK FORCES OF THE DEPARTMENT OF DEFENSE TO SUPPORT LAW ENFORCEMENT AGENCIES CONDUCTING COUNTERTERRORISM OR COUNTER-TRANSNATIONAL ORGANIZED CRIME ACTIVITIES.

(a) CODIFICATION OF SECTION 1022 OF FY 2004 NDAA.—Chapter 15 of title 10, United States Code, is amended by adding at the end a new section 285 consisting of—

(1) a heading as follows:

''§ 285. Authority for joint task forces to support law enforcement agencies conducting counterterrorism or counter-transnational organized crime activities''; and

(2) a text consisting of the text of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 271 note).

(b) CONFORMING AMENDMENTS IN CONNECTION WITH CODIFICATION.—Section 285 of title 10, United States Code, as added by subsection (a), is amended—

(1) in subsection (b), by striking ''During fiscal years 2006 through 2022, funds for drug interdiction'' and inserting ''Funds for drug interdiction'';

(2) in subsection (c), by striking ''of each year in which the authority in subsection (a) is in effect'' and inserting ''each year'';

(3) in subsection (d)—

(A) in paragraph (1), by striking the paragraph designation and all that follows through ''Support'' in paragraph (2)(A) and inserting ''(1) Support'';

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking ''subparagraph (A)'' and inserting ''paragraph (1)''; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ''of title 10, United States Code'' and inserting ''of this title''; and

(B) by striking the second paragraph (2).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 15 of such title is amended by adding at the end the following new item:

''285. Authority for joint task forces to support law enforcement agencies conducting counterterrorism or counter-transnational organized crime activities.''.

(d) CONFORMING REPEAL.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 is repealed.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. MODIFICATION OF AUTHORITY TO PURCHASE USED VESSELS WITH FUNDS IN THE NATIONAL DEFENSE SEALIFT FUND.

Section 2218(f)(3) of title 10, United States Code, is amended—

(1) by striking subparagraphs (E) and (G); and

(2) by redesignating subparagraph (F) as subparagraph (E).

SEC. 1022. WAIVER DURING WAR OR THREAT TO NATIONAL SECURITY OF RESTRICTIONS ON OVERHAUL, REPAIR, OR MAINTENANCE OF VESSELS IN FOREIGN SHIPYARDS.

Section 8680 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection: (c)

''(c) WAIVER.—(1) The Secretary of the Navy may waive the restrictions in subsections (a) and (b) for the duration of a period of threat to the national security interests of the United States upon a written determination by the Secretary that such a waiver is necessary in the national security interest of the United States.

''(2) Not later than 15 days after making a determination under paragraph (1), the Secretary shall provide to the congressional defense committees a written notification on the determination.

''(3) In this subsection, the term 'period of threat to the national security interests of the United States' means the following:

''(A) A period of war.

''(B) Any other period determined by Secretary of Defense in which the national security interests of the United States are threatened by the application, or the imminent danger of application, of physical force by any foreign government or agency against the United States, citizens of the United States, the property of citizens of the United States, or the commercial interests of citizens of the United States.''.

SEC. 1023. MODIFICATION OF WAIVER AUTHORITY ON PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF CERTAIN LEGACY MARITIME MINE COUNTERMEASURE PLATFORMS.

(a) IN GENERAL.—Section 1046(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public law 115–91; 131 Stat. 1556) is amended by striking ''certifies'' and inserting '', with the concurrence of the Director of Operational Test and Evaluation, certifies in writing''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to waivers under subsection (b)(1) of section 1046 of the National Defense Authorization Act for Fiscal Year 2018 of the prohibition under subsection (a) of that section that occur on or after that date.

SEC. 1024. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS AFLOAT.

Section 1014(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4585), as most recently amended by section 1023(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 966), is further amended by striking ''September 30, 2020'' and inserting ''September 30, 2025''.

SEC. 1025. SENSE OF CONGRESS ON ACTIONS NECESSARY TO ACHIEVE A 355-SHIP NAVY.

It is the sense of Congress that to achieve the national policy of the United States to have available, as soon as practicable, not fewer than 355 battle force ships—

(1) the Navy must be adequately resourced to increase the size of the Navy in accordance with the national policy, which includes the associated ships, aircraft, personnel, sustainment, and munitions;

(2) across fiscal years 2021 through 2025, the Navy should start construction on not fewer than—

(A) 12 Arleigh Burke-class destroyers;

(B) 10 Virginia-class submarines;

(C) 2 Columbia-class submarines;

(D) 3 San Antonio-class amphibious ships;

(E) 1 LHA-class amphibious ship;

(F) 6 John Lewis-class fleet oilers; and

(G) 5 guided missile frigates;

(3) new guided missile frigate construction should increase to a rate of between two and four ships per year once design maturity and construction readiness permit;

(4) the Columbia-class submarine program should be funded with additions to the Navy budget significantly above the historical average, given the critical single national mission that these vessels will perform and the high priority of the shipbuilding budget for implementing the National Defense Strategy;

(5) stable shipbuilding rates of construction should be maintained for each vessel class, utilizing multi-year or block buy contract authorities when appropriate, until a deliberate transition plan is identified; and

(6) prototyping of potential new shipboard subsystems should be accelerated to build knowledge systematically, and, to the maximum extent practicable, shipbuilding prototyping should occur at the subsystem-level in advance of ship design.

Subtitle D—Counterterrorism

SEC. 1031. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

Section 1033 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1953), as amended by section 1043 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1036 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1551), as most recently amended by section 1045 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''fiscal year 2018, 2019, or 2020'' and inserting ''fiscal years 2018 through 2021''.

SEC. 1033. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.

Section 1035 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1954), as amended by section 1042 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1034(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1954), as amended by section 1044 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. INCLUSION OF DISASTER-RELATED EMERGENCY PREPAREDNESS ACTIVITIES AMONG LAW ENFORCEMENT ACTIVITIES AUTHORITIES FOR SALE OR DONATION OF EXCESS PERSONAL PROPERTY OF THE DEPARTMENT OF DEFENSE.

(a) INCLUSION.—Subsection (a)(1)(A) of section 2576a of title 10, United States Code, is amended by inserting ''disaster-related emergency preparedness,'' after ''counterterrorism,''.

(b) PREFERENCE IN TRANSFERS.—Subsection (d) of such section is amended to read as follows:

''(d) PREFERENCE FOR CERTAIN TRANSFERS.—In considering applications for the transfer of personal property under this section, the Secretary shall give a preference to applications indicating that the transferred property will be used in the counterdrug, counterterrorism, disaster-related emergency preparedness, or border security activities of the recipient agency. Applications that request vehicles used for disaster-related emergency preparedness, such as high-water rescue vehicles, should receive the highest preference.''.

SEC. 1042. EXPENDITURE OF FUNDS FOR DEPARTMENT OF DEFENSE CLANDESTINE ACTIVITIES THAT SUPPORT OPERATIONAL PREPARATION OF THE ENVIRONMENT.

(a) AUTHORITY.—Subject to subsections (b) through (d), the Secretary of Defense may expend up to $15,000,000 in any fiscal year for clandestine activities for any purpose the Secretary determines to be proper for preparation of the environment for operations of a confidential nature. Such a determination is final and conclusive upon the accounting officers of the United States. The Secretary may certify the amount of any such expenditure authorized by the Secretary that the Secretary considers advisable not to specify, and the Secretary's certificate is sufficient voucher for the expenditure of that amount.

(b) FUNDS.—Funds for expenditures under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for operation and maintenance, Defense-wide.

(c) LIMITATION ON DELEGATION.—The Secretary of Defense may not delegate the authority under this section with respect to any expenditure in excess of $100,000.

(d) EXCLUSION OF INTELLIGENCE ACTIVITIES.—

(1) IN GENERAL.—This section does not constitute authority to conduct, or expend funds for, intelligence, counterintelligence, or intelligence-related activities.

(2) DEFINITIONS.—In this subsection, the terms ''intelligence'' and ''counterintelligence'' have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(e) ANNUAL REPORT.—Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on expenditures

made under this section during the fiscal year preceding the year in which the report is submitted. Each report shall include, for each expenditure under this section during the fiscal year covered by such report—

(1) the amount and date of such expenditure;

(2) a detailed description of the purpose for which such expenditure was made;

(3) an explanation why other authorities available to the Department of Defense could not be used for such expenditure; and

(4) any other matters the Secretary considers appropriate.

SEC. 1043. CLARIFICATION OF AUTHORITY OF MILITARY COMMISSIONS UNDER CHAPTER 47A OF TITLE 10, UNITED STATES CODE, TO PUNISH CONTEMPT.

(a) CLARIFICATION.—

(1) IN GENERAL.—Subchapter IV of chapter 47A of title 10, United States Code, is amended by adding at the end the following new section:

"§ 949o–1. Contempt

''(a) AUTHORITY TO PUNISH.—(1) With respect to any proceeding under this chapter, a judicial officer specified in paragraph (2) may punish for contempt any person who—

''(A) uses any menacing word, sign, or gesture in the presence of the judicial officer during the proceeding;

''(B) disturbs the proceeding by any riot or disorder; or

''(C) willfully disobeys a lawful writ, process, order, rule, decree, or command issued with respect to the proceeding.

''(2) A judicial officer referred to in paragraph (1) is any of the following:

''(A) Any judge of the United States Court of Military Commission Review.

''(B) Any military judge detailed to a military commission or any other proceeding under this chapter.

''(b) PUNISHMENT.—The punishment for contempt under subsection (a) may not exceed confinement for 30 days, a fine of $1,000, or both.

''(c) REVIEW.—(1) A punishment under this section—

''(A) is not reviewable by the convening authority of a military commission under this chapter;

''(B) if imposed by a military judge, shall constitute a judgment, subject to review in the first instance only by the United States Court of Military Commission Review and then only by the United States Court of Appeals for the District of Columbia Circuit; and

''(C) if imposed by a judge of the United States Court of Military Commission Review, shall constitute a judgment of the court subject to review only by the United States Court of Appeals for the District of Columbia Circuit.

''(2) In reviewing a punishment for contempt imposed under this section, the reviewing court shall affirm such punishment unless the court finds that imposing such punishment was an abuse of the discretion of the judicial officer who imposed such punishment.

''(3) A petition for review of punishment for contempt imposed under this section shall be filed not later than 60 days after the date on which the authenticated record upon which the contempt punishment is based and any contempt proceedings conducted by the judicial officer are served on the person punished for contempt.

''(d) PUNISHMENT NOT CONVICTION.—Punishment for contempt is not a conviction or sentence within the meaning of section 949m of this title. The imposition of punishment for contempt is not governed by other provisions of this chapter applicable to military commissions, except that the Secretary of Defense may prescribe procedures for contempt proceedings and punishments, pursuant to the authority provided in section 949a of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of such chapter is amended by adding at the end the following new item:

''949o–1. Contempt.''.

(b) CONFORMING AMENDMENTS.—Section 950t of title 10, United States Code, is amended—

(1) by striking paragraph (31); and

(2) by redesignating paragraph (32) as paragraph (31).

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) shall not be construed to affect the lawfulness of any punishment for contempt adjudged prior to the effective date of such amendments.

(d) APPLICABILITY.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, and shall apply with respect to conduct by a person that occurs on or after such date.

SEC. 1044. PROHIBITION ON ACTIONS TO INFRINGE UPON FIRST AMENDMENT RIGHTS OF PEACEABLE ASSEMBLY AND PETITION FOR REDRESS OF GRIEVANCES.

Amounts authorized to be appropriated by this Act shall not be used for any program, project, or activity, or any use of personnel, to conduct actions against United States citizens that infringe upon their rights under the First Amendment to the Constitution peaceably to assemble and/or to petition the Government for a redress of grievances.

SEC. 1045. ARCTIC PLANNING, RESEARCH, AND DEVELOPMENT.

(a) ARCTIC PLANNING AND IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall begin planning and implementing such changes as may be necessary for requirements, training, equipment, doctrine, and capability development of the Armed Forces should an expanded role of the Armed Forces in the Arctic be determined by the Secretary to be in the national security interests of the United States.

(2) TRAINING.—In carrying out paragraph (1), the Secretary shall direct the Armed Forces to carry out training in the Arctic or training relevant to carrying out military operations in the Arctic.

(b) ARCTIC RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—If pursuant to subsection (a), the Secretary of Defense determines that an expanded role for the Armed Forces is in the national security interests of the United States, the Secretary shall establish a research and development program on the current and future requirements and needs of the Armed Forces for operations in the Arctic.

(2) ELEMENTS.—The program required by paragraph (1) shall include the following:

(A) Development of materiel solutions for operating in extreme weather environments of the Arctic, including equipment for individual members of the Armed Forces, ground vehicles, and communications systems.

(B) Development of a plan for fielding future weapons platforms able to operate in Arctic conditions for surface combatants, submarines, aviation platforms, assault craft unit connectors, auxiliaries, littoral craft, unmanned aerial vehicles, and any other systems that may be needed in the Arctic.

(C) Development of capabilities to monitor, assess, and predict environmental and weather conditions in the Arctic and their effect on military operations.

(D) Determining requirements for logistics and sustainment of the Armed Forces operating in the Arctic.

SEC. 1046. CONSIDERATION OF SECURITY RISKS IN CERTAIN TELECOMMUNICATIONS ARCHITECTURE FOR FUTURE OVERSEAS BASING DECISIONS OF THE DEPARTMENT OF DEFENSE.

The Secretary of Defense shall take into account the security risks of 5G and 6G telecommunications network architecture, including the use of telecommunications equipment provided by at-risk vendors such as Huawei Technologies Company, Ltd., and the Zhongxing Telecommunications Equipment Corporation (ZTE), in all future overseas stationing decisions of the Department of Defense, including—

(1) security risks from threats to operational and information security of United States military personnel and equipment; and

(2) the sufficiency of potential mitigation by the Department and the host nation concerned of such security risks, including through cost-sharing agreements related to such mitigation.

SEC. 1047. FOREIGN MILITARY TRAINING PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''Secure United States Bases Act''.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE DEFENSE COMMITTEES.—The term ''appropriate defense committees'' means—

(A) the Committee on Armed Services of the Senate; and

(B) the Committee on Armed Services of the House of Representatives.

(2) COVERED INDIVIDUALS.—The term ''covered individuals'' means any foreign national (except foreign nationals of Australia, Canada, New Zealand, and the United Kingdom who have been granted a security clearance that is reciprocally accepted by the United States for access to classified information) who—

(A) is seeking physical access to a Department of Defense installation or facility within the United States; and

(B)(i) is selected, nominated, or accepted for training or education for a period of more than 30 days occurring on a Department of Defense installation or facility within the United States; or

(ii) is an immediate family member accompanying any foreign national who has been selected, nominated, or accepted for such training or education.

(3) IMMEDIATE FAMILY MEMBER.—The term ''immediate family member'' means—

(A) spouse;

(B) parents and stepparents;

(C) siblings, stepsiblings, and half-siblings; and

(D) children and stepchildren.

(4) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and Guam.

(c) ESTABLISHMENT OF VETTING PROCEDURES; MONITORING REQUIREMENTS FOR CERTAIN MILITARY TRAINING.—

(1) ESTABLISHMENT OF VETTING PROCEDURES.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish procedures to vet covered individuals for eligibility for physical access to Department of Defense installations and facilities within the United States, including—

(i) biographic and biometric screening of covered individuals;

(ii) continuous review of whether covered individuals should continue to be authorized such physical access;

(iii) biographic checks of the covered individual's immediate family members; and

(iv) any other measures that the Secretary of Defense determines appropriate for vetting.

(B) INFORMATION REQUIRED.—The Secretary of Defense shall identify the information required to conduct the vetting.

(C) COLLECTION OF INFORMATION.—The Secretary of Defense shall—

(i) collect information to vet individuals under the procedures established under this subsection; and

(ii) as required for the effective implementation of this section, shall seek to enter into agreements with the relevant Federal departments and agencies to facilitate the sharing of information in the possession of such departments and agencies concerning the covered individuals.

(2) DETERMINATION AUTHORITY.—

(A) REVIEW.—The results of vetting—

(i) will be reviewed within the Department of Defense by an organization with an assigned security and counterintelligence mission; and

(ii) will be the basis for that organization's recommendation regarding whether physical access should be authorized by the appropriate authority.

(B) EFFECT OF DENIAL.—If the organization recommends that a covered individual not be authorized physical access to Department of Defense installations and facilities within the United States, such physical access may only be authorized for such covered individual by the Secretary of Defense or the Deputy Secretary of Defense.

(C) NOTIFICATION.—The Secretary of State shall be notified of any covered individuals who are not authorized physical access based on the results of the vetting under this subsection.

(3) ADDITIONAL SECURITY MEASURES.—Beginning on the date that is 181 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) ensure that all Department of Defense Common Access Cards issued to foreign nationals in the United States—

(i) comply with the credentialing standards issued by the Office of Personnel Management; and

(ii) include a visual indicator, as required by the standard developed by the National Institute of Standards and Technology;

(B) ensure that physical access by covered individuals is limited, as appropriate, to Department of Defense installations or facilities within the United States that are directly associated with their training or education or necessary to access authorized benefits;

(C) establish a policy regarding the possession of firearms on Department of Defense property by covered individuals; and

(D) ensure that covered individuals who have been granted physical access are incorporated into the Department of Defense Insider Threat Program.

(4) NOTIFICATION.—The Secretary of Defense shall notify the appropriate congressional committees of the establishment of the procedures required under paragraph (1).

(d) REPORTING REQUIREMENTS.—

(1) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the appropriate congressional committees regarding the establishment of any Department of Defense policy or guidance related to the implementation of this section.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the appropriate congressional committees regarding the impact and effects of this section, including—

(A) any positive or negative impacts on the training of foreign military students;

(B) the effectiveness of the vetting procedures implemented in preventing harm to United States military personnel or communities;

(C) how any of the negative impacts have been mitigated; and

(D) a proposed plan to mitigate any ongoing negative impacts to the vetting and training of foreign military students by the Department of Defense.

SEC. 1048. REPORTING OF ADVERSE EVENTS RELATING TO CONSUMER PRODUCTS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that any adverse event related to a consumer product that occurs on a military installation is reported on the internet website saferproducts.gov.

(b) DEFINITIONS.—In this section:

(1) ADVERSE EVENT.—The term ''adverse event'' means—

(A) any event that indicates that a consumer product—

(i) fails to comply with an applicable consumer product safety rule or with a voluntary consumer product safety standard upon which the Consumer Product Safety Commission has relied under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058);

(ii) fails to comply with any other rule, regulation, standard, or ban under that Act or any other Act enforced by the Commission;

(iii) contains a defect which could create a substantial product hazard described in section 15(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2064(a)(2)); or

(iv) creates an unreasonable risk of serious injury or death; or

(B) any other harm described in subsection (b)(1)(A) of section 6A of the Consumer Product Safety Act (15 U.S.C. 2055a) and required to be reported in the database established under subsection (a) of that section.

(2) CONSUMER PRODUCT.—The term ''consumer product'' has the meaning given that term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052).

SEC. 1049. INCLUSION OF UNITED STATES NAVAL SEA CADET CORPS AMONG YOUTH AND CHARITABLE ORGANIZATIONS AUTHORIZED TO RECEIVE ASSISTANCE FROM THE NATIONAL GUARD.

Section 508(d) of title 32, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following new paragraph (14):

''(14) The United States Naval Sea Cadet Corps.''.

SEC. 1050. DEPARTMENT OF DEFENSE POLICY FOR THE REGULATION OF DANGEROUS DOGS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, through the Veterinary Service Activity of the Department of Defense, shall establish a standardized policy applicable across all military communities for the regulation of dangerous dogs that is—

(1) breed-neutral; and

(2) consistent with advice from professional veterinary and animal behavior experts in regard to effective regulation of dangerous dogs.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations implementing the policy established under subsection (a).

(2) BEST PRACTICES.—The regulations prescribed under paragraph (1) shall include strategies, for implementation within all military communities, for the prevention of dog bites that are consistent with the following best practices:

(A) Enforcement of comprehensive, nonbreed-specific regulations relating to dangerous dogs, with emphasis on identification of dangerous dog behavior and chronically irresponsible owners.

(B) Enforcement of animal control regulations, such as leash laws and stray animal control policies.

(C) Promotion and communication of resources for pet spaying and neutering.

(D) Investment in community education initiatives, such as teaching criteria for pet selection, pet care best practices, owner responsibilities, and safe and appropriate interaction with dogs.

(c) MILITARY COMMUNITIES DEFINED.—In this section, the term ''military communities'' means—

(1) all installations of the Department; and

(2) all military housing, including privatized military housing under subchapter IV of chapter 169 of title 10, United States Code.

SEC. 1051. SENSE OF CONGRESS ON THE BASING OF KC–46A AIRCRAFT OUTSIDE THE CONTIGUOUS UNITED STATES.

It is the sense of Congress that the Secretary of the Air Force, as part of the strategic basing process for KC–46A aircraft at installations outside the contiguous United States (OCONUS), should—

(1) consider the benefits derived from basing such aircraft at locations that—

(A) support day-to-day air refueling operations, operations plans of multiple combatant commands, and flexibility for contingency operations;

(B) have—

(i) a strategic location that is essential to the defense of the United States and its interests;

(ii) receivers for boom or probe-and-drogue combat training opportunities with joint and international partners; and

(iii) sufficient airfield and airspace availability and capacity to meet requirements;

(C) possess facilities that take full advantage of existing infrastructure to provide—

(i) runway, hangars, and aircrew and maintenance operations; and

(ii) sufficient fuel receipt, storage, and distribution for 5-day peacetime operating stock; and

(D) minimize overall construction and operational costs;

(2) prioritize United States responsiveness and flexibility to continued long-term great power competition and other major threats, as outlined in the 2017 National Security Strategy and the 2018 National Defense Strategy; and

(3) take into account the advancement of adversary weapons systems, with respect to both capacity and range.

SEC. 1052. EFFICIENT USE OF SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall issue revised guidance authorizing and directing Government agencies and their appropriately cleared contractors to process, store, use, and discuss sensitive compartmented information (SCI) at facilities previously approved to handle such information, without need for further approval by agency or by site. Such guidance shall apply to controlled access programs of the intelligence community and to special access programs of the Department of Defense.

SEC. 1053. ASSISTANCE FOR FARMER AND RANCHER STRESS AND MENTAL HEALTH OF INDIVIDUALS IN RURAL AREAS.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means the Secretary of Agriculture.

(b) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, the suicide rate is 45 percent greater in rural areas of the United States than the suicide rate in urban areas of the United States;

(2) farmers face social isolation, the potential for financial losses, barriers to seeking mental health services, and access to lethal means to commit suicide; and

(3) as commodity prices fall and farmers face uncertainty, reports of farmer suicides are increasing.

(c) PUBLIC SERVICE ANNOUNCEMENT CAMPAIGN TO ADDRESS FARM AND RANCH MENTAL HEALTH.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall carry out a public service announcement campaign to address the mental health of farmers and ranchers.

(2) REQUIREMENTS.—The public service announcement campaign under paragraph (1) shall include television, radio, print, outdoor, and digital public service announcements.

(3) CONTRACTOR.—The Secretary may enter into a contract or other agreement with a third party to carry out the public service announcement campaign under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $3,000,000, to remain available until expended.

(d) EMPLOYEE TRAINING PROGRAM TO MANAGE FARMER AND RANCHER STRESS.—

(1) IN GENERAL.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912 et seq.) is amended by adding at the end the following:

''SEC. 224B. EMPLOYEE TRAINING PROGRAM TO MANAGE FARMER AND RANCHER STRESS.

''(a) IN GENERAL.—The Secretary shall establish a voluntary program to train employees of the Farm Service Agency, the Risk Management Agency, and the Natural Resources Conservation Service in the management of stress experienced by farmers and ranchers, including the detection of stress and suicide prevention.

''(b) REQUIREMENT.—Not later than 180 days after the date on which the Secretary submits a report on the results of the pilot program being carried out by the Secretary as of the date of enactment of this section to train employees of the Department in the management of stress experienced by farmers and ranchers, and based on the recommendations contained in that report, the Secretary shall develop a training program to carry out subsection (a).

''(c) REPORT.—Not less frequently than once every 2 years, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the implementation of this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by redesignating section 225 (7 U.S.C. 6925) as section 224A.

(B) Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended by adding at the end the following:

''(11) The authority of the Secretary to carry out section 224B.''.

(e) TASK FORCE FOR ASSESSMENT OF CAUSES OF MENTAL STRESS AND BEST PRACTICES FOR RESPONSE.—

(1) IN GENERAL.—The Secretary shall convene a task force of agricultural and rural stakeholders at the national, State, and local levels—

(A) to assess the causes of mental stress in farmers and ranchers; and

(B) to identify best practices for responding to that mental stress.

(2) SUBMISSION OF REPORT.—Not later than 1 year after the date of enactment of this Act, the task force convened under paragraph (1) shall submit to the Secretary a report containing the assessment and best practices under subparagraphs (A) and (B), respectively, of that paragraph.

(3) COLLABORATION.—In carrying out this subsection, the task force convened under paragraph (1) shall collaborate with nongovernmental organizations and State and local agencies.

SEC. 1054. ADDITIONAL CONDITIONS AND LIMITATIONS ON THE TRANSFER OF DEPARTMENT OF DEFENSE PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

(a) ADDITIONAL TRAINING OF RECIPIENT AGENCY PERSONNEL REQUIRED.—Subsection (b)(6) of section 2576a of title 10, United States Code, is amended by inserting before the period at the end the following: '', including respect for the rights of citizens under the Constitution of the United States and de-escalation of force''.

(b) CERTAIN PROPERTY NOT TRANSFERRABLE.—Such section is further amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

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

''(d) PROPERTY NOT TRANSFERRABLE.—The Secretary may not transfer to a Tribal, State, or local law enforcement agency under this section the following:

''(1) Bayonets.

''(2) Grenades (other than stun and flash-bang grenades).

''(3) Weaponized tracked combat vehicles.

''(4) Weaponized drones.''.

Subtitle F—Studies and Reports

SEC. 1061. REPORT ON POTENTIAL IMPROVEMENTS TO CERTAIN MILITARY EDUCATIONAL INSTITUTIONS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than December 1, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a review and assessment, obtained by the Secretary for purposes of the report, of the potential effects on the military education provided by the educational institutions of the Department of Defense specified in subsection (b) of the actions described in subsection (c).

(2) CONDUCTING ORGANIZATION.—The review and assessment required for purposes of the report shall be performed by an organization selected by the Secretary from among organizations independent of the Department that have expertise in the analysis of matters in connection with higher education.

(b) EDUCATIONAL INSTITUTIONS OF THE DEPARTMENT OF DEFENSE.—The educational institutions of the Department of Defense specified in this subsection are the following:

(1) The senior level service schools and intermediate level service schools (as such terms are defined in section 2151(b) of title 10, United States Code).

(2) The Air Force Institute of Technology.

(3) The National Defense University.

(4) The Joint Special Operations University.

(5) The Army Armament Graduate School.

(6) Any other military educational institution of the Department specified by the Secretary for purposes of this section.

(c) ACTIONS.—The actions described in this subsection with respect to the educational institutions of the Department of Defense specified in subsection (b) are the following:

(1) Modification of admission and graduation requirements.

(2) Expansion of use of case studies in curricula for professional military education.

(3) Reduction or expansion of degree-granting authority.

(4) Reduction or expansion of the acceptance of research grants.

(5) Reduction of the number of attending students generally.

(6) Modification of military personnel career milestones in order to prioritize instructor positions.

(7) Increase in educational and performance requirements for military personnel selected to be instructors.

(8) Expansion of ''visiting'' or ''adjunct'' faculty.

(9) Modification of civilian faculty management practices, including employment practices.

(10) Reduction of the number of attending students through the sponsoring of education of an increased number of students at non-Department of Defense institutions of higher education.

(11) Modification of enlisted personnel management and career milestones to increase attendance at non-Department of Defense institutions of higher education

(d) ADDITIONAL ELEMENTS.—In addition to the matters described in subsection (a), the review and report under this section shall also include the following:

(1) A comparison of admission standards and graduation requirements of the educational institutions of the Department of Defense specified in subsection (b) with admission standards and graduation requirements of public and private institutions of higher education that are comparable to the educational institutions of the Department of Defense.

(2) A comparison of the goals and missions of the educational institutions of the Department of Defense specified in subsection (b) with the goals and missions of such public and private institutions of higher education.

(3) Any other matters the Secretary considers appropriate for purposes of this section.

(e) JCS EVALUATION OF REVIEW AND ASSESSMENT.—Not later than 90 days after the date on which the report required by subsection (a) is submitted to Congress, the Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth any evaluation by the Joint Chiefs of Staff of the review and assessment covered by the report under subsection (a).

SEC. 1062. REPORTS ON STATUS AND MODERNIZATION OF THE NORTH WARNING SYSTEM.

(a) REPORT ON STATUS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the North Warning System.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A description and assessment of the status and operational integrity of the infrastructure of the North Warning System.

(B) An assessment of the technology currently used by the North Warning System compared with the technology considered

necessary by the Commander of the North American Aerospace Defense Command to detect current and anticipated threats.

(C) An assessment of the infrastructure and ability of the Alaska Radar System to integrate into the broader North Warning System.

(D) An assessment of the ability of the North Warning System to integrate with current and anticipated space-based sensor platforms.

(b) REPORT ON PLAN FOR MODERNIZATION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the modernization of the capabilities provided by the current North Warning System.

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

(A) A detailed timeline for the modernization of the North Warning System based on the status of the system as reported pursuant to subsection (a).

(B) The technological advancements necessary for ground-based North Warning System sites to address current and anticipated threats (as specified by the Commander of the North American Aerospace Defense Command).

(C) An assessment of the number of future North Warning System sites required in order to address current and anticipated threats (as so specified).

(D) Any new or complementary technologies required to accomplish the mission of the North Warning System.

(E) The cost and schedule, by year, of the plan.

SEC. 1063. STUDIES ON THE FORCE STRUCTURE FOR MARINE CORPS AVIATION.

(a) STUDIES REQUIRED.—The Secretary of Defense shall provide for performance of three studies on the force structure for Marine Corps aviation through 2030.

(b) RESPONSIBILITY FOR STUDIES.—One of the three studies performed pursuant to subsection (a) shall be performed by each of the following:

(1) The Secretary of the Navy, in consultation with the Commandant of the Marine Corps.

(2) An appropriate Federally funded research and development center (FFRDC), as selected by the Secretary for purposes of this section.

(3) An appropriate organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such code, as selected by the Secretary for purposes of this section.

(c) PERFORMANCE.—

(1) INDEPENDENT PERFORMANCE.—Each study performed pursuant to subsection (a) shall be performed independently of each other such study,

(2) MATTERS TO BE CONSIDERED.—In performing a study pursuant to subsection, the officer or entity performing the study take into account, within the context of the current force structure for Marine Corps aviation, the following:

(A) The 2018 National Defense Strategy and the 2018 National Military Strategy.

(B) The Marine Corps Force Design 2030.

(C) Potential roles and missions for Marine Corps aviation given new operating concepts for the Marine Corps.

(D) The potential for increased requirements for survivable and dispersed strike aircraft.

(E) The potential for increased requirements for tactical or intratheater lift, amphibious lift, or surface connectors.

(d) STUDY RESULTS.—The results of each study performed pursuant to subsection (a) shall include the following:

(1) The various force structures for Marine Corps aviation through 2030 considered under such study, together with the assumptions and possible scenarios identified for each such force structure.

(2) A recommendation for the force structure for Marine Corps aviation through 2030, including the following in connection with such force structure:

(A) Numbers and type of aviation assets, numbers and types of associated unmanned assets, and basic capabilities of each such asset.

(B) A description and assessment of the deviation of such force structure from the most recent Marine Corps Aviation Plan.

(C) Any other information required for assessment of such force structure, including supporting analysis.

(3) A presentation and discussion of minority views among participants in such study.

(e) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of each study performed pursuant to subsection (a).

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

SEC. 1064. STUDY ON UNEMPLOYMENT RATE OF FEMALE VETERANS WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES AFTER SEPTEMBER 11, 2001.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Bureau of Labor Statistics of the Department of Labor, shall conduct a study on why Post-9/11 Veterans who are female are at higher risk of unemployment than all other groups of female veterans and their non-veteran counterparts.

(2) CONDUCT OF STUDY.—

(A) IN GENERAL.—The Secretary shall conduct the study under paragraph (1) primarily through the Center for Women Veterans under section 318 of title 38, United States Code.

(B) CONSULTATION.—In carrying out the study conducted under paragraph (1), the Secretary may consult with—

(i) other Federal agencies, such as the Department of Defense, the Office of Personnel Management, and the Small Business Administration;

(ii) foundations; and

(iii) entities in the private sector.

(3) ELEMENTS OF STUDY.—The study conducted under paragraph (1) shall include, with respect to Post-9/11 Veterans who are female, at a minimum, an analysis of the following:

(A) Rank at time of separation from the Armed Forces.

(B) Geographic location upon such separation.

(C) Educational level upon such separation.

(D) The percentage of such veterans who enrolled in an education or employment training program of the Department of Veterans Affairs or the Department of Labor after such separation.

(E) Industries that have employed such veterans.

(F) Military occupational specialties available to such veterans.

(G) Barriers to employment of such veterans.

(H) Causes to fluctuations in employment of such veterans.

(I) Current employment training programs of the Department of Veterans Affairs or the Department of Labor that are available to such veterans.

(J) Economic indicators that impact unemployment of such veterans.

(K) Health conditions of such veterans that could impact employment.

(L) Whether there are differences in the analyses conducted under subparagraphs (A) through (K) based on the race of such veteran.

(M) The difference between unemployment rates of Post-9/11 Veterans who are female compared to unemployment rates of Post-9/11 Veterans who are male, including an analysis of potential causes of such difference.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after completing the study under subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such study.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The analyses conducted under subsection (a)(3).

(B) A description of the methods used to conduct the study under subsection (a).

(C) Such other matters relating to the unemployment rates of Post-9/11 Veterans who are female as the Secretary considers appropriate.

(c) POST-9/11 VETERAN DEFINED.—In this section, the term ''Post-9/11 Veteran'' means a veteran who served on active duty in the Armed Forces on or after September 11, 2001.

SEC. 1065. REPORT ON GREAT LAKES AND INLAND WATERWAYS SEAPORTS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives containing the results of the review and an explanation of the methodology used for the review conducted pursuant to subsection (b) regarding the screening practices for foreign cargo arriving at seaports on the Great Lakes and inland waterways.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, to the maximum extent possible, but may include a classified annex, if necessary.

(b) SCOPE OF REVIEW.—

(1) SEAPORT SELECTION.—In selecting seaports on inland waterways to include in the review under this subsection, the Secretary of Homeland Security shall ensure that the inland waterways seaports are—

(A) equal in number to the Great Lakes seaports included in the review;

(B) comparable to Great Lakes seaports included in the review, as measured by number of imported shipments arriving at the seaport each year; and

(C) covered by at least the same number of Field Operations offices as the Great Lakes seaports included in the review, but are not covered by the same Field Operations offices as such Great Lakes seaports.

(2) ELEMENTS.—The Secretary of Homeland Security shall conduct a review of all Great Lakes and selected inland waterways seaports that receive international cargo—

(A) to determine, for each such seaport—

(i) the current screening capability, including the types and numbers of screening equipment and whether such equipment is physically located at a seaport or assigned and available in the area and made available to use;

(ii) the number of U.S. Customs and Border Protection personnel assigned from a Field Operations office, broken out by role;

(iii) the expenditures for procurement and overtime incurred by U.S. Customs and Border Protection during the most recent fiscal year;

(iv) the types of cargo received, such as containerized, break-bulk, and bulk;

(v) the legal entity that owns the seaport;

(vi) a description of U.S. Customs and Border Protection's use of space at the seaport, including—

(I) whether U.S. Customs and Border Protection or the General Services Administration owns or leases any facilities; and

(II) if U.S. Customs and Border Protection is provided space at the seaport, a description of such space, including the number of workstations; and

(vii) the current cost-sharing arrangement for screening technology or reimbursable services;

(B) to identify, for each Field Operations office—

(i) any ports of entry that are staffed remotely from service ports;

(ii) the distance of each such service port from the corresponding ports of entry; and

(iii) the number of officers and the types of equipment U.S. Customs and Border Protection utilizes to screen cargo entering or exiting through such ports; and

(C) that includes a threat assessment of incoming containerized and noncontainerized cargo at Great Lakes seaports and selected inland waterways seaports.

SEC. 1066. REPORT ON THE CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Chemical and Biological Defense Program of the Department of Defense.

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

(1) An assessment of the significance of the Chemical and Biological Defense Program within the 2018 National Defense Strategy.

(2) A description and assessment of the threats the Chemical and Biological Defense Program is designed to address.

(3) An assessment of the capacity of current Chemical and Biological Defense Program facilities to complete their missions if funding levels for the Program are reduced.

(4) An estimate of the length of time required to return the Chemical and Biological Defense Program to its current capacity if funding levels reduced for the Program as described in paragraph (3) are restored.

(5) An assessment of the threat posed to members of the Armed Forces as a result of a reduction in testing of gear for field readiness by the Chemical and Biological Defense Program by reason of reduced funding levels for the Program.

(6) A description and assessment of the necessity of Non Traditional Agent Defense Testing under the Chemical and Biological Defense Program for Individual Protection Systems, Collective Protection Systems, field decontamination systems, and chemical agent detectors.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form, available for review by any Member of Congress, but shall include an unclassified summary.

SEC. 1067. REPORT ON ROUND-THE-CLOCK AVAILABILITY OF CHILDCARE FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WORK ROTATING SHIFTS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a study, conducted by the Secretary for purposes of the report, on the feasibility and advisability of making round-the-clock childcare available for children of members of the Armed Forces and civilian employees of the Department of Defense who works on rotating shifts at military installations.

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

(1) The results of the study described in that subsection.

(2) If the Secretary determines that making round-the-clock childcare available as described in subsection (a) is feasible and advisable, such matters as the Secretary considers appropriate in connection with making such childcare available, including—

(A) an identification of the installations at which such childcare would be beneficial to members of the Armed Forces, civilian employees of the Department, or both;

(B) an identification of any barriers to making such childcare available at the installations identified pursuant to subparagraph (A);

(C) an assessment whether the childcare needs of members of the Armed Forces and civilian employees of the Department described in subsection (a) would be better met by an increase in assistance for childcare fees;

(D) a description and assessment of the actions, if any, being taken to make such childcare available at the installations identified pursuant to subparagraph (A); and

(E) such recommendations for legislative or administrative action as the Secretary considers appropriate to make such childcare available at the installations identified pursuant to subparagraph (A), or at any other military installations.

Subtitle G—Other Matters

SEC. 1081. DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORTS.

(a) REPORT.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an updated assessment of the estimated cost of constructing, maintaining, and operating a strategic port in the Arctic at each potential site evaluated in the report pursuant to section 1752(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92). The report under this subsection shall include, for each potential site at which construction of such a port could be completed by 2030, an estimate of the number of days per year that such port would be usable by vessels of the Navy and the Coast Guard.

(b) DESIGNATION OF STRATEGIC ARCTIC PORTS.—Not later than 90 days after the date on which the report required by subsection (a) is submitted, the Secretary of Defense may, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, designate one or more ports as Department of Defense Strategic Arctic Ports from the sites identified in the report referred to in subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize any additional appropriations for the Department of Defense for the establishment of any port designated pursuant to this section.

(d) ARCTIC DEFINED.—In this section, the term ''Arctic'' has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

SEC. 1082. PERSONAL PROTECTIVE EQUIPMENT MATTERS.

(a) BRIEFINGS ON FIELDING OF NEWEST GENERATIONS OF PPE TO THE ARMED FORCES.—

(1) BRIEFINGS REQUIRED.—Not later than January 31, 2021, each Secretary of a military department shall submit to Congress a briefing on the fielding of the newest generations of personal protective equipment (PPE) to the Armed Forces under the jurisdiction of such Secretary.

(2) ELEMENTS.—Each briefing under paragraph (1) shall include, for each Armed Force covered by such briefing, the following:

(A) A description and assessment of the fielding of newest generations of personal protective equipment to members of such Armed Force, including the following:

(i) The number (aggregated by total number and by sex) of members of such Armed Force issued the Army Soldiers Protective System and the Modular Scalable Vest Generation II body armor as of December 31, 2020.

(ii) The number (aggregated by total number and by sex) of members of such Armed Force issued Marine Corps Plate Carrier Generation III (PC Gen III) body armor as of that date.

(iii) The number (aggregated by total number and by sex) of members of such Armed Force fitted with legacy personal protective equipment as of that date.

(B) A description and assessment of the barriers, if any, to the fielding of such generations of equipment to such members.

(C) A description and assessment of challenges in the fielding of such generations of equipment to such members, including cost overruns, contractor delays, and other challenges.

(b) SYSTEM FOR TRACKING DATA ON INJURIES AMONG MEMBERS OF THE ARMED FORCES IN USE OF NEWEST GENERATION PPE.—

(1) SYSTEM REQUIRED.—

(A) IN GENERAL.—The Director of the Defense Health Agency (DHA) shall develop and maintain a system for tracking data on injuries among members of the Armed Forces in and during the use of newest generation personal protective equipment.

(B) SCOPE OF SYSTEM.—The system required by this paragraph may, at the election of the Director, be new for purposes of this subsection or within or a modification of an appropriate existing system (such as the Defense Occupational And Environmental Health Readiness System (DOEHRS)).

(2) BRIEFING.—Not later than January 31, 2025, the Director shall submit to Congress a briefing on the prevalence among members of the Armed Forces of preventable injuries attributable to ill-fitting or malfunctioning personal protective equipment.

(c) ASSESSMENTS OF MEMBERS OF THE ARMED FORCES OF INJURIES INCURRED IN CONNECTION WITH ILL-FITTING OR MALFUNCTIONING PPE.—

(1) IN GENERAL.—Each health assessment specified in paragraph (2) that is undertaken after the date of the enactment of this Act shall include the following:

(A) One or more questions on whether members incurred an injury in connection with ill-fitting or malfunctioning personal protective equipment during the period covered by such assessment, including the nature of such injury.

(B) In the case members who have so incurred such an injury, one or more elements of self-evaluation of such injury by such members for purposes of facilitating timely documentation and enhanced monitoring of such members and injuries.

(2) ASSESSMENTS.—The health assessments specified in this paragraph are the following:

(A) The annual Periodic Health Assessment (PHA) of members of the Armed Forces.

(B) The post-deployment health assessment of members of the Armed Forces.

SEC. 1083. ESTIMATE OF DAMAGES FROM FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

(a) LIMITATION, ESTIMATE, AND CERTIFICATION.—None of the funds authorized to be appropriated by this Act for fiscal year 2021 may be used by the Secretary of Defense to comply with the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48) until the Secretary—

(1) submits to the congressional defense committees an estimate of the extent of covered costs and the range of eligible reimbursable costs associated with interference resulting from such order and authorization to the Global Positioning System of the Department of Defense; and

(2) certifies to the congressional defense committees that the estimate submitted under paragraph (1) is accurate with a high degree of certainty.

(b) COVERED COSTS.—For purposes of this section, covered costs include costs that would be incurred—

(1) to upgrade, repair, or replace potentially affected receivers of the Federal Government;

(2) to modify, repair, or replace equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations, including with regard to the underlying platform or system in which a capability of the Global Positioning System is embedded; and

(3) for personnel of the Department to engineer, validate, and verify that any required remediation provides the Department with the same operational capability for the affected system prior to terrestrial operation in the 1525 to 1559 megahertz or 1626.5 to 1660.5 megahertz bands of electromagnetic spectrum.

(c) RANGE OF ELIGIBLE REIMBURSABLE COSTS.—For purposes of this section, the range of eligible reimbursable costs includes—

(1) costs associated with engineering, equipment, software, site acquisition, and construction;

(2) any transaction expense that the Secretary determines is legitimate and prudent;

(3) costs relating to term-limited Federal civil servant and contractor staff; and

(4) the costs of research, engineering studies, or other expenses the Secretary determines reasonably incurred.

SEC. 1084. MODERNIZATION EFFORT.

(a) DEFINITIONS.—In this section—

(1) the term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information;

(2) the term ''covered agency''—

(A) means any Federal entity that the Assistant Secretary determines is appropriate; and

(B) includes the Department of Defense;

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

(4) the term ''Federal spectrum'' means frequencies assigned on a primary basis to a covered agency;

(5) the term ''infrastructure'' means information technology systems and information technologies, tools, and databases; and

(6) the term ''NTIA'' means the National Telecommunications and Information Administration.

(b) INITIAL INTERAGENCY SPECTRUM INFORMATION TECHNOLOGY COORDINATION.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary, in consultation with the Policy and Plans Steering Group, shall identify a process to establish goals, including parameters to measure the achievement of those goals, for the modernization of the infrastructure of covered agencies relating to managing the use of Federal spectrum by those agencies, which shall include—

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

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

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

(A) increasing the efficiency of that infrastructure;

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

(C) increasing the accuracy of that infrastructure;

(D) validating models used by that infrastructure; and

(E) monitoring and enforcing requirements that are imposed on covered agencies with respect to the use of Federal spectrum by covered agencies;

(4) ways to improve the ability of covered agencies to meet mission requirements in congested environments with respect to Federal spectrum, including as part of automated adjustments to operations based on changing conditions in those environments;

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

(A) to share Federal spectrum between covered agencies to collaboratively and dynamically increase access to Federal spectrum by those agencies; and

(B) that could be scaled across Federal spectrum; and

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

(c) SPECTRUM INFORMATION TECHNOLOGY MODERNIZATION.—

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

(2) CONTENTS.—The report required under paragraph (1) shall include—

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

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

(C) a timeline for the implementation of the modernization efforts described in that paragraph;

(D) plans detailing how the modernized infrastructure of the NTIA described in that paragraph will—

(i) enhance the security and reliability of that infrastructure so that such infrastructure satisfies the requirements of subchapter II of chapter 35 of title 44, United States Code;

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

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

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

(II) improve data quality and processing time; and

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

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

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

(i) a description of—

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

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

(ii) a plan for standardizing—

(I) electromagnetic spectrum analysis tools;

(II) modeling and simulation processes and technologies; and

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

(iii) a plan for each covered agency to implement a modernization plan described in subsection (d)(1) that is tailored to the particular timeline of the agency;

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

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

(I) an estimate of the cost of the modernization efforts described in that paragraph and any future maintenance with respect to the modernized infrastructure of the NTIA described in that paragraph, including the cost of any personnel and equipment relating to that maintenance.

(d) INTERAGENCY INPUTS.—

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

(2) CONTENTS.—Each report submitted by the head of a covered agency under paragraph (1) shall—

(A) include—

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

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

(iii) a description of potential innovative technological capabilities for the management of frequencies that are assigned to the agency, as determined under subsection (b);

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

(v) identification of any existing, as of the date on which the report is submitted, systems of the agency that are duplicative of the modernized infrastructure of the NTIA, as proposed under subsection (c); and

(vi) with respect to the report submitted by the Secretary of Defense—

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

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

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

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

(3) NOTIFICATION OF CONGRESS.—Upon submission of the report required under paragraph (1), the head of each covered agency shall notify Congress that the head of the covered agency has submitted the report.

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

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

(2) after all of the reports required under subsection (d) have been submitted, conduct oversight of the implementation of the modernization plans submitted by the NTIA and covered agencies under subsections (c) and (d), respectively;

(3) not later than 1 year after the date on which the Comptroller General begins conducting oversight under paragraph (2), and annually thereafter, submit a report regarding that oversight to—

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

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

(4) provide regular briefings to—

(A) with respect to the application of this section to the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

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

SEC. 1085. SENSE OF SENATE ON GOLD STAR FAMILIES REMEMBRANCE WEEK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The last Sunday in September—

(A) is designated as ''Gold Star Mother's Day'' under section 111 of title 36, United States Code; and

(B) was first designated as ''Gold Star Mother's Day'' under the Joint Resolution entitled ''Joint Resolution designating the last Sunday in September as 'Gold Star Mother's Day', and for other purposes'', approved June 23, 1936 (49 Stat. 1895).

(2) There is no date dedicated to families affected by the loss of a loved one who died in service to the United States.

(3) A gold star symbolizes a family member who died in the line of duty while serving in the Armed Forces.

(4) The members and veterans of the Armed Forces, through their service, bear the burden of protecting the freedom of the people of the United States.

(5) The selfless example of the service of the members and veterans of the Armed Forces, as well as the sacrifices made by the families of those individuals, inspires all individuals in the United States to sacrifice and work diligently for the good of the United States.

(6) The sacrifices of the families of the fallen members of the Armed Forces and the families of veterans of the Armed Forces should never be forgotten.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate—

(1) designates the week of September 20 through September 26, 2020, as ''Gold Star Families Remembrance Week'';

(2) honors and recognizes the sacrifices made by—

(A) the families of members of the Armed Forces who made the ultimate sacrifice in order to defend freedom and protect the United States; and

(B) the families of veterans of the Armed Forces; and

(3) encourages the people of the United States to observe Gold Star Families Remembrance Week by—

(A) performing acts of service and good will in their communities; and

(B) celebrating families in which loved ones made the ultimate sacrifice so that others could continue to enjoy life, liberty, and the pursuit of happiness.

SEC. 1086. CONTINUITY OF THE ECONOMY PLAN.

(a) REQUIREMENT.—

(1) IN GENERAL.—The President shall develop and maintain a plan to maintain and restore the economy of the United States in response to a significant event.

(2) PRINCIPLES.—The plan required under paragraph (1) shall—

(A) be consistent with—

(i) a free market economy; and

(ii) the rule of law; and

(B) respect private property rights.

(3) CONTENTS.—The plan required under paragraph (1) shall—

(A) examine the distribution of goods and services across the United States necessary for the reliable functioning of the United States during a significant event;

(B) identify the economic functions of relevant actors, the disruption, corruption, or dysfunction of which would have a debilitating effect in the United States on—

(i) security;

(ii) economic security;

(iii) defense readiness; or

(iv) public health or safety;

(C) identify the critical distribution mechanisms for each economic sector that should be prioritized for operation during a significant event, including—

(i) bulk power and electric transmission systems;

(ii) national and international financial systems, including wholesale payments, stocks, and currency exchanges;

(iii) national and international communications networks, data-hosting services, and cloud services;

(iv) interstate oil and natural gas pipelines; and

(v) mechanisms for the interstate and international trade and distribution of materials, food, and medical supplies, including road, rail, air, and maritime shipping;

(D) identify economic functions of relevant actors, the disruption, corruption, or dysfunction of which would cause—

(i) catastrophic economic loss;

(ii) the loss of public confidence; or

(iii) the widespread imperilment of human life;

(E) identify the economic functions of relevant actors that are so vital to the economy of the United States that the disruption, corruption, or dysfunction of those economic functions would undermine response, recovery, or mobilization efforts during a significant event;

(F) incorporate, to the greatest extent practicable, the principles and practices contained within Federal plans for the continuity of Government and continuity of operations;

(G) identify—

(i) industrial control networks on which the interests of national security outweigh the benefits of dependence on internet connectivity, including networks that are required to maintain defense readiness; and

(ii) for each industrial control network described in clause (i), the most feasible and optimal locations for the installation of—

(I) parallel services;

(II) stand-alone analog services; and

(III) services that are otherwise hardened against failure;

(H) identify critical economic sectors for which the preservation of data in a protected, verified, and uncorrupted status would be required for the quick recovery of the economy of the United States in the face of a significant disruption following a significant event;

(I) include a list of raw materials, industrial goods, and other items, the absence of which would significantly undermine the ability of the United States to sustain the functions described in subparagraphs (B), (D), and (E);

(J) provide an analysis of supply chain diversification for the items described in subparagraph (I) in the event of a disruption caused by a significant event;

(K) include—

(i) a recommendation as to whether the United States should maintain a strategic reserve of 1 or more of the items described in subparagraph (I); and

(ii) for each item described in subparagraph (I) for which the President recommends maintaining a strategic reserve under clause (i), an identification of mechanisms for tracking inventory and availability of the item in the strategic reserve;

(L) identify mechanisms in existence on the date of enactment of this Act and mechanisms that can be developed to ensure that the swift transport and delivery of the items described in subparagraph (I) is feasible in the event of a distribution network disturbance or degradation, including a distribution network disturbance or degradation caused by a significant event;

(M) include guidance for determining the prioritization for the distribution of the items described in subparagraph (I), including distribution to States and Indian Tribes;

(N) consider the advisability and feasibility of mechanisms for extending the credit of the United States or providing other financial support authorized by law to key participants in the economy of the United States if the extension or provision of other financial support—

(i) is necessary to avoid severe economic degradation; or

(ii) allows for the recovery from a significant event;

(O) include guidance for determining categories of employees that should be

prioritized to continue to work in order to sustain the functions described in subparagraphs (B), (D), and (E) in the event that there are limitations on the ability of individuals to travel to workplaces or to work remotely, including considerations for defense readiness;

(P) identify critical economic sectors necessary to provide material and operational support to the defense of the United States;

(Q) determine whether the Secretary of Homeland Security, the National Guard, and the Secretary of Defense have adequate authority to assist the United States in a recovery from a severe economic degradation caused by a significant event;

(R) review and assess the authority and capability of heads of other agencies that the President determines necessary to assist the United States in a recovery from a severe economic degradation caused by a significant event; and

(S) consider any other matter that would aid in protecting and increasing the resilience of the economy of the United States from a significant event.

(b) COORDINATION.—In developing the plan required under subsection (a)(1), the President shall—

(1) receive advice from—

(A) the Secretary of Homeland Security;

(B) the Secretary of Defense;

(C) the Secretary of the Treasury;

(D) the Secretary of Health and Human Services;

(E) the Secretary of Commerce;

(F) the Secretary of Transportation;

(G) the Secretary of Energy;

(H) the Administrator of the Small Business Administration; and

(I) the head of any other agency that the President determines necessary to complete the plan;

(2) consult with economic sectors relating to critical infrastructure through sector-coordinated councils, as appropriate;

(3) consult with relevant State, Tribal, and local governments and organizations that represent those governments; and

(4) consult with any other non-Federal entity that the President determines necessary to complete the plan.

(c) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 3 years thereafter, the President shall submit the plan required under subsection (a)(1) and the information described in paragraph (2) to—

(A) the majority and minority leaders of the Senate;

(B) the Speaker and the minority leader of the House of Representatives;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Armed Services of the House of Representatives;

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

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on Health, Education, Labor, and Pensions of the Senate;

(H) the Committee on Commerce, Science, and Transportation of the Senate;

(I) the Committee on Energy and Commerce of the House of Representatives;

(J) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(K) the Committee on Finance of the Senate;

(L) the Committee on Financial Services of the House of Representatives;

(M) the Committee on Small Business and Entrepreneurship of the Senate;

(N) the Committee on Small Business of the House of Representatives;

(O) the Committee on Energy and Natural Resources of the Senate;

(P) the Committee on Environment and Public Works of the Senate; and

(Q) any other committee of the Senate or the House of Representatives that has jurisdiction over the subject of the plan.

(2) ADDITIONAL INFORMATION.—The information described in this paragraph is—

(A) any change to Federal law that would be necessary to carry out the plan required under subsection (a)(1); and

(B) any proposed changes to the funding levels provided in appropriation Acts for the most recent fiscal year that can be implemented in future appropriation Acts or additional resources necessary to—

(i) implement the plan required under subsection (a)(1); or

(ii) maintain any program offices and personnel necessary to—

(I) maintain the plan required under subsection (a)(1) and the plans described in subsection (a)(3)(F); and

(II) conduct exercises, assessments, and updates to the plans described in subclause (I) over time.

(3) BUDGET OF THE PRESIDENT.—The President may include the information described in paragraph (2)(B) in the budget required to be submitted by the President under section 1105(a) of title 31, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) The term ''economic sector'' means a sector of the economy of the United States.

(3) The term ''relevant actor'' means—

(A) the Federal government;

(B) a State, local, or Tribal government; or

(C) the private sector.

(4) The term ''significant event'' means an event that causes severe degradation to economic activity in the United States due to—

(A) a cyber attack; or

(B) another significant event that is natural or human-caused.

(5) The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

SEC. 1087. IMPROVING THE AUTHORITY FOR OPERATIONS OF UNMANNED AIRCRAFT FOR EDUCATIONAL PURPOSES.

Section 350 of the FAA Reauthorization Act of 2018 (Public Law 115–254; 49 U.S.C 44809 note) is amended

(1) in the section heading, by striking ''**AT INSTITUTIONS OF HIGHER EDUCATION**'' and inserting ''**FOR EDUCATIONAL PURPOSES**''; and

(2) in subsection (a)—

(A) by striking ''aircraft system operated by'' and inserting the following: ''aircraft system—

''(1) operated by'';

(B) in paragraph (1), as added by subparagraph (A), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(2) flown as part of the established curriculum of an elementary school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(3) flown as part of an established Junior Reserve Officers' Training Corps (JROTC) program; or

''(4) flown as part of an educational program that is chartered by a recognized community-based organization (as defined in subsection (h) of such section).''.

SEC. 1088. REQUIREMENT TO POST A 100 WORD SUMMARY TO REGULATIONS.GOV.

Section 553(b) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (3) the following:

''(4) the Internet address of a summary of not more than 100 words in length of the proposed rule, in plain language, that shall be posted on the Internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as regulations.gov).''.

SEC. 1089. MODIFICATION OF LICENSURE REQUIREMENTS FOR HEALTH CARE PROFESSIONALS PROVIDING TREATMENT VIA TELEMEDICINE.

Section 1730C(b) of title 38, United States Code, is amended to read as follows:

''(b) COVERED HEALTH CARE PROFESSIONALS.—For purposes of this section, a covered health care professional is any of the following individuals:

''(1) A health care professional who—

''(A) is an employee of the Department appointed under section 7306, 7401, 7405, 7406, or 7408 of this title or title 5;

''(B) is authorized by the Secretary to provide health care under this chapter;

''(C) is required to adhere to all standards for quality relating to the provision of health care in accordance with applicable policies of the Department; and

''(D)(i) has an active, current, full, and unrestricted license, registration, or certification in a State to practice the health care profession of the health care professional; or

''(ii) with respect to a health care profession listed under section 7402(b) of this title, has the qualifications for such profession as set forth by the Secretary.

''(2) A postgraduate health care employee who—

''(A) is appointed under section 7401(1), 7401(3), or 7405 of this title or title 5 for any category of personnel described in paragraph (1) or (3) of section 7401 of this title;

''(B) must obtain an active, current, full, and unrestricted license, registration, or certification or meet qualification standards set forth by the Secretary within a specified time frame; and

''(C) is under the clinical supervision of a health care professional described in paragraph (1); or

''(3) A health professions trainee who—

''(A) is appointed under section 7405 or 7406 of this title; and

''(B) is under the clinical supervision of a health care professional described in paragraph (1).''.

SEC. 1090. RESTRICTIONS ON CONFUCIUS INSTITUTES.

(a) DEFINITION.—In this section, the term ''Confucius Institute'' means a cultural institute directly or indirectly funded by the Government of the People's Republic of China.

(b) RESTRICTIONS ON CONFUCIUS INSTITUTES.—An institution of higher education or other postsecondary educational institution (referred to in this section as an ''institution'') shall not be eligible to receive Federal funds from the Department of Education (except funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or other Department of Education funds that are provided directly to students) unless the institution ensures that any contract or agreement between the institution and a Confucius Institute includes clear provisions that—

(1) protect academic freedom at the institution;

(2) prohibit the application of any foreign law on any campus of the institution; and

(3) grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research grants that are made, and who is employed at the Confucius Institute.

SEC. 1090A. ADDITIONAL CARE FOR NEWBORN CHILDREN OF VETERANS.

Section 1786 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''The Secretary'' and inserting ''Except as provided in subsection (c), the Secretary''; and

(2) by adding at the end the following new subsection:

''(c) EXCEPTION BASED ON MEDICAL NECESSITY.—Pursuant to such regulations as the Secretary shall prescribe to carry out this section, the Secretary may furnish more than seven days of health care services described in subsection (b), and may furnish transportation necessary to receive such services, to a newborn child based on medical necessity if the child is in need of additional care, including if the child has been discharged or released from a hospital and requires readmittance to ensure the health and welfare of the child.''.

SEC. 1090B. ADDITIONAL DISEASES ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS FOR WHICH THERE IS A PRESUMPTION OF SERVICE CONNECTION FOR VETERANS WHO SERVED IN THE REPUBLIC OF VIETNAM.

Section 1116(a)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraphs:

''(I) Parkinsonism.

''(J) Bladder cancer.

''(K) Hypothyroidism.''.

Subtitle H—Wireless Supply Chain Innovation and Multilateral Security

SEC. 1091. DEFINITIONS.

In this subtitle:

(1) 3GPP.—The term ''3GPP'' means the Third Generation Partnership Project.

(2) 5G NETWORK.—The term ''5G network'' means a radio network as described by 3GPP Release 15 or higher.

(3) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(4) NTIA ADMINISTRATOR.—The term ''NTIA Administrator'' means the Assistant Secretary of Commerce for Communications and Information.

(5) OPEN-RAN.—The term ''Open-RAN'' means the Open Radio Access Network approach to standardization adopted by the O-RAN Alliance, Telecom Infra Project, or 3GPP, or any similar set of open standards for multi-vendor network equipment interoperability.

(6) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means—

(A) the Select Committee on Intelligence of the Senate;

(B) the Committee on Foreign Relations of the Senate;

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

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Commerce, Science, and Transportation of the Senate;

(F) the Committee on Appropriations of the Senate;

(G) the Permanent Select Committee on Intelligence of the House of Representatives;

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the Committee on Homeland Security of the House of Representatives;

(J) the Committee on Armed Services of the House of Representatives;

(K) the Committee on Energy and Commerce of the House of Representatives; and

(L) the Committee on Appropriations of the House of Representatives.

SEC. 1092. COMMUNICATIONS TECHNOLOGY SECURITY FUNDS.

(a) USE OF DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY FUND.—As soon as practicable after the date of enactment of this Act, the Commission shall transfer from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E))—

(1) $50,000,000 to the Public Wireless Supply Chain Innovation Fund established under subsection (b) of this section; and

(2) $25,000,000 to the Multilateral Telecommunications Security Fund established under subsection (c) of this section.

(b) PUBLIC WIRELESS SUPPLY CHAIN INNOVATION FUND.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Public Wireless Supply Chain Innovation Fund'' (referred to in this subsection as the ''R&D Fund'').

(B) AVAILABILITY.—

(i) IN GENERAL.—Amounts deposited in the R&D Fund shall remain available through the end of the tenth fiscal year beginning after the date of enactment of this Act.

(ii) REMAINDER TO TREASURY.—Any amounts remaining in the R&D Fund after the end of the tenth fiscal year beginning after the date of enactment of this Act shall be deposited in the general fund of the Treasury.

(2) USE OF FUND.—

(A) IN GENERAL.—Amounts deposited in the R&D Fund shall be available to the NTIA Administrator to make grants under this subsection in such amounts as the NTIA Administrator determines appropriate, subject to subparagraph (B) of this subparagraph.

(B) LIMITATION ON GRANT AMOUNTS.—The amount of a grant awarded under this subsection to a recipient for a specific research focus area may not exceed $50,000,000.

(3) ADMINISTRATION OF FUND.—The NTIA Administrator, in consultation with the Commission, the Director of the National Institute of Standards and Technology, the Secretary of Homeland Security, the Secretary of Defense, and the Director of the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence, shall establish criteria for grants awarded under this subsection, and administer the R&D Fund, to support research and the commercial application of that research, including in the following areas:

(A) Promoting the development of technology, including software, hardware, and microprocessing technology, that will enhance competitiveness in the fifth-generation (commonly known as ''5G'') and successor wireless technology supply chains.

(B) Accelerating development and deployment of open interface standards-based compatible, interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the O-RAN Alliance, the Telecom Infra Project, 3GPP, the Open-RAN Software Community, or any successor organizations.

(C) Promoting compatibility of new 5G equipment with future open standards-based, interoperable equipment.

(D) Managing integration of multi-vendor network environments.

(E) Objective criteria to define equipment as compliant with open standards for multi-vendor network equipment interoperability.

(F) Promoting development and inclusion of security features enhancing the integrity and availability of equipment in multi-vendor networks.

(G) Promoting the application of network function virtualization to facilitate multi-vendor interoperability and a more diverse vendor market.

(4) NONDUPLICATION OF RESEARCH.—To the greatest extent practicable, the NTIA Administrator shall ensure that any research funded by a grant awarded under this subsection avoids duplication of other Federal or private sector research.

(5) TIMING.—Not later than 1 year after the date of enactment of this Act, the NTIA Administrator shall begin awarding grants under this subsection.

(6) FEDERAL ADVISORY BODY.—

(A) ESTABLISHMENT.—The NTIA Administrator shall establish a Federal advisory committee, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), composed of government and private sector experts, to advise the NTIA Administrator on the administration of the R&D Fund.

(B) COMPOSITION.—The advisory committee established under subparagraph (A) shall be composed of—

(i) representatives from—

(I) the Commission;

(II) the Department of Defense;

(III) the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence;

(IV) the National Institute of Standards and Technology;

(V) the Department of State;

(VI) the National Science Foundation; and

(VII) the Department of Homeland Security; and

(ii) other representatives from the private and public sectors, at the discretion of the NTIA Administrator.

(C) DUTIES.—The advisory committee established under subparagraph (A) shall advise the NTIA Administrator on technology developments to help inform—

(i) the strategic direction of the R&D Fund; and

(ii) efforts of the Federal Government to promote a more secure, diverse, sustainable, and competitive supply chain.

(7) REPORTS TO CONGRESS.—

(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the NTIA Administrator shall submit to the relevant committees of Congress a report with—

(i) additional recommendations on promoting the competitiveness and sustainability of trusted suppliers in the wireless supply chain; and

(ii) any additional authorities needed to facilitate the timely adoption of open standards-based equipment, including authority to provide loans, loan guarantees, and other forms of credit extension that would maximize the use of designated funds.

(B) ANNUAL REPORT.—For each fiscal year for which amounts in the R&D Fund are available under this subsection, the NTIA Administrator shall submit to Congress a report that—

(i) describes how, and to whom, amounts in the R&D Fund have been deployed;

(ii) details the progress of the NTIA Administrator in meeting the objectives described in paragraph (3); and

(iii) includes any additional information that the NTIA Administrator determines appropriate.

(c) MULTILATERAL TELECOMMUNICATIONS SECURITY FUND.—

(1) ESTABLISHMENT OF FUND.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust

fund to be known as the ''Multilateral Telecommunications Security Fund''.

(B) USE OF FUND.—Amounts deposited in the Multilateral Telecommunications Security Fund shall be available to the Secretary of State to make expenditures under this subsection in such amounts as the Secretary of State determines appropriate.

(C) AVAILABILITY.—

(i) IN GENERAL.—Amounts deposited in the Multilateral Telecommunications Security Fund—

(I) shall remain available through the end of the tenth fiscal year beginning after the date of enactment of this Act; and

(II) may only be allocated upon the Secretary of State reaching an agreement with foreign government partners to participate in the common funding mechanism described in paragraph (2).

(ii) REMAINDER TO TREASURY.—Any amounts remaining in the Multilateral Telecommunications Security Fund after the end of the tenth fiscal year beginning after the date of enactment of this Act shall be deposited in the general fund of the Treasury.

(2) ADMINISTRATION OF FUND.—The Secretary of State, in consultation with the NTIA Administrator, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Treasury, the Director of National Intelligence, and the Commission, shall establish a common funding mechanism, in coordination with foreign partners, that uses amounts from the Multilateral Telecommunications Security Fund to support the development and adoption of secure and trusted telecommunications technologies.

(3) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Multilateral Telecommunications Security Fund are available, the Secretary of State shall submit to the relevant committees of Congress a report on the status and progress of the funding mechanism established under paragraph (2), including—

(A) any funding commitments from foreign partners, including each specific amount committed;

(B) governing criteria for use of the Multilateral Telecommunications Security Fund;

(C) an account of—

(i) how, and to whom, funds have been deployed;

(ii) amounts remaining in the Multilateral Telecommunications Security Fund; and

(iii) the progress of the Secretary of State in meeting the objective described in paragraph (2); and

(D) additional authorities needed to enhance the effectiveness of the Multilateral Telecommunications Security Fund in achieving the security goals of the United States.

SEC. 1093. PROMOTING UNITED STATES LEADERSHIP IN INTERNATIONAL ORGANIZATIONS AND COMMUNICATIONS STANDARDS-SETTING BODIES.

(a) IN GENERAL.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission, or their designees, shall consider how to enhance representation of the United States at international forums that set standards for 5G networks and for future generations of wireless communications networks, including—

(1) the International Telecommunication Union (commonly known as ''ITU'');

(2) the International Organization for Standardization (commonly known as ''ISO'');

(3) the Inter-American Telecommunications Commission (commonly known as ''CITEL''); and

(4) the voluntary standards organizations that develop protocols for wireless devices and other equipment, such as the 3GPP and the Institute of Electrical and Electronics Engineers (commonly known as ''IEEE'').

(b) ANNUAL REPORT.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission shall jointly submit to the relevant committees of Congress an annual report on the progress made under subsection (a).

Subtitle I—Semiconductor Manufacturing Incentives

SEC. 1094. SEMICONDUCTOR INCENTIVE GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Appropriations, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives;

(2) the term ''covered entity'' means a private entity, a consortium of private entities, or a consortium of public and private entities with a demonstrated ability to construct, expand, or modernize a facility relating to the fabrication, assembly, testing, advanced packaging, or advanced research and development of semiconductors;

(3) the term ''covered incentive''—

(A) means an incentive offered by a governmental entity to a covered entity for the purposes of constructing within the jurisdiction of the governmental entity, or expanding or modernizing an existing facility within that jurisdiction, a facility described in paragraph (2); and

(B) includes any tax incentive (such as an incentive or reduction with respect to employment or payroll taxes or a tax abatement with respect to personal or real property), a workforce-related incentive (including a grant agreement relating to workforce training or vocational education), any concession with respect to real property, funding for research and development with respect to semiconductors, and any other incentive determined appropriate by the Secretary, in consultation with the Secretary of State;

(4) the term ''foreign adversary'' means any foreign government or foreign nongovernment person that is engaged in a long-term pattern, or is involved in a serious instance, of conduct that is significantly adverse to—

(A) the national security of the United States or an ally of the United States; or

(B) the security and safety of United States persons;

(5) the term ''governmental entity'' means a State or local government;

(6) the term ''Secretary'' means the Secretary of Commerce; and

(7) the term ''semiconductor'' has the meaning given the term by the Secretary.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish in the Department of Commerce a program that, in accordance with the requirements of this section, provides grants to covered entities.

(2) PROCEDURE.—

(A) IN GENERAL.—A covered entity shall submit to the Secretary an application that describes the project for which the covered entity is seeking a grant under this section.

(B) ELIGIBILITY.—In order for a covered entity to qualify for a grant under this section, the covered entity shall demonstrate to the Secretary, in the application submitted by the covered entity under subparagraph (A), that—

(i) the covered entity has a documented interest in constructing, expanding, or modernizing a facility described in subsection (a)(2); and

(ii) with respect to the project described in clause (i), the covered entity has—

(I) been offered a covered incentive;

(II) made commitments to worker and community investment, including through—

(aa) training and education benefits paid by the covered entity; and

(bb) programs to expand employment opportunity for economically disadvantaged individuals; and

(III) secured commitments from regional educational and training entities and institutions of higher education to provide workforce training, including programming for training and job placement of economically disadvantaged individuals.

(C) CONSIDERATIONS FOR REVIEW.—With respect to the review by the Secretary of an application submitted by a covered entity under subparagraph (A)—

(i) the Secretary may not approve the application unless the Secretary—

(I) confirms that the covered entity has satisfied the eligibility criteria under subparagraph (B); and

(II) determines that the project to which the application relates is in the interest of the United States; and

(ii) the Secretary may consider whether—

(I) the covered entity has previously received a grant made under this subsection; and

(II) the governmental entity offering the applicable covered incentive has benefitted from a grant previously made under this subsection.

(3) AMOUNT.—The amount of a grant made by the Secretary to a covered entity under this subsection shall be in an amount that is not more than $3,000,000,000.

(4) USE OF FUNDS.—A covered entity that receives a grant under this subsection may only use the grant amounts to—

(A) finance the construction, expansion, or modernization of a facility described in subsection (a)(2), as documented in the application submitted by the covered entity under paragraph (2)(A), or for similar uses in state of practice and legacy facilities, as determined necessary by the Secretary for purposes relating to the national security and economic competitiveness of the United States;

(B) support workforce development for the facility described in subparagraph (A); or

(C) support site development for the facility described in subparagraph (A).

(5) CLAWBACK.—The Secretary shall recover the full amount of a grant provided to a covered entity under this subsection if—

(A) as of the date that is 5 years after the date on which the Secretary makes the grant, the project to which the grant relates has not been completed, except that the Secretary may issue a waiver with respect to the requirement under this subparagraph if the Secretary determines that issuing such a waiver is appropriate and in the interests of the United States; or

(B) during the applicable term with respect to the grant, the covered entity engages in any joint research or technology licensing effort—

(i) with the Government of the People's Republic of China, the Government of the Russian Federation, the Government of Iran, the Government of North Korea, or another foreign adversary; and

(ii) that relates to a sensitive technology or product, as determined by the Secretary.

(c) CONSULTATION AND COORDINATION REQUIRED.—In carrying out the program established under subsection (b), the Secretary shall consult and coordinate with the Secretary of State and the Secretary of Defense.

(d) GAO REVIEWS.—The Comptroller General of the United States shall—

(1) not later than 2 years after the date of enactment of this Act, and biennially thereafter until the date that is 10 years after that date of enactment, conduct a review of the program established under subsection (b), which shall include, at a minimum—

(A) a determination of the number of instances in which grants were provided under that subsection during the period covered by the review in violation of a requirement of this section;

(B) an evaluation of how—

(i) the program is being carried out, including how recipients of grants are being selected under the program; and

(ii) other Federal programs are leveraged for manufacturing, research, and training to complement the grants awarded under the program; and

(C) a description of the outcomes of projects supported by grants made under the program, including a description of—

(i) facilities described in subsection (a)(2) that were constructed, expanded, or modernized as a result of grants made under the program;

(ii) research and development carried out with grants made under the program; and

(iii) workforce training programs carried out with grants made under the program, including efforts to hire individuals from disadvantaged populations; and

(2) submit to the appropriate committees of Congress the results of each review conducted under paragraph (1).

SEC. 1095. DEPARTMENT OF DEFENSE.

(a) DEPARTMENT OF DEFENSE EFFORTS.—

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

(2) RISK MITIGATION REQUIREMENTS.—A participant in a consortium formed with incentives under paragraph (1) shall—

(A) have the potential to perform fabrication, assembly, package, or test functions for microelectronics deemed critical to national security as defined by export control regulatory agencies in consultation with the National Security Adviser and the Secretary of Defense;

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

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

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

(A) have participated in previous programs and projects of the Department of Defense, Department of Energy, or the intelligence community, including—

(i) the Trusted Integrated Circuit program of the Intelligence Advanced Research Projects Activity;

(ii) trusted and assured microelectronics projects, as administered by the Department of Defense;

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

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

(B) have demonstrated an ongoing commitment to performing contracts for the Department of Defense and the intelligence community;

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

(D) are evaluated periodically for foreign ownership, control, or influence by foreign adversaries.

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

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

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

(7) REPORTS.—

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

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

(b) DEFENSE PRODUCTION ACT OF 1950 EFFORTS.—

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

(2) CONSULTATION.—The President shall develop the plan required by paragraph (1) in coordination with the Secretary of Defense, and in consultation with the Secretary of State, the Secretary of Commerce, and appropriate stakeholders in the private sector.

SEC. 1096. DEPARTMENT OF COMMERCE STUDY ON STATUS OF MICROELECTRONICS TECHNOLOGIES IN THE UNITED STATES INDUSTRIAL BASE.

(a) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce and the Secretary of Homeland Security, in consultation with the Secretary of Defense and the heads of other appropriate Federal departments and agencies, shall undertake a review, which shall include a survey, using authorities in section 705 of the Defense Production Act (50 U.S.C. 4555), to assess the capabilities of the United States industrial base to support the national defense in light of the global nature of the supply chain and significant interdependencies between the United States industrial base and the industrial base of foreign countries with respect to the manufacture, design, and end use of microelectronics.

(b) RESPONSE TO SURVEY.—The Secretary shall ensure compliance with the survey from among all relevant potential respondents, including the following:

(1) Corporations, partnerships, associations, or any other organized groups domiciled and with substantial operations in the United States.

(2) Corporations, partnerships, associations, or any other organized groups domiciled in the United States with operations outside the United States.

(3) Foreign domiciled corporations, partnerships, associations, or any other organized groups with substantial operations or business presence in, or substantial revenues derived from, the United States.

(4) Foreign domiciled corporations, partnerships, associations, or any other organized groups in defense treaty or assistance countries where the production of the entity concerned involves critical technologies covered by section 2.

(c) INFORMATION REQUESTED.—The information sought from a responding entity pursuant to the survey required by subsection (a) shall include, at minimum, information on the following with respect to the manufacture. design, or end use of microelectronics by such entity:

(1) An identification of the geographic scope of operations.

(2) Information on relevant cost structures.

(3) An identification of types of microelectronics development, manufacture, assembly, test, and packaging equipment in operation at such entity.

(4) An identification of all relevant intellectual property, raw materials, and semifinished goods and components sourced domestically and abroad by such entity.

(5) Specifications of the microelectronics manufactured or designed by such entity, descriptions of the end-uses of such microelectronics, and a description of any technical support provided to end-users of such microelectronics by such entity.

(6) Information on domestic and export market sales by such entity.

(7) Information on the financial performance, including income and expenditures, of such entity.

(8) A list of all foreign and domestic subsidies, and any other financial incentives, received by such entity in each market in which such entity operates.

(9) A list of information requests from the People's Republic of China to such entity, and a description of the nature of each request and the type of information provided.

(10) Information on any joint ventures, technology licensing agreements, and cooperative research or production arrangements of such entity.

(11) A description of efforts by such entity to evaluate and control supply chain risks it faces.

(12) A list and description of any sales, licensing agreements, or partnerships between such entity and the People's Liberation Army or People's Armed Police, including any business relationships with entities through which such sales, licensing agreements, or partnerships may occur.

(d) REPORT.—

(1) IN GENERAL.—The Secretary of Commerce shall, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other appropriate Federal departments and agencies, submit to Congress a report on the results of the review required by subsection (a). The report shall include the following:

(A) An assessment of the results of the survey.

(B) A list of critical technology areas impacted by potential disruptions in production of microelectronics, and a detailed description and assessment of the impact of such potential disruptions on such areas.

(C) A description and assessment of gaps and vulnerabilities in the microelectronics supply chain and the national industrial supply base.

(2) FORM.— The report required by paragraph (1) may be submitted in classified form.

SEC. 1097. FUNDING FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE MICROELECTRONICS AND MEASURABLY SECURE MICROELECTRONICS SUPPLY CHAINS.

(a) MULTILATERAL MICROELECTRONICS SECURITY FUND.—

(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund, to be known as the ''Multilateral Microelectronics Security Fund'' (in this section referred to as the ''Fund''), consisting of such amounts as may be appropriated to such Fund and any amounts that may be credited to the Fund under paragraph (2).

(2) INVESTMENT OF AMOUNTS.—

(A) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(B) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(3) USE OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund shall be available, as provided in advance in an appropriations Act, to the Secretary of State—

(i) to provide funding through the common funding mechanism described in subsection (b)(1) to support the development and adoption of measurably secure microelectronics and measurably secure microelectronics supply chains; and

(ii) to otherwise carry out this section.

(B) AVAILABILITY CONTINGENT ON INTERNATIONAL AGREEMENT.—Amounts in the Fund shall be available to the Secretary of State on and after the date on which the Secretary enters into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism under paragraph (1) of subsection (b) and the commitments described in paragraph (2) of that subsection.

(4) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—Amounts in the Fund shall remain available through the end of the tenth fiscal year beginning after the date of the enactment of this Act.

(B) REMAINDER TO TREASURY.—Any amounts remaining in the Fund after the end of the fiscal year described in subparagraph (A) shall be deposited in the general fund of the Treasury.

(b) COMMON FUNDING MECHANISM FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE MICROELECTRONICS AND MEASURABLY SECURE MICROELECTRONICS SUPPLY CHAINS.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of the Treasury, and the Director of National Intelligence, shall seek to establish a common funding mechanism, in coordination with the governments of countries that are partners of the United States, that uses amounts from the Fund, and amounts committed by such governments, to support the development and adoption of secure microelectronics and secure microelectronics supply chains, including for use in research and development collaborations among countries participating in the common funding mechanism.

(2) MUTUAL COMMITMENTS.—The Secretary of State, in consultation with the United States Trade Representative, the Secretary of the Treasury, and the Secretary of Commerce, shall seek to negotiate a set of mutual commitments with the governments of countries that are partners of the United States upon which to condition any expenditure of funds pursuant to the common funding mechanism described in paragraph (1). Such commitments shall, at a minimum—

(A) establish transparency requirements for any subsidies or other financial benefits (including revenue foregone) provided to microelectronics firms located in or outside such countries;

(B) establish consistent policies with respect to countries that—

(i) are not participating in the common funding mechanism; and

(ii) do not meet transparency requirements established under subparagraph (A);

(C) promote harmonized treatment of microelectronics and verification processes for items being exported to a country considered a national security risk by a country participating in the common funding mechanism;

(D) establish consistent policies and common external policies to address nonmarket economies as the behavior of such countries pertains to microelectronics;

(E) align policies on supply chain integrity and microelectronics security, including with respect to protection and enforcement of intellectual property rights; and

(F) promote harmonized foreign direct investment screening measures with respect to microelectronics to align with national and multilateral security priorities.

(c) ANNUAL REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Fund are available under subsection (a)(4), the Secretary of State shall submit to Congress a report on the status of the implementation of this section that includes a description of—

(1) any commitments made by the governments of countries that are partners of the United States to providing funding for the common funding mechanism described in subsection (b)(1) and the specific amount so committed;

(2) the criteria established for expenditure of funds through the common funding mechanism;

(3) how, and to whom, amounts have been expended from the Fund;

(4) amounts remaining in the Fund;

(5) the progress of the Secretary of State toward entering into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism and the commitments described in subsection (b)(2); and

(6) any additional authorities needed to enhance the effectiveness of the Fund in achieving the security goals of the United States.

SEC. 1098. ADVANCED SEMICONDUCTOR RESEARCH AND DESIGN.

(a) APPROPRIATE COMMITTEES OF CONGRESS.— In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the leadership of the United States in semiconductor technology and innovation is critical to the economic growth and national security of the United States.

(c) SUBCOMMITTEE ON SEMICONDUCTOR LEADERSHIP.—

(1) ESTABLISHMENT REQUIRED.—The President shall establish in the National Science and Technology Council a subcommittee on matters relating to leadership of the United States in semiconductor technology and innovation.

(2) DUTIES.—The duties of the subcommittee established under paragraph (1) are as follows:

(A) NATIONAL STRATEGY ON SEMICONDUCTOR RESEARCH.—

(i) DEVELOPMENT.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology and in consultation with the semiconductor industry and academia, develop a national strategy on semiconductor research, development, manufacturing, and supply chain security, including guidance for the funding of research, and strengthening of the domestic microelectronics workforce.

(ii) REPORTING AND UPDATES.—Not less frequently than once every 5 years, to update the strategy developed under clause (i) and to submit the revised strategy to the appropriate committees of Congress.

(iii) IMPLEMENTATION.—In coordination with the Secretary of Defense, the Secretary

of Energy, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology, on an annual basis coordinate and recommend each agency's semiconductor related research and development programs and budgets to ensure consistency with the National Semiconductor Strategy.

(B) FOSTERING COORDINATION OF RESEARCH AND DEVELOPMENT.—To foster the coordination of semiconductor research and development.

(3) SUNSET.—The subcommittee established under paragraph (1) shall terminate on the date that is 10 years after the date of enactment of this Act.

(d) INDUSTRIAL ADVISORY COMMITTEE.—The President shall establish a standing subcommittee of the President's Council of Advisors on Science and Technology to advise the United States Government on matters relating to microelectronics policy.

(e) NATIONAL SEMICONDUCTOR TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Secretary of Commerce shall establish a national semiconductor technology center to conduct research and prototyping of advanced semiconductor technology to strengthen the economic competitiveness and security of the domestic supply chain, which will be operated as a public private-sector consortium with participation from the private sector, the Department of Defense, the Department of Energy, the Department of Homeland Security, the National Science Foundation, and the National Institute of Standards and Technology

(2) FUNCTIONS.—The functions of the center established under paragraph (1) shall be as follows:

(A) To conduct advanced semiconductor manufacturing, design research and prototyping that strengthens the entire domestic ecosystem and is aligned with the National Strategy on Semiconductor Research.

(B) To establish a National Advanced Packaging Manufacturing Program led by the National Institute of Standards and Technology, in coordination with the Center, to strengthen semiconductor advanced test, assembly, and packaging capability in the domestic ecosystem, and which shall coordinate with the Manufacturing USA institute established under paragraph (4).

(C) To establish an investment fund, in partnership with the private sector, to support startups in the domestic semiconductor ecosystem.

(D) To establish a Semiconductor Manufacturing Program through the Director of the National Institute of Standards and Technology to enable advances and breakthroughs in measurement science, standards, material characterization, instrumentation, testing, and manufacturing capabilities that will accelerate the underlying research and development for metrology of next generation semiconductors and ensure the competitiveness and leadership of the United States within this sector.

(E) To work with the Secretary of Labor, the private sector, educational institutions, and workforce training entities to develop workforce training programs and apprenticeships in advanced microelectronic packaging capabilities.

(3) COMPONENTS.—The fund established under paragraph (2)(C) shall cover the following:

(A) Advanced metrology and characterization for manufacturing of microchips using 3 nanometer transistor processes or more advanced processes.

(B) Metrology for security and supply chain verification.

(4) CREATION OF A MANUFACTURING USA INSTITUTE.—The fund established under paragraph (2)(C) may also cover the creation of a Manufacturing USA institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)) that is focused on semiconductor manufacturing. Such institute may emphasize the following:

(A) Research to support the virtualization and automation of maintenance of semiconductor machinery.

(B) Development of new advanced test, assembly and packaging capabilities.

(C) Developing and deploying educational and skills training curricula needed to support the industry sector and ensure the U.S. can build and maintain a trusted and predictable talent pipeline.

(f) DOMESTIC PRODUCTION REQUIREMENTS.—The head of any executive agency receiving funding under this section shall develop policies to require domestic production, to the extent possible, for any intellectual property resulting from microelectronics research and development conducted as a result of these funds and domestic control requirements to protect any such intellectual property from foreign adversaries.

SEC. 1099. PROHIBITION RELATING TO FOREIGN ADVERSARIES.

None of the funds appropriated pursuant to an authorization in this subtitle may be provided to an entity—

(1) under the foreign ownership, control, or influence of the Government of the People's Republic of China or the Chinese Communist Party, or other foreign adversary (as defined in section 1091(a)(4)); or

(2) determined to have beneficial ownership from foreign individuals subject to the jurisdiction, direction, or influence of foreign adversaries (as so defined).

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Matters

SEC. 1101. ENHANCED PAY AUTHORITY FOR CERTAIN ACQUISITION AND TECHNOLOGY POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subchapter I of chapter 87 of title 10, United States Code, is amended by inserting after section 1701a the following new section:

"§ 1701b. Enhanced pay authority for certain acquisition and technology positions

''(a) IN GENERAL.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the Office of the Secretary of Defense and the military departments in attracting and retaining high-quality acquisition and technology experts in positions responsible for managing and developing complex, high-cost, technological acquisition efforts of the Department of Defense.

''(b) APPROVAL REQUIRED.—The program may be carried out only with approval as follows:

''(1) Approval of the Under Secretary of Defense for Acquisition and Sustainment, in the case of positions in the Office of the Secretary of Defense.

''(2) Approval of the service acquisition executive of the military department concerned, in the case of positions in a military department.

''(c) POSITIONS.—The positions described in this subsection are positions that—

''(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

''(2) are critical to the successful accomplishment of an important acquisition or technology development mission.

''(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

''(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Under Secretary of Defense for Acquisition and Sustainment or the service acquisition executive concerned, as applicable.

''(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of Defense.

''(e) LIMITATIONS.—

''(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

''(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in the Office of the Secretary of Defense and more than five positions in each military department at any one time.

''(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having terms less than five years.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 87 of such title is amended by inserting after the item relating to section 1701a the following new item:

''1701b. Enhanced pay authority for certain acquisition and technology positions.''.

(c) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 1111 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 1701 note) is repealed.

(2) CONTINUATION OF PAY.—The repeal in paragraph (1) shall not be interpreted to prohibit the payment of basic pay at rates fixed under such section 1111 before the date of the enactment of this Act for positions having terms that continue after that date.

SEC. 1102. ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

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

"§ 2358c. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories

''(a) IN GENERAL.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

''(b) APPROVAL REQUIRED.—The program may be carried out in a military department only with the approval of the service acquisition executive of the military department concerned.

''(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

''(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

''(2) are critical to the successful accomplishment of an important research or technology development mission.

''(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

''(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the service acquisition executive concerned.

''(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

''(e) LIMITATIONS.—

''(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

''(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

''(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

''(f) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term 'science and technology reinvention laboratories of the Department of Defense' means the laboratories designated as science and technology reinvention laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2358b the following new item:

''2358c. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.''.

(c) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 1124 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2456; 10 U.S.C. 2358 note) is repealed.

(2) CONTINUATION OF PAY.—The repeal in paragraph (1) shall not be interpreted to prohibit the payment of basic pay at rates fixed under such section 1124 before the date of the enactment of this Act for positions having terms that continue after that date.

SEC. 1103. EXTENSION OF ENHANCED APPOINTMENT AND COMPENSATION AUTHORITY FOR CIVILIAN PERSONNEL FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

Section 1599c(b) of title 10, United States Code, is amended by striking ''December 31, 2020'' both places it appears and inserting ''December 31, 2025''.

SEC. 1104. EXTENSION OF OVERTIME RATE AUTHORITY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking ''September 30, 2021'' and inserting ''September 30, 2023''.

SEC. 1105. EXPANSION OF DIRECT HIRE AUTHORITY FOR CERTAIN DEPARTMENT OF DEFENSE PERSONNEL TO INCLUDE INSTALLATION MILITARY HOUSING OFFICE POSITIONS SUPERVISING PRIVATIZED MILITARY HOUSING.

Section 9905(a) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(11) Any position in the military housing office of a military installation whose primary function is supervision of military housing covered by subchapter IV of chapter 169 of title 10.''.

SEC. 1106. EXTENSION OF SUNSET OF INAPPLICABILITY OF CERTIFICATION OF EXECUTIVE QUALIFICATIONS BY QUALIFICATION CERTIFICATION REVIEW BOARD OF OFFICE OF PERSONNEL MANAGEMENT FOR INITIAL APPOINTMENTS TO SENIOR EXECUTIVE SERVICE POSITIONS IN DEPARTMENT OF DEFENSE.

Section 1109(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2010; 5 U.S.C. 3393 note) is amended by striking ''on the date'' and all that follows and inserting ''on August 13, 2023.''

SEC. 1107. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN HIGH-LEVEL MANAGEMENT POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the Department of Defense in attracting and retaining personnel with significant experience in high-level management of complex organizations and enterprise functions in order to lead implementation by the Department of the National Defense Strategy.

(b) APPROVAL REQUIRED.—The pilot program may be carried out only with approval as follows:

(1) Approval of the Deputy Secretary of Defense, in the case of a position not under the authority, direction, and control of an Under Secretary of Defense and not under the authority, direction, and control of the Under Secretary of a military department.

(2) Approval of the applicable Under Secretary of Defense, in the case of a position under the authority, direction, and control of an Under Secretary of Defense.

(3) Approval of the Under Secretary or an Assistant Secretary of the military department concerned, in the case of a position in a military department.

(c) POSITIONS.—The positions described in this subsection are positions that require expertise of an extremely high level in innovative leadership and management of enterprise-wide business operations, including financial management, health care, supply chain and logistics, information technology, real property stewardship, and human resources, across a large and complex organization.

(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the applicable official under subsection (b).

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of Defense.

(e) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to—

(A) more than 10 positions in the Office of the Secretary of Defense and components of the Department of Defense other than the military departments at any one time; and

(B) more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having terms less than five years.

(4) PAST SERVICE.—An individual may not be appointed to a position pursuant to the authority provided by subsection (a) if the individual separated or retired from Federal civil service or service as a commissioned officer of an Armed Force on a date that is less than five years before the date of such appointment of the individual.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2025.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2025, of basic pay at rates fixed under this section before that date for positions whose terms continue after that date.

SEC. 1108. PILOT PROGRAM ON EXPANDED AUTHORITY FOR APPOINTMENT OF RECENTLY RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of expanding the use of the authority in section 3326 of title 5, United States Code, to appoint retired members of the Armed Forces described in subsection (b) of that section to positions in the Department of Defense described in subsection (b) of this section.

(b) POSITIONS.—

(1) IN GENERAL.—The positions in the Department described in this subsection are positions classified at or below GS–13 under the General Schedule under subchapter III of chapter 53 of title 5, United States Code, or an equivalent level under another wage system, in the competitive service—

(A) to which appointments are authorized using Direct Hire Authority or Expedited Hiring Authority; and

(B) that have been certified by the Secretary of the military department concerned as lacking sufficient numbers of potential applicants who are not retired members of the Armed Forces.

(2) LIMITATION ON DELEGATION OF CERTIFICATION.—The Secretary of a military department may not delegate the authority to make a certification described in paragraph (1)(B) to an individual in a grade lower than colonel, captain in the Navy, or an equivalent grade in the Space Force, or an individual with an equivalent civilian grade.

(c) DURATION.—The duration of the pilot program shall be three years.

(d) REPORT.—Not later than two years after the commencement of the pilot program, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program. The report shall include the following:

(1) A description of the pilot program, including the positions to which appointments are authorized to be made under the pilot program and the number of retired members appointed to each such position under the pilot program.

(2) Any other matters in connection with the pilot program that the Secretary considers appropriate.

SEC. 1109. DIRECT HIRE AUTHORITY AND RELOCATION INCENTIVES FOR POSITIONS AT REMOTE LOCATIONS.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599i. Direct hire authority and relocation incentives for positions at remote locations

''(a) DIRECT HIRE AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Defense may appoint, without regard to any provision of subchapter I of chapter 33 of title 5, qualified applicants to positions in the competitive service to fill vacancies at covered locations.

''(2) COVERED LOCATIONS.—For purposes of this section, a covered location is a location for which the Secretary has determined that critical hiring needs are not being met due to the geographic remoteness or isolation or extreme climate conditions of the location.

''(b) RELOCATION INCENTIVES.—

''(1) IN GENERAL.—An individual appointed to a position pursuant to subsection (a) may be paid a relocation incentive in connection with the relocation of the individual to the location of the position.

''(2) AMOUNT.—The amount of a relocation incentive payable to an individual under this subsection may not exceed the amount equal to—

''(A) 25 percent of the annual rate of basic pay of the employee for the position concerned as of the date on which the service period in such position agreed to by the individual under paragraph (3) commences; multiplied by

''(B) the number of years (including fractions of a year) of such service period (not to exceed four years).

''(3) SERVICE AGREEMENT.—To receive a relocation incentive under this subsection, an individual appointed to a position under subsection (a) shall enter into an agreement with the Secretary of Defense to complete a period of service at the covered location. The period of obligated service of the individual at such location under the agreement may not exceed four years. The agreement shall include such repayment or alternative employment obligations as the Secretary considers appropriate for failure of the individual to complete the period of obligated service specified in the agreement.

''(4) RELATIONSHIP TO OTHER RELOCATION PAY.—A relocation incentive paid to an individual for a relocation under this subsection is in addition to any other relocation incentive or payment payable to the individual for such relocation by law.

''(c) SUNSET.—Effective on September 30, 2022, the authority provided under subsection (a) and the authority to provide relocation incentives under subsection (b) shall expire.''.

(b) OUTCOME MEASUREMENTS.—The Secretary of Defense shall develop outcome measurements to evaluate the effect of the authority provided under subsection (a) of section 1599i of title 10, United States Code, as added by subsection (a), and any relocation incentives provided under subsection (b) of such section.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the effect of the authority provided under subsection (a) of section 1599i of title 10, United States Code, as added by subsection (a), and any relocation incentives provided under subsection (b) of such section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description and assessment of the effectiveness and achievements of the authority and relocation incentives described in paragraph (1), including—

(i) the number of employees hired to covered locations described in section 1599i(a)(2) of title 10, United States Code, as added by subsection (a); and

(ii) the cost-per-placement of such employees.

(B) A comparison of the effectiveness and use of the authority and relocation incentives described in paragraph (1) to authorities under title 5, United States Code, used by the Department of Defense before the date of the enactment of this Act to support hiring at remote or rural locations.

(C) An assessment of—

(i) the minority community outreach efforts made in using the authority and providing relocation incentives described in paragraph (1); and

(ii) participation outcomes.

(D) Such other matters as the Secretary considers appropriate.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of title 10, United States Code, is amended by adding at the end the following new item:

''1599i. Direct hire authority and relocation incentives for positions at remote locations.''.

SEC. 1110. MODIFICATION OF DIRECT HIRE AUTHORITY FOR CERTAIN PERSONNEL INVOLVED WITH DEPARTMENT OF DEFENSE MAINTENANCE ACTIVITIES.

Section 9905(a)(1) of title 5, United States Code, is amended by striking ''including'' and all that follows and inserting the following: ''including—

''(A) depot-level maintenance and repair; and

''(B) support functions for such activities.''.

SEC. 1110A. FIRE FIGHTERS ALTERNATIVE WORK SCHEDULE DEMONSTRATION PROJECT FOR THE NAVY REGION MID-ATLANTIC FIRE AND EMERGENCY SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commander, Navy Region Mid-Atlantic, shall establish and carry out, for a period of not less than five years, a Fire Fighters Alternative Work Schedule demonstration project for the Navy Region Mid-Atlantic Fire and Emergency Services. Such demonstration project shall provide, with respect to each employee of the Navy Region Mid-Atlantic Fire and Emergency Services, that—

(1) assignments to tours of duty are scheduled in advance over periods of not less than two weeks;

(2) tours of duty are scheduled using a regularly recurring pattern of 48-hour shifts followed by 48 or 72 consecutive non-work hours, as determined by mutual agreement between the Commander, Navy Region Mid-Atlantic, and the exclusive employee representative at each Navy Region Mid-Atlantic installation, in such a manner that each employee is regularly scheduled for 144-hours in any two-week period;

(3) for any such employee that is a fire fighter working an alternative work schedule, such employee shall earn overtime compensation in a manner consistent with other applicable law and regulation;

(4) no right shall be established to any form of premium pay, including night, Sunday, holiday, or hazard duty pay; and

(5) leave accrual and use shall be consistent with other applicable law and regulation.

(b) REPORT.—Not later than 180 days after the date on which the demonstration project under this section terminates, the Commander, Navy Region Mid-Atlantic, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing—

(1) any financial savings or expenses directly and inseparably linked to the demonstration project;

(2) any intangible quality of life and morale improvements achieved by the demonstration project; and

(3) any adverse impact of the demonstration project occurring solely as the result of the transition to the demonstration project.

SEC. 1110B. REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES ON DIVERSITY AND INCLUSION WITHIN THE CIVILIAN WORKFORCE OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 1 year after enactment of this act, the Comptroller General of the United States shall submit to Congress a report on issues related to diversity and inclusion within the civilian workforce of the Department of Defense.

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

(1) A description of the demographic composition of the civilian workforce of the Department.

(2) An assessment of any differences in promotion outcomes among demographic groups of the civilian workforce of the Department.

(3) An assessment of the extent to which the Department has identified barriers to diversity in its civilian workforce.

Subtitle B—Government-Wide Matters

SEC. 1111. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and as most recently amended by section 1104 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''2021'' and inserting ''2022''.

SEC. 1112. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1105 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''through 2020'' and inserting ''through 2021''.

SEC. 1113. TECHNICAL AMENDMENTS TO AUTHORITY FOR REIMBURSEMENT OF FEDERAL, STATE, AND LOCAL INCOME TAXES INCURRED DURING TRAVEL, TRANSPORTATION, AND RELOCATION.

(a) IN GENERAL.—Section 5724b(b) of title 5, United States Code, is amended—

(1) by striking ''or relocation expenses reimbursed'' and inserting ''and relocation expenses reimbursed''; and

(2) by striking ''of chapter 41'' and inserting ''or chapter 41''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by subsection (a) of section 1114 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), as provided for in subsection (c) of such section 1114.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. AUTHORITY TO BUILD CAPACITY FOR ADDITIONAL OPERATIONS.

Section 333(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) Cyberspace operations.''.

SEC. 1202. AUTHORITY TO BUILD CAPACITY FOR AIR SOVEREIGNTY OPERATIONS.

Section 333(a) of title 10, United States Code, as amended by section 1201, is further amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following new paragraph (7):

''(7) Air sovereignty operations.''.

SEC. 1203. MODIFICATION TO THE INTER-EUROPEAN AIR FORCES ACADEMY.

Section 350(b) of title 10, United States Code, is amended by striking ''that are'' and all that follows through the period at the end and inserting ''that are—

''(1) members of the North Atlantic Treaty Organization;

''(2) signatories to the Partnership for Peace Framework Documents; or

''(3)(A) within the United States Africa Command area of responsibility; and

''(B) eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).''.

SEC. 1204. MODIFICATION TO SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.

Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1639), as most recently amended by section 1207 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

SEC. 1205. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) FUNDS AVAILABLE FOR SUPPORT.—Subsection (b) of section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note) is amended to read as follows:

''(b) FUNDS AVAILABLE FOR SUPPORT.—Amounts to provide support under the authority of subsection (a) may be derived only from amounts authorized to be appropriated and available for operation and maintenance, Defense-wide.''.

(b) EXTENSION.—Subsection (h) of such section is amended by striking ''December 31, 2021'' and inserting ''December 31, 2023''.

SEC. 1206. MODIFICATION OF AUTHORITY FOR PARTICIPATION IN MULTINATIONAL CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Section 344 of title 10, United States Code, is amended—

(1) in the section heading, by striking ''**multinational military centers of excellence**'' and inserting ''**multinational centers of excellence**'';

(2) by striking ''multinational military center of excellence'' each place it appears and inserting ''multinational center of excellence'';

(3) by striking ''multinational military centers of excellence'' each place it appears and inserting ''multinational centers of excellence'';

(4) in subsection (b)(1), by inserting ''or entered into by the Secretary of State,'' after ''Secretary of State,'';

(5) in subsection (e)—

(A) in the subsection heading, by striking ''MULTINATIONAL MILITARY CENTER OF EXCELLENCE '' and inserting ''MULTINATIONAL CENTER OF EXCELLENCE'';

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and moving the subparagraphs two ems to the right;

(C) in the matter preceding subparagraph (A), as so redesignated, by striking ''means an entity'' and inserting ''means—

''(1) an entity'';

(D) in subparagraph (D), as so redesignated, by striking the period at the end and inserting ''; and''; and

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

''(2) the European Centre of Excellence for Countering Hybrid Threats, established in 2017 and located in Helsinki, Finland.'';

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

(7) by inserting after subsection (d) the following new subsection (e):

''(e) NOTIFICATION.—Not later than 30 days before the date on which the Secretary of Defense authorizes participation under subsection (a) in a new multinational center of excellence, the Secretary shall notify the congressional defense committees of such participation.''.

(b) CONFORMING AMENDMENT.—Title 10, United States Code, is amended, in the table of sections at the beginning of subchapter V of chapter 16, by striking the item relating to section 344 and inserting the following:

''344. Participation in multinational centers of excellence.''.

SEC. 1207. IMPLEMENTATION OF THE WOMEN, PEACE, AND SECURITY ACT OF 2017.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2025, the Secretary of Defense shall undertake activities consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202) and with the guidance specified in this section, including—

(1) establishing Department of Defense-wide policies and programs that advance the implementation of that Act, including military doctrine and Department-specific and combatant command-specific programs;

(2) ensuring the Department sufficient personnel to serve as gender advisors, including by hiring and training full-time equivalent personnel, as necessary, and establishing roles, responsibilities, and requirements for gender advisors;

(3) the deliberate integration of gender analysis into relevant training for members of the Armed Forces across ranks, as described in the Women's Entrepreneurship and Economic Empowerment Act of 2018 (Public Law 115–428; 132 Stat. 5509); and

(4) security cooperation activities that further the implementation of the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202).

(b) BUILDING PARTNER DEFENSE INSTITUTION AND SECURITY FORCE CAPACITY.—

(1) INCORPORATION OF GENDER ANALYSIS AND PARTICIPATION OF WOMEN INTO SECURITY COOPERATION ACTIVITIES.—Consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202), the Secretary of Defense, in coordination with the Secretary of State, shall seek to incorporate gender analysis and participation by women, as appropriate, into the institutional and national security force capacity-building activities of security cooperation programs carried out under title 10, United States Code, including by—

(A) incorporating gender analysis and women, peace, and security priorities, including sex-disaggregated data, into educational and training materials and programs authorized by section 333 of title 10, United States Code;

(B) advising on the recruitment, employment, development, retention, and promotion of women in such national security forces, including by—

(i) identifying existing military career opportunities for women;

(ii) exposing women and girls to careers available in such national security forces and the skills necessary for such careers; and

(iii) encouraging women's and girls' interest in such careers by highlighting as role models women of the United States and applicable foreign countries in uniform;

(C) addressing sexual harassment and abuse against women within such national security forces;

(D) integrating gender analysis into security sector policy, planning, and training for such national security forces; and

(E) improving infrastructure to address the requirements of women serving in such national security forces, including appropriate equipment for female security and police forces.

(2) BARRIERS AND OPPORTUNITIES.—Partner country assessments conducted in the course of Department security cooperation activities to build the capacity of the national security forces of foreign countries shall include attention to the barriers and opportunities with respect to strengthening recruitment, employment, development, retention, and promotion of women in the military forces of such partner countries.

(c) DEPARTMENT-WIDE POLICIES ON WOMEN, PEACE, AND SECURITY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall initiate a process to establish standardized policies described in subsection (a)(1).

(d) FUNDING.—The Secretary of Defense may use funds authorized to be appropriated in each fiscal year to the Department of Defense for operation and maintenance as specified in the table in section 4301 for carrying out the full implementation of the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202) and the guidance on the matters described in paragraphs (1) through (4) of subsection (a) and subparagraphs (A) through (E) of subsection (b)(1).

(e) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter through 2025, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the steps the Department has taken to implement the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202), including—

(1) a description of the progress made on each matter described in paragraphs (1) through (4) of subsection (a) and subparagraphs (A) through (E) of subsection (b)(1); and

(2) an identification of the amounts used for such purposes.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1208. TED STEVENS CENTER FOR ARCTIC SECURITY STUDIES.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees a plan to establish a Department of Defense Regional Center for Security Studies for the Arctic.

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

(A) A description of the benefits of establishing such a center, including the manner in which the establishment of such a center would benefit United States and Department interests in the Arctic region.

(B) A description of the mission and purpose of such a center, including specific policy guidance from the Office of the Secretary of Defense.

(C) An analysis of suitable reporting relationships with the applicable combatant commands.

(D) An assessment of suitable locations for such a center that are—

(i) in proximity to other academic institutions that study security implications with respect to the Arctic region;

(ii) in proximity to the designated lead for Arctic affairs of the United States Northern Command;

(iii) in proximity to a central hub of assigned Arctic-focused Armed Forces so as to suitably advance relevant professional development of skills unique to the Arctic region; and

(iv) in a State located outside the contiguous United States.

(E) A description of the establishment and operational costs of such a center, including for—

(i) military construction for required facilities;

(ii) facility renovation;

(iii) personnel costs for faculty and staff; and

(iv) other costs the Secretary of Defense considers appropriate.

(F) An evaluation of the existing infrastructure, resources, and personnel available at military installations and at universities and other academic institutions that could reduce the costs described in accordance with subparagraph (E).

(G) An examination of partnership opportunities with United States allies and partners for potential collaboration and burden sharing.

(H) A description of potential courses and programs that such a center could carry out, including—

(i) core, specialized, and advanced courses;

(ii) planning workshops;

(iii) seminars;

(iv) confidence-building initiatives; and

(v) academic research.

(I) A description of any modification to title 10, United States Code, necessary for the effective operation of such a center.

(3) FORM.—The plan required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not earlier than 30 days after the submittal of the plan required by subsection (a), and subject to the availability of appropriations, the Secretary of Defense may establish and administer a Department of Defense Regional Center for Security Studies for the Arctic, to be known as the ''Ted Stevens Center for Arctic Security Studies'', for the purpose described in section 342(a) of title 10, United States Code.

(2) LOCATION.—The Ted Stevens Center for Arctic Security Studies may be located—

(A) in proximity to other academic institutions that study security implications with respect to the Arctic region;

(B) in proximity to the designated lead for Arctic affairs of the United States Northern Command;

(C) in proximity to a central hub of assigned Arctic-focused Armed Forces so as to suitably advance relevant professional development of skills unique to the Arctic region; and

(D) in a State located outside the contiguous United States.

SEC. 1209. FUNCTIONAL CENTER FOR SECURITY STUDIES IN IRREGULAR WARFARE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees a report that assesses the merits and feasibility of establishing and administering a Department of Defense Functional Center for Security Studies in Irregular Warfare.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the benefits to the United States, and the allies and partners of the United States, of establishing such a functional center, including the manner in which the establishment of such a functional center would enhance and sustain focus on, and advance knowledge and understanding of, matters of irregular warfare, including cybersecurity, nonstate actors, information operations, counterterrorism, stability operations, and the hybridization of such matters.

(B) A detailed description of the mission and purpose of such a functional center, including applicable policy guidance from the Office of the Secretary of Defense.

(C) An analysis of appropriate reporting and liaison relationships between such a functional center and—

(i) the geographic and functional combatant commands;

(ii) other Department of Defense stakeholders; and

(iii) other government and nongovernment entities and organizations.

(D) An enumeration and valuation of criteria applicable to the determination of a suitable location for such a functional center.

(E) A description of the establishment and operational costs of such a functional center, including for—

(i) military construction for required facilities;

(ii) facility renovation;

(iii) personnel costs for faculty and staff; and

(iv) other costs the Secretary of Defense considers appropriate.

(F) An evaluation of the existing infrastructure, resources, and personnel available at military installations and at universities and other academic and research institutions that could reduce the costs described in subparagraph (E).

(G) An examination of partnership opportunities with United States allies and partners for potential collaboration and burden sharing.

(H) A description of potential courses and programs that such a functional center could carry out, including—

(i) core, specialized, and advanced courses;

(ii) planning workshops and structured after-action reviews or debriefs;

(iii) seminars;

(iv) initiatives on executive development, relationship building, partnership outreach, and any other matter the Secretary of Defense considers appropriate; and

(v) focused academic research and studies in support of Department priorities.

(I) A description of any modification to title 10, United States Code, or any other provision of law, necessary for the effective establishment and administration of such a functional center.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not earlier than 30 days after the submittal of the report required by subsection (a), and subject to the availability of appropriated funds, the Secretary of Defense may establish and administer a Department of Defense Functional Center for Security Studies in Irregular Warfare.

(2) TREATMENT AS A REGIONAL CENTER FOR SECURITY STUDIES.—A Department of Defense Functional Center for Security Studies in Irregular Warfare established under paragraph (1) shall be operated and administered in the same manner as the Department of Defense Regional Centers for Security Studies under section 342 of title 10, United States Code, and in accordance with such regulations as the Secretary of Defense may prescribe.

(3) LIMITATION.—No other institution or element of the Department may be designated as a Department of Defense functional center, except by an Act of Congress.

(4) LOCATION.—The location of a Department of Defense Functional Center for Security Studies in Irregular Warfare established under paragraph (1) shall be selected based on an objective, criteria-driven administrative or competitive award process, in accordance with which the merits of locating such functional center in Tempe, Arizona, may be evaluated together with other suitable locations.

SEC. 1210. OPEN TECHNOLOGY FUND.

(a) SHORT TITLE.—This section may be cited as the ''Open Technology Fund Authorization Act''.

(b) FINDINGS.—Congress finds the following:

(1) The political, economic, and social benefits of the internet are important to advancing democracy and freedom throughout the world.

(2) Authoritarian governments are investing billions of dollars each year to create, maintain, and expand repressive internet censorship and surveillance systems to limit free association, control access to information, and prevent citizens from exercising their rights to free speech.

(3) Over ⅔ of the world's population live in countries in which the internet is restricted. Governments shut down the internet more than 200 times every year.

(4) Internet censorship and surveillance technology is rapidly being exported around the world, particularly by the Government of the People's Republic of China, enabling widespread abuses by authoritarian governments.

(c) SENSE OF CONGRESS.—It is the sense of Congress that it is in the interest of the United States—

(1) to promote global internet freedom by countering internet censorship and repressive surveillance;

(2) to protect the internet as a platform for—

(A) the free exchange of ideas;

(B) the promotion of human rights and democracy; and

(C) the advancement of a free press; and

(3) to support efforts that prevent the deliberate misuse of the internet to repress individuals from exercising their rights to free speech and association, including countering the use of such technologies by authoritarian regimes.

(d) ESTABLISHMENT OF THE OPEN TECHNOLOGY FUND.—

(1) IN GENERAL.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 309 the following:

''SEC. 309A. OPEN TECHNOLOGY FUND.

''(a) AUTHORITY.—

''(1) ESTABLISHMENT.—There is established a grantee entity, to be known as the 'Open Technology Fund', which shall carry out this section.

''(2) IN GENERAL.—Grants authorized under section 305 shall be available to award annual grants to the Open Technology fund for the purpose of—

''(A) promoting, consistent with United States law, unrestricted access to uncensored sources of information via the internet; and

''(B) enabling journalists, including journalists employed by or affiliated with the Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, the Middle East

Broadcasting Networks, the Office of Cuba Broadcasting, or any entity funded by or partnering with the United States Agency for Global Media to create and disseminate news and information consistent with the purposes, standards, and principles specified in sections 302 and 303.

''(b) USE OF GRANT FUNDS.—The Open Technology Fund shall use grant funds received pursuant to subsection (a)(2)—

''(1) to advance freedom of the press and unrestricted access to the internet in repressive environments overseas through technology development, rather than through media messaging;

''(2) to research, develop, implement, and maintain—

''(A) technologies that circumvent techniques used by authoritarian governments, nonstate actors, and others to block or censor access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used to limit or block legitimate access to content and information; and

''(B) secure communication tools and other forms of privacy and security technology that facilitate the creation and distribution of news and enable audiences to access media content on censored websites;

''(3) to advance internet freedom by supporting private and public sector research, development, implementation, and maintenance of technologies that provide secure and uncensored access to the internet to counter attempts by authoritarian governments, nonstate actors, and others to improperly restrict freedom online;

''(4) to research and analyze emerging technical threats and develop innovative solutions through collaboration with the private and public sectors to maintain the technological advantage of the United States Government over authoritarian governments, nonstate actors, and others;

''(5) to develop, acquire, and distribute requisite internet freedom technologies and techniques for the United States Agency for Global Media, in accordance with paragraph (2), and digital security interventions, to fully enable the creation and distribution of digital content between and to all users and regional audiences;

''(6) to prioritize programs for countries, the governments of which restrict freedom of expression on the internet, that are important to the national interest of the United States in accordance with section 7050(b)(2)(C) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94); and

''(7) to carry out any other effort consistent with the purposes of this Act or press freedom overseas if requested or approved by the United States Agency for Global Media.

''(c) METHODOLOGY.—In carrying out subsection (b), the Open Technology Fund shall—

''(1)(A) support fully open-source tools, code, and components, to the extent practicable, to ensure such supported tools and technologies are as secure, transparent, and accessible as possible; and

''(B) require that any such tools, components, code, or technology supported by the Open Technology Fund remain fully open-source, to the extent practicable;

''(2) support technologies that undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner detrimental to the interests of the United States or to individuals or organizations benefitting from programs supported by the Open Technology Fund;

''(3) review and periodically update, as necessary, security auditing procedures used by the Open Technology Fund to reflect current industry security standards;

''(4) establish safeguards to mitigate the use of such supported technologies for illicit purposes;

''(5) solicit project proposals through an open, transparent, and competitive application process to attract innovative applications and reduce barriers to entry;

''(6)(A) seek input from technical, regional, and subject matter experts from a wide range of relevant disciplines; and

''(B) to review, provide feedback, and evaluate proposals to ensure that the most competitive projects are funded;

''(7) implement an independent review process, through which proposals are reviewed by such experts to ensure the highest degree of technical review and due diligence;

''(8) maximize cooperation with the public and private sectors, foreign allies, and partner countries to maximize efficiencies and eliminate duplication of efforts; and

''(9) utilize any other methodology approved by the United States Agency for Global Media in furtherance of the mission of the Open Technology Fund.

''(d) GRANT AGREEMENT.—Any grant agreement with, or grants made to, the Open Technology Fund under this section shall be subject to the following limitations and restrictions:

''(1) The headquarters of the Open Technology Fund and its senior administrative and managerial staff shall be located in a location which ensures economy, operational effectiveness, and accountability to the United States Agency for Global Media.

''(2) Grants awarded under this section shall be made pursuant to a grant agreement requiring that—

''(A) grant funds are only used only activities consistent with this section; and

''(B) failure to comply with such requirement shall result in termination of the grant without further fiscal obligation to the United States.

''(3) Each grant agreement under this section shall require that each contract entered into by the Open Technology Fund specify that all obligations are assumed by the grantee and not by the United States Government.

''(4) Each grant agreement under this section shall require that any lease agreements entered into by the Open Technology Fund shall be, to the maximum extent possible, assignable to the United States Government.

''(5) Administrative and managerial costs for operation of the Open Technology Fund—

''(A) should be kept to a minimum; and

''(B) to the maximum extent feasible, should not exceed the costs that would have been incurred if the Open Technology Fund had been operated as a Federal entity rather than as a grantee.

''(6) Grant funds may not be used for any activity whose purpose is influencing the passage or defeat of legislation considered by Congress.

''(e) RELATIONSHIP TO THE UNITED STATES AGENCY FOR GLOBAL MEDIA.—

''(1) IN GENERAL.—The Open Technology Fund shall be subject to the oversight and governance by the United States Agency for Global Media in accordance with section 305.

''(2) ASSISTANCE.—The United States Agency for Global Media, its broadcast entities, and the Open Technology Fund should render such assistance to each other as may be necessary to carry out the purposes of this section or any other provision under this Act.

''(3) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this section may be construed to make the Open Technology Fund an agency or instrumentality of the Federal Government.

''(4) DETAILEES.—Employees of a grantee of the United States Agency for Global Media may be detailed to the Agency, in accordance with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and Federal employees may be detailed to a grantee of the United States Agency for Global Media, in accordance with such Act.

''(f) RELATIONSHIP TO OTHER UNITED STATES GOVERNMENT-FUNDED INTERNET FREEDOM PROGRAMS.—The United States Agency for Global Media shall ensure that internet freedom research and development projects of the Open Technology Fund are deconflicted with internet freedom programs of the Department of State and other relevant United States Government departments. Agencies should still share information and best practices relating to the implementation of subsections (b) and (c).

''(g) REPORTING REQUIREMENTS.—

''(1) ANNUAL REPORT.—The Open Technology Fund shall highlight, in its annual report, internet freedom activities, including a comprehensive assessment of the Open Technology Fund's activities relating to the implementation of subsections (b) and (c), which shall include—

''(A) an assessment of the current state of global internet freedom, including—

''(i) trends in censorship and surveillance technologies and internet shutdowns; and

''(ii) the threats such pose to journalists, citizens, and human rights and civil society organizations; and

''(B) a description of the technology projects supported by the Open Technology Fund and the associated impact of such projects in the most recently completed year, including—

''(i) the countries and regions in which such technologies were deployed;

''(ii) any associated metrics indicating audience usage of such technologies; and

''(iii) future-year technology project initiatives.

''(2) ASSESSMENT OF THE EFFECTIVENESS OF THE OPEN TECHNOLOGY FUND.—Not later than 2 years after the date of the enactment of this section, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees that indicates—

''(A) whether the Open Technology Fund is—

''(i) technically sound;

''(ii) cost effective; and

''(iii) satisfying the requirements under this section; and

''(B) the extent to which the interests of the United States are being served by maintaining the work of the Open Technology Fund.

''(h) AUDIT AUTHORITIES.—

''(1) IN GENERAL.—Financial transactions of the Open Technology Fund that relate to functions carried out under this section may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places at which accounts of the Open Technology Fund are normally kept.

''(2) ACCESS BY GAO.—The Government Accountability Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Open Technology Fund pertaining to financial transactions as may be necessary to facilitate an audit. The Government Accountability Office shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Open Technology Fund shall remain in

the possession and custody of the Open Technology Fund.

''(3) EXERCISE OF AUTHORITIES.—Notwithstanding any other provision of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to the Open Technology Fund.''.

(2) CONFORMING AMENDMENTS.—The United States International Broadcasting Act of 1994 is amended—

(A) in section 304(d) (22 U.S.C. 6203(d)), by inserting ''the Open Technology Fund,'' before ''the Middle East Broadcasting Networks'';

(B) in sections 305(a)(20) and 310(c) (22 U.S.C. 6204(a)(20) and 6209(c)), by inserting ''the Open Technology Fund,'' before ''or the Middle East Broadcasting Networks'' each place such term appears; and

(C) in section 310 (22 U.S.C. 6209), by inserting ''the Open Technology Fund,'' before ''and the Middle East Broadcasting Networks'' each place such term appears.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Open Technology Fund, which shall be used to carry out section 309A of the United States International Broadcasting Act of 1994, as added by paragraph (1)—

(A) $20,000,000 for fiscal year 2021; and

(B) $25,000,000 for fiscal year 2022.

(e) UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.— Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking ''October 1, 2020'' and inserting ''October 1, 2025''.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1217 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking ''beginning on October 1, 2019, and ending on December 31, 2020'' and inserting ''beginning on October 1, 2020, and ending on December 31, 2021''.

(b) MODIFICATION TO LIMITATION.—Subsection (d)(1) of such section is amended—

(1) by striking ''beginning on October 1, 2019, and ending on December 31, 2020'' and inserting ''beginning on October 1, 2020, and ending on December 31, 2021''; and

(2) by striking ''$450,000,000'' and inserting ''$180,000,000''.

SEC. 1212. EXTENSION AND MODIFICATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1208(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in subsection (a)—

(A) by striking ''December 31, 2020'' and inserting ''December 31, 2021''; and

(B) by striking ''$2,500,000'' and inserting ''$2,000,000'';

(2) in subsection (b), by striking the subsection designation and heading and all that follows through the period at the end of paragraph (1) and inserting the following:

''(b) QUARTERLY REPORTS.—

''(1) IN GENERAL.—Beginning in fiscal year 2021, not later than 45 days after the end of each quarter fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter fiscal year that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the program under subsection (a).''; and

(3) in subsection (f), by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. 1213. EXTENSION AND MODIFICATION OF SUPPORT FOR RECONCILIATION ACTIVITIES LED BY THE GOVERNMENT OF AFGHANISTAN.

(a) MODIFICATION OF AUTHORITY TO PROVIDE COVERED SUPPORT.—Subsection (a) of section 1218 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by striking the subsection designation and heading and all that follows through ''The Secretary of Defense'' and inserting the following:

''(a) AUTHORITY TO PROVIDE COVERED SUPPORT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense''; and

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

''(2) LIMITATION ON USE OF FUNDS.—Amounts authorized to be appropriated or otherwise made available for the Department of Defense by this Act may not be obligated or expended to provide covered support until the date on which the Secretary of Defense submits to the appropriate committees of Congress the report required by subsection (b).''.

(b) PARTICIPATION IN RECONCILIATION ACTIVITIES.—Such section is further amended—

(1) by redesignating subsections (i) through (k) as subsections (j) through (l), respectively;

(2) by inserting after subsection (h) the following new subsection (i):

''(i) PARTICIPATION IN RECONCILIATION ACTIVITIES.—Covered support may only be used to support a reconciliation activity that—

''(1) includes the participation of members of the Government of Afghanistan; and

''(2) does not restrict the participation of women.''.

(c) EXTENSION.—Subsection (k) of such section, as so redesignated, is amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

(d) EXCLUSIONS FROM COVERED SUPPORT.—Such section is further amended in paragraph (2)(B) of subsection (l), as so redesignated—

(1) in clause (ii), by inserting '', reimbursement for travel or lodging, and stipends or per diem payments'' before the period at the end; and

(2) by adding at the end the following new clause:

''(iii) Any activity involving one or more members of an organization designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) or an individual designated as a specially designated global terrorist pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).''.

SEC. 1214. SENSE OF SENATE ON SPECIAL IMMIGRANT VISA PROGRAM FOR AFGHAN ALLIES.

It is the sense of the Senate that—

(1) the special immigrant visa program for Afghan allies is critical to the mission in Afghanistan and the long-term interests of the United States;

(2) maintaining a robust special immigrant visa program for Afghan allies is necessary to support United States Government personnel in Afghanistan who need translation, interpretation, security, and other services;

(3) Afghan allies routinely risk their lives to assist United States military and diplomatic personnel;

(4) honoring the commitments made to Afghan allies with respect to the special immigrant visa program is essential to ensuring—

(A) the continued service and safety of such allies; and

(B) the willingness of other like-minded individuals to provide similar services in any future contingency;

(5) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) states that all Government-controlled processing of applications for special immigrant visas under that Act ''should be completed not later than 9 months after the date on which an eligible alien submits all required materials to complete an application for such visa'';

(6) any backlog in processing special immigrant visa applications should be addressed as quickly as possible so as to honor the United States commitment to Afghan allies as soon as possible;

(7) failure to process such applications in an expeditious manner puts lives at risk and jeopardizes a critical element of support to United States operations in Afghanistan; and

(8) to prevent harm to the operations of the United States Government in Afghanistan, additional visas should be made available to principal aliens who are eligible for special immigrant status under that Act.

SEC. 1215. SENSE OF SENATE AND REPORT ON UNITED STATES PRESENCE IN AFGHANISTAN.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States and our coalition partners have made progress in the fight against al-Qaeda and ISIS in Afghanistan; however, both groups—

(A) maintain an ability to operate in Afghanistan;

(B) seek to undermine stability in the region; and

(C) threaten the security of Afghanistan, the United States, and the allies of the United States;

(2) the South Asia strategy correctly emphasizes the importance of a conditions-based United States presence in Afghanistan; therefore, any decision to withdraw the Armed Forces of the United States from Afghanistan should be done in an orderly manner in response to conditions on the ground, and in coordination with the Government of Afghanistan and United States allies and partners in the Resolute Support mission, rather than arbitrary timelines;

(3) a precipitous withdrawal of the Armed Forces of the United States and United States diplomatic and intelligence personnel from Afghanistan without effective, countervailing efforts to secure gains in Afghanistan may allow violent extremist groups to regenerate, threatening the security of the Afghan people and creating a security vacuum that could destabilize the region and provide ample safe haven for extremist groups seeking to conduct external attacks;

(4) ongoing diplomatic efforts to secure a peaceful, negotiated solution to the conflict in Afghanistan are the best path forward for establishing long-term stability and eliminating the threat posed by extremist groups in Afghanistan;

(5) the United States supports international diplomatic efforts to facilitate peaceful, negotiated resolution to the ongoing conflict in Afghanistan on terms that respect the rights of innocent civilians and deny safe havens to terrorists; and

(6) as part of such diplomatic efforts, and as a condition to be met prior to withdrawal,

the United States should seek to secure the release of any United States citizens being held against their will in Afghanistan.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representative a report that includes—

(A) an assessment of—

(i) the external threat posed by extremist groups operating in Afghanistan to the United States homeland and the homelands of United States allies;

(ii) the impact of cessation of United States counterterrorism activities on the size, strength, and external aims of such groups; and

(iii) the international financial support the Afghan National Defense and Security Forces requires in order to maintain current operational capabilities, including force cohesion and combat effectiveness;

(B) a plan for the orderly transition of all security-related tasks currently undertaken by the Armed Forces of the United States in support of the Afghan National Defense and Security Forces to Afghanistan, including—

(i) precision targeting of Afghanistan-based terrorists;

(ii) combat-enabler support, such as artillery and aviation assets; and

(iii) noncombat-enabler support, such as intelligence, surveillance and reconnaissance, medical evacuation, and contractor logistic support; and

(C) an update on the status of any United States citizens detained in Afghanistan, and an overview of Administration efforts to secure their release.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

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

SEC. 1221. EXTENSION OF AUTHORITY AND LIMITATION ON USE OF FUNDS TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) EXTENSION.—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), as most recently amended by section 1233(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2039), is further amended, in the matter preceding paragraph (1), by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

(b) FUNDING.—Subsection (g) of such section 1236, as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal year 2020 (Public Law 116–92), is amended to read as follows:

''(g) FUNDING.—

''(1) IN GENERAL.—Of the amounts authorized to be appropriated for the Department of Defense for Overseas Contingency Operations for fiscal year 2021, not more than $322,500,000 may be used to carry out this section.

''(2) LIMITATION AND REPORT.—

''(A) IN GENERAL.—Of the funds authorized to be appropriated under paragraph (1), not more than 25 percent may be obligated or expended until the date on which the Secretary of Defense submits to the appropriate congressional committees a report that includes the following:

''(i) An explanation of the manner in which such support aligns with the objectives contained in the national defense strategy.

''(ii) A description of the manner in which such support is synchronized with larger whole-of-government funding efforts to strengthen the bilateral relationship between the United States and Iraq.

''(iii) A description of—

''(I) actions taken by the Government of Iraq to assert control over popular mobilization forces; and

''(II) the role of popular mobilization forces in the national security apparatus of Iraq.

''(iv) A plan to fully transition security assistance for the Iraqi Security Forces from the Counter-Islamic State of Iraq and Syria Train and Equip Fund to standing security assistance authorities managed by the Defense Security Cooperation Agency and the Department of State by not later than September 30, 2022.

''(B) FORM.—The report under subparagraph (A) shall be submitted in unclassified form but may include a classified annex.''.

SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.

Section 1209 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3541), as most recently amended by section 1222(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in the section heading, by striking ''**THE VETTED SYRIAN OPPOSITION**'' and inserting ''**VETTED SYRIAN GROUPS AND INDIVIDUALS**'';

(2) in subsection (a), in the matter preceding paragraph (1), by striking ''December 31, 2020'' and inserting ''December 31, 2021'';

(3) by striking subsections (b) and (c);

(4) by redesignating subsections (d) through (m) as subsections (b) through (k), respectively; and

(5) in paragraph (2) of subsection (b), as so redesignated—

(A) in subparagraph (J)(iii), by redesignating subclause (I) as subparagraph (M) and moving the subparagraph four ems to the left;

(B) by redesignating subparagraphs (A) through (F) and (G) through (J) as subparagraphs (B) through (G) and (I) through (L), respectively;

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) An accounting of the obligation and expenditure of authorized funding for the current and preceding fiscal year.'';

(D) by inserting after subparagraph (G), as so redesignated, the following new subparagraph (H):

''(H) The mechanisms and procedures that will be used to monitor and report to the appropriate congressional committees and leadership of the Senate and House of Representatives any unauthorized end-use of provided training and equipment or other violations of relevant law by appropriately vetted recipients.''; and

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

''(N) Any other matter the Secretary considers appropriate.''.

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) LIMITATION ON AMOUNT.—Subsection (c) of section 1215 of the National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 113 note) is amended—

(1) by striking ''fiscal year 2020'' and inserting ''fiscal year 2021''; and

(2) by striking ''$30,000,000'' and inserting ''$15,000,000''.

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended by striking ''fiscal year 2020'' and inserting ''fiscal year 2021''.

(c) ADDITIONAL AUTHORITY.—Subsection (f) of such section is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''fiscal year 2019'' and inserting ''fiscal year 2021''; and

(2) in paragraph (3), by striking ''the National Defense Authorization Act for Fiscal Year 2020'' and inserting ''the National Defense Authorization Act for Fiscal Year 2021''.

(d) REPORT.—Subsection (g)(1) of such section is amended by striking ''September 30, 2020'' and inserting ''March 1, 2021''.

(e) LIMITATION ON AVAILABILITY OF FUNDS.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''fiscal year 2020'' and inserting ''fiscal year 2021''; and

(B) by striking ''$20,000,000'' and inserting ''$10,000,000'';

(2) by striking paragraph (1);

(3) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(4) in paragraph (1), as so redesignated, by striking ''The development of a staffing plan'' and inserting ''A progress report with respect to the development of a staffing plan''; and

(5) in paragraph (2), as so redesignated, by striking ''The initiation'' and inserting ''A progress report with respect to the initiation''.

Subtitle D—Matters Relating to Europe and the Russian Federation

SEC. 1231. EXTENSION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488), as most recently amended by section 1231 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended in the matter preceding paragraph (1), by striking '', 2019, or 2020'' and inserting ''2019, 2020, or 2021''.

SEC. 1232. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2021 for the Department of Defense may be obligated or expended to, and the Department may not, implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the prohibition under subsection (a) if the Secretary of Defense—

(1) determines that a waiver is in the national security interest of the United States; and

(2) on the date on which the waiver is invoked, submits a notification of the waiver and a justification of the reason for seeking the waiver to—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1233. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068), as most recently amended by section 1244 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in subsection (c)—

(A) in paragraph (2)(B)—

(i) in clause (iv), by striking ''; and'' and inserting a semicolon;

(ii) in clause (v), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(vi) transformation of command and control structures and roles in line with North Atlantic Treaty Organization principles; and

''(vii) improvement of human resources management, including to support career management reforms, enhanced social support to military personnel and their families, and professional military education systems.''; and

(B) by amending paragraph (5) to read as follows:

''(5) LETHAL ASSISTANCE.—Of the funds available for fiscal year 2021 pursuant to subsection (f)(6), $125,000,000 shall be available only for lethal assistance described in paragraphs (2), (3), (11), (12), (13), and (14) of subsection (b).'';

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

''(6) For fiscal year 2021, $250,000,000.''; and

(3) in subsection (h), by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

SEC. 1234. REPORT ON CAPABILITY AND CAPACITY REQUIREMENTS OF MILITARY FORCES OF UKRAINE AND RESOURCE PLAN FOR SECURITY ASSISTANCE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the capability and capacity requirements of the military forces of Ukraine, which shall include the following:

(1) An analysis of the capability gaps and capacity shortfalls of the military forces of Ukraine that includes—

(A) an assessment of the requirements of the navy of Ukraine to accomplish its assigned missions; and

(B) an assessment of the requirements of the air force of Ukraine to accomplish its assigned missions.

(2) An assessment of the relative priority assigned by the Government of Ukraine to addressing such capability gaps and capacity shortfalls.

(3) An assessment of the capability gaps and capacity shortfalls that—

(A) could be addressed in a sufficient and timely manner by unilateral efforts of the Government of Ukraine; and

(B) are unlikely to be addressed in a sufficient and timely manner solely through unilateral efforts.

(4) An assessment of the capability gaps and capacity shortfalls described in paragraph (3)(B) that could be addressed in a sufficient and timely manner by—

(A) the Ukraine Security Assistance Initiative of the Department of Defense;

(B) Department of Defense security assistance authorized by section 333 of title 10, United States Code;

(C) the Foreign Military Financing and Foreign Military Sales programs of the Department of State; or

(D) the provision of excess defense articles.

(5) An assessment of the human resources requirements of the Office of Defense Cooperation at the United States Embassy in Kyiv and any gaps in the capacity of such Office of Defense Cooperation to provide security assistance to Ukraine.

(6) Any recommendations the Secretary of Defense and the Secretary of State consider appropriate concerning the coordination of security assistance efforts of the Department of Defense and the Department of State with respect to Ukraine.

(b) RESOURCE PLAN.—Not later than February 15, 2022, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a resource plan for United States security assistance with respect to Ukraine, which shall include the following:

(1) A plan to resource the following initiatives and programs with respect to Ukraine in fiscal year 2023 and the four succeeding fiscal years to meet the most critical capability gaps and capacity shortfalls of the military forces of Ukraine:

(A) The Ukraine Security Assistance Initiative of the Department of Defense.

(B) Department of Defense security assistance authorized by section 333 of title 10, United States Code.

(C) The Foreign Military Financing and Foreign Military Sales programs of the Department of State.

(D) The provision of excess defense articles.

(2) With respect to the navy of Ukraine, the following:

(A) A capability development plan, with milestones, detailing the manner in which the United States will assist the Government of Ukraine in meeting the requirements referred to in subsection (a)(1)(A).

(B) A plan for United States cooperation with third countries and international organizations that have the resources and ability to provide immediate assistance to the navy of Ukraine while maintaining interoperability with United States platforms to the extent feasible.

(C) A plan to prioritize the provision of excess defense articles for the navy of Ukraine to the extent practicable during fiscal year 2023 and the four succeeding fiscal years.

(D) An assessment of the manner in which United States security assistance to the navy of Ukraine is in the national security interests of the United States.

(3) With respect to the air force of Ukraine, the following:

(A) A capability development plan, with milestones, detailing the manner in which the United States will assist the Government of Ukraine in meeting the requirements referred to in subsection (a)(1)(B).

(B) A plan for United States cooperation with third countries and international organizations that have the resources and ability to provide immediate assistance to the air force of Ukraine while maintaining interoperability with United States platforms to the extent feasible.

(C) A plan to prioritize the provision of excess defense articles for the air force of Ukraine to the extent practicable during fiscal year 2023 and the four succeeding fiscal years.

(D) An assessment of the manner in which United States security assistance to the air force of Ukraine is in the national security interests of the United States.

(4) An assessment of progress on defense institutional reforms in Ukraine, including with respect to the navy and air force of Ukraine, during fiscal year 2023 and the four succeeding fiscal years that will be essential for—

(A) enabling effective use and sustainment of capabilities developed under security assistance authorities described in this section;

(B) enhancing the defense of the sovereignty and territorial integrity of Ukraine;

(C) achieving the stated goal of the Government of Ukraine of meeting North Atlantic Treaty Organization standards; and

(D) allowing Ukraine to achieve its full potential as a strategic partner of the United States.

(c) FORM.—The report required by subsection (a) and the resource plan required by subsection (b) shall each be submitted in a classified form with an unclassified summary.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1235. SENSE OF SENATE ON NORTH ATLANTIC TREATY ORGANIZATION ENHANCED OPPORTUNITIES PARTNER STATUS FOR UKRAINE.

It is the sense of the Senate that—

(1) the United States should support the designation of Ukraine as an enhanced opportunities partner as part of the Partnership Interoperability Initiative of the North Atlantic Treaty Organization;

(2) the participation of Ukraine in the enhanced opportunities partner program is in the shared security interests of Ukraine, the United States, and the North Atlantic Treaty Organization alliance;

(3) the unique experience, capabilities, and technical expertise of Ukraine, especially with respect to hybrid warfare, cybersecurity, and foreign disinformation, would enable Ukraine to make a positive contribution to the North Atlantic Treaty Organization alliance through participation in the enhanced opportunities partner program;

(4) while not a replacement for North Atlantic Treaty Organization membership, participation in the enhanced opportunities partner program would have significant benefits for the security of Ukraine, including—

(A) more regular consultations on security matters;

(B) enhanced access to interoperability programs and exercises;

(C) expanded information sharing; and

(D) improved coordination of crisis preparedness and response; and

(5) progress on defense institutional reforms in Ukraine, including defense institutional reforms intended to align the military forces of Ukraine with North Atlantic Treaty Organization standards, remains essential for—

(A) a more effective defense of the sovereignty and territorial integrity of Ukraine;

(B) allowing Ukraine to achieve its full potential as a strategic partner of the United States; and

(C) increased cooperation between Ukraine and the North Atlantic Treaty Organization.

SEC. 1236. EXTENSION OF AUTHORITY FOR TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note), as most recently amended by section 1247 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is further amended—

(1) in the first sentence, by striking ''December 31, 2021'' and inserting ''December 31, 2023''; and

(2) in the second sentence, by striking ''the period beginning on October 1, 2015, and ending on December 31, 2021'' and inserting ''the period beginning on October 1, 2015, and ending on December 31, 2023''.

SEC. 1237. SENSE OF SENATE ON KOSOVO AND THE ROLE OF THE KOSOVO FORCE OF THE NORTH ATLANTIC TREATY ORGANIZATION.

It is the sense of the Senate that—

(1) normalization of relations between Kosovo and Serbia is in the interest of both countries and would enhance security and stability in the Western Balkans;

(2) the United States should continue to support the diplomatic efforts of Kosovo and Serbia to reach a historic agreement to normalize relations between the two countries;

(3) mutual recognition should be a central element of normalization of relations between Kosovo and Serbia;

(4) both Kosovo and Serbia should refrain from actions that would make an agreement more difficult to achieve;

(5) the Kosovo Force of the North Atlantic Treaty Organization continues to play an indispensable role in maintaining security and stability, which are the essential predicates for the success of the diplomatic efforts of Kosovo and Serbia to achieve normalization of relations;

(6) the participation of the United States Armed Forces in the Kosovo Force is foundational to the credibility and success of mission of the Kosovo Force;

(7) with the North Atlantic Treaty Organization allies and other European partners contributing over 80 percent of the troops for the mission, the Kosovo Force represents a positive example of burden sharing;

(8) together with the allies and partners of the United States, the United States should—

(A) maintain its commitment to the Kosovo Force; and

(B) take all appropriate steps to ensure that the Kosovo Force has the necessary personnel, capabilities, and resources to perform its critical mission; and

(9) the United States should continue to support the gradual transition of the Kosovo Security Force to a multi-ethnic army for the Republic of Kosovo that is interoperable with North Atlantic Treaty Organization members through an inclusive and transparent process that—

(A) respects the rights and concerns of all citizens of Kosovo;

(B) promotes regional security and stability; and

(C) supports the aspirations of Kosovo for eventual full membership in the North Atlantic Treaty Organization.

SEC. 1238. SENSE OF SENATE ON STRATEGIC COMPETITION WITH THE RUSSIAN FEDERATION AND RELATED ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

It is the sense of the Senate that—

(1) the 2018 National Defense Strategy affirms the re-emergence of long-term strategic competition with the Russian Federation as a principal priority for the Department of Defense that requires sustained investment due to the magnitude of the threat posed to United States security, prosperity, and alliances and partnerships;

(2) given the continued military modernization of the Russian Federation, including the development of long-range strike systems and other advanced capabilities, the United States should prioritize efforts within the North Atlantic Treaty Organization to implement timely measures to ensure that the deterrence and defense posture of the North Atlantic Treaty Organization remains credible and effective;

(3) the United States should reaffirm support for the open-door policy of the North Atlantic Treaty Organization;

(4) to enhance deterrence against aggression by the Russian Federation, the Department of Defense should—

(A) continue—

(i) to prioritize funding for the European Deterrence Initiative to address capability gaps, capacity shortfalls, and infrastructure requirements of the Joint Force in Europe;

(ii) to increase pre-positioned stocks of equipment in Europe; and

(iii) rotational deployments of United States forces to Romania and Bulgaria while pursuing training opportunities at military locations such as Camp Mihail Kogalniceanu in Romania and Novo Selo Training Area in Bulgaria;

(B) increase—

(i) focus and resources to address the changing military balance in the Black Sea region;

(ii) the frequency, scale, and scope of North Atlantic Treaty Organization and other multilateral exercises in the Black Sea region, including with the participation of Ukraine and Georgia; and

(iii) presence and activities in the Arctic, including special operations training and naval operations and training;

(C) maintain robust naval presence at Souda Bay, Greece, and pursue opportunities for increased United States presence at other locations in Greece;

(D) enhance military-to-military engagement among Western Balkan countries to promote interoperability with the North Atlantic Treaty Organization and regional security cooperation; and

(E) expand information sharing, improve planning coordination, and increase the frequency, scale, and scope of exercises with Sweden and Finland to deepen interoperability; and

(5) to counter Russian Federation activities short of armed conflict, the Department of Defense should—

(A) integrate with United States interagency efforts to employ all elements of national power to counter Russian Federation hybrid warfare; and

(B) bolster the capabilities of allies and partners to counteract Russian Federation coercion, including through expanded cyber cooperation and enhanced resilience against disinformation and malign influence.

SEC. 1239. REPORT ON RUSSIAN FEDERATION SUPPORT OF RACIALLY AND ETHNICALLY MOTIVATED VIOLENT EXTREMISTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the head of any other relevant Federal department or agency, shall submit to the appropriate committees of Congress a report on Russian Federation support of racially and ethnically motivated violent extremist groups and networks in Europe and the United States, including such support provided by agents and entities of the Russian Federation acting at the direction or for the benefit of the Government of the Russian Federation.

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

(1) A list of each racially or ethnically motivated violent extremist group or network in Europe or the United States known to meet, or suspected of meeting, the following criteria:

(A) The group or network has been targeted or recruited by the security services of the Russian Federation.

(B) The group or network has received support (including training, disinformation or amplification on social media platforms, financial support, and any other support) from the Russian Federation or an agent or entity of the Russian Federation acting at the direction or for the benefit of the Government of the Russian Federation.

(C) The group—

(i) has leadership or a base of operations located within the Russian Federation; and

(ii) operates or maintains a chapter or network of the group in Europe or the United States.

(2) An assessment of the manner in which Russian Federation support of such groups or networks aligns with the strategic interests of the Russian Federation with respect to Europe and the United States.

(3) An assessment of the role of such groups or networks in—

(A) assisting Russian Federation-backed separatist forces in the Donbas region of Ukraine; or

(B) destabilizing security on the Crimean peninsula of Ukraine.

(4) An assessment of the manner in which Russian Federation support of such groups or networks has—

(A) contributed to the destabilization of security in the Balkans; and

(B) threatened the support for the North Atlantic Treaty Organization in Southeastern Europe.

(5) A description of any relationship or affiliation between such groups or networks and ultranationalist or extremist political parties in Europe and the United States, and an assessment of the manner in which the Russian Federation may use such a relationship or affiliation to advance the strategic interests of the Russian Federation.

(6) A description of the use by the Russian Federation of social media platforms to support or amplify the presence or messaging of such groups or networks, and an assessment of any effort in Europe or the United States to counter such support or amplification.

(7) A description of the legal and political implications of the designation of the Russian Imperial Movement, and members of the leadership of the Russian Imperial Movement, as specially designated global terrorists pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism) and the response of the Government of the Russian Federation to such designation.

(8) Recommendations of the Secretary of Defense, consistent with a whole-of-government approach to countering Russian Federation information warfare and malign influence operations—

(A) to mitigate the security threat posed by such groups or networks; and

(B) to reduce or counter Russian Federation support for such groups or networks.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1240. PARTICIPATION IN EUROPEAN PROGRAM ON MULTILATERAL EXCHANGE OF SURFACE TRANSPORTATION SERVICES.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by inserting after subsection (l) the following new section 2350m:

''§ 2350m. Participation in European program on multilateral exchange of surface transportation services

''(a) PARTICIPATION AUTHORIZED.—

''(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the participation of the Department of Defense in the Surface Exchange of Services program (in this section referred to as the 'SEOS program') of the Movement Coordination Centre Europe.

''(2) SCOPE OF PARTICIPATION.—Participation of the Department of Defense in the

SEOS program under paragraph (1) may include—

''(A) the reciprocal exchange or transfer of surface transportation on a reimbursable basis or by replacement-in-kind; and

''(B) the exchange of surface transportation services of an equal value.

''(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

''(1) IN GENERAL.—Participation of the Department of Defense in the SEOS program shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

''(2) NOTIFICATION.—The Secretary of Defense shall provide to the congressional defense committees notification of any arrangement or agreement entered into under paragraph (1).

''(3) FUNDING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support the SEOS program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost-sharing or other funding arrangement.

''(4) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits or liability resulting from an unequal exchange or transfer of surface transportation services shall be liquidated through the SEOS program not less than once every five years.

''(c) IMPLEMENTATION.—In carrying out any arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

''(1) pay the equitable share of the Department of Defense for the operating expenses of the Movement Coordination Centre Europe and the SEOS program from funds available to the Department of Defense for operation and maintenance; and

''(2) assign members of the armed forces or Department of Defense civilian personnel, within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill Department of Defense obligations under that arrangement or agreement.

''(d) CREDITING OF RECEIPTS.—Any amount received by the Department of Defense as part of the SEOS program shall be credited, at the option of the Secretary of Defense, to—

''(1) the appropriation, fund, or account used in incurring the obligation for which such amount is received; or

''(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

''(e) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year in which the authority under this section is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense participation in the SEOS program during such fiscal year.

''(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

''(A) A description of the equitable share of the costs and activities of the SEOS program paid by the Department of Defense.

''(B) A description of any amount received by the Department of Defense as part of such program, including the country from which the amount was received.

''(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to authorize the use of foreign sealift in violation of section 2631.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2350l the following new item:

''2350m. Participation in European program on multilateral exchange of surface transportation services.''.

SEC. 1241. PARTICIPATION IN PROGRAMS RELATING TO COORDINATION OR EXCHANGE OF AIR REFUELING AND AIR TRANSPORTATION SERVICES.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, as amended by section 1240(a), is further amended by adding at the end the following new section:

''§ 2350o. Participation in programs relating to coordination or exchange of air refueling and air transportation services

''(a) PARTICIPATION AUTHORIZED.—

''(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the participation of the Department of Defense in programs relating to the coordination or exchange of air refueling and air transportation services, including in the arrangement known as the Air Transport and Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the 'ATARES program').

''(2) SCOPE OF PARTICIPATION.—Participation of the Department of Defense in programs referred to in paragraph (1) may include—

''(A) the reciprocal exchange or transfer of air refueling and air transportation services on a reimbursable basis or by replacement-in-kind; and

''(B) the exchange of air refueling and air transportation services of an equal value.

''(3) LIMITATIONS WITH RESPECT TO PARTICIPATION IN ATARES PROGRAM.—

''(A) IN GENERAL.—The Department of Defense balance of executed flight hours in participation in the ATARES program under paragraph (1), whether as credits or debits, may not exceed a total of 500 hours.

''(B) AIR REFUELING.—The Department of Defense balance of executed flight hours for air refueling in participation in the ATARES program under paragraph (1) may not exceed 200 hours.

''(b) WRITTEN ARRANGEMENT OR AGREEMENT.—Participation of the Department of Defense in a program referred to in subsection (a)(1) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State.

''(c) IMPLEMENTATION.—In carrying out any arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

''(1) pay the equitable share of the Department of Defense for the recurring and nonrecurring costs of the applicable program referred to in subsection (a)(1) from funds available to the Department for operation and maintenance; and

''(2) assign members of the armed forces or Department of Defense civilian personnel to fulfill Department obligations under that arrangement or agreement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1240(b), is further amended by adding at the end the following new item:

''2350o. Participation in programs relating to coordination or exchange of air refueling and air transportation services.''.

(c) REPEAL.—Section 1276 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2350c note) is repealed.

SEC. 1242. SENSE OF CONGRESS ON SUPPORT FOR COORDINATED ACTION TO ENSURE THE SECURITY OF BALTIC ALLIES.

It is the sense of Congress that—

(1) the continued security of the Baltic states of Estonia, Latvia, and Lithuania is critical to achieving United States national security interests and defense objectives against the acute and formidable threat posed by Russia;

(2) the United States and the Baltic states are leaders in the mission of defending independence and democracy from aggression and in promoting stability and security within the North Atlantic Treaty Organization (NATO), with non-NATO partners, and with other international organizations such as the European Union;

(3) the Baltic states are model NATO allies in terms of burden sharing and capital investment in materiel critical to United States and allied security, investment of over 2 percent of their gross domestic product on defense expenditure, allocating over 20 percent of their defense budgets on capital modernization, matching security assistance from the United States, frequently deploying their forces around the world in support of allied and United States objectives, and sharing diplomatic, technical, military, and analytical expertise on defense and security matters;

(4) the United States should continue to strengthen bilateral and multilateral defense by, with, and through allied nations, particularly those that possess expertise and dexterity but do not enjoy the benefits of national economies of scale;

(5) the United States should pursue a dedicated initiative focused on defense and security assistance, coordination, and planning designed to ensure the continued security of the Baltic states and on deterring current and future challenges to the national sovereignty of United States allies and partners in the Baltic region; and

(6) such an initiative should include an innovative and comprehensive conflict deterrence strategy for the Baltic region encompassing the unique geography of the Baltic states, modern and diffuse threats to their land, sea, and air spaces, and necessary improvements to their defense posture, including command-and-control infrastructure, intelligence, surveillance, and reconnaissance capabilities, communications equipment and networks, and special forces.

Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 1251. PACIFIC DETERRENCE INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall carry out an initiative to ensure the effective implementation of the National Defense Strategy with respect to the Indo-Pacific region, to be known as the ''Pacific Deterrence Initiative'' (in this section referred to as the ''Initiative'').

(b) PURPOSE.—The purpose of the Initiative is to carry out only the following activities:

(1) Activities to increase the lethality of the joint force in the Indo-Pacific region, including, but not limited to—

(A) by improving active and passive defenses against theater cruise, ballistic, and hypersonic missiles for bases, operating locations, and other critical infrastructure at locations west of the International Date Line; and

(B) procurement and fielding of—

(i) long-range precision strike systems to be stationed or pre-positioned west of the International Date Line;

(ii) critical munitions to be pre-positioned at locations west of the International Date Line; and

(iii) command, control, communications, computers and intelligence, surveillance, and reconnaissance systems intended for stationing or operational use in the Indo-Pacific region.

(2) Activities to enhance the design and posture of the joint force in the Indo-Pacific region, including, but not limited to, by—

(A) transitioning from large, centralized, and unhardened infrastructure to smaller, dispersed, resilient, and adaptive basing at locations west of the International Date Line;

(B) increasing the number and capabilities of expeditionary airfields and ports in the Indo-Pacific region available for operational use at locations west of the International Date Line;

(C) enhancing pre-positioned forward stocks of fuel, munitions, equipment, and materiel at locations west of the International Date Line;

(D) increasing the availability of strategic mobility assets in the Indo-Pacific region;

(E) improving distributed logistics and maintenance capabilities in the Indo-Pacific region to ensure logistics sustainment while under persistent multidomain attack; and

(F) increasing the presence of the Armed Forces at locations west of the International Date Line.

(3) Activities to strengthen alliances and partnerships, including, but not limited to, by—

(A) building capacity of allies and partners; and

(B) improving—

(i) interoperability and information sharing with allies and partners; and

(ii) information operations capabilities in the Indo-Pacific region, with a focus on reinforcing United States commitment to allies and partners and countering malign influence.

(4) Activities to carry out a program of exercises, experimentation, and innovation for the joint force in the Indo-Pacific region.

(c) PLAN REQUIRED.—Not later than February 15, 2021, the Secretary, in consultation with the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a plan to expend not less than the amounts authorized to be appropriated under subsection (e)(2).

(d) BUDGET DISPLAY INFORMATION.—The Secretary shall include in the materials of the Department of Defense in support of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022 and each fiscal year thereafter a detailed budget display for the Initiative that includes the following information:

(1) A future-years plan with respect to activities and resources for the Initiative for the applicable fiscal year and not fewer than the four following fiscal years.

(2) With respect to procurement accounts—

(A) amounts displayed by account, budget activity, line number, line item, and line item title; and

(B) a description of the requirements for such amounts specific to the Initiative.

(3) With respect to research, development, test, and evaluation accounts—

(A) amounts displayed by account, budget activity, line number, program element, and program element title; and

(B) a description of the requirements for such amounts specific to the Initiative.

(4) With respect to operation and maintenance accounts—

(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(B) a description of the specific manner in which such amounts will be used.

(5) With respect to military personnel accounts—

(A) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

(B) a description of the requirements for such amounts specific to the Initiative.

(6) With respect to each project under military construction accounts (including with respect to unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount by fiscal year.

(7) With respect to the activities described in subsection (b)—

(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(B) a description of the specific manner in which such amounts will be used.

(8) With respect to each military service—

(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(B) a description of the specific manner in which such amounts will be used.

(9) With respect to the amounts described in each of paragraphs (2)(A), (3)(A), (4)(A), (5)(A), (6), (7)(A), and (8)(A), a comparison between—

(A) the amount in the budget of the President for the following fiscal year; and

(B) the amount projected in the previous budget of the President for the following fiscal year.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the activities of the Initiative described in subsection (b) the following:

(1) For fiscal year 2021, $1,406,417,000, as specified in the funding table in section 4502.

(2) For fiscal year 2022, $5,500,000,000.

(f) REPEAL.—Section 1251 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1676), as most recently amended by section 1253 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2054), is repealed.

SEC. 1252. SENSE OF SENATE ON THE UNITED STATES-VIETNAM DEFENSE RELATIONSHIP.

In commemoration of the 25th anniversary of the normalization of diplomatic relations between the United States and Vietnam, the Senate—

(1) welcomes the historic progress and achievements in United States-Vietnam relations over the last 25 years;

(2) congratulates Vietnam on its chairmanship of the Association of Southeast Asian Nations and its election as a nonpermanent member of the United Nations Security Council, both of which symbolize the positive leadership role of Vietnam in regional and global affairs;

(3) commends the commitment of Vietnam to resolve international disputes through peaceful means on the basis of international law;

(4) affirms the commitment of the United States—

(A) to respect the independence and sovereignty of Vietnam; and

(B) to establish and promote friendly relations and work together on an equal footing for mutual benefit with Vietnam;

(5) encourages the United States and Vietnam to elevate their comprehensive partnership to a strategic partnership based on mutual understanding, shared interests, and a common desire to promote peace, cooperation, prosperity, and security in the Indo-Pacific region;

(6) affirms the commitment of the United States to continue to address war legacy issues, including through dioxin remediation, unexploded ordnance removal, accounting for prisoners of war and soldiers missing in action, and other activities; and

(7) supports deepening defense cooperation between the United States and Vietnam, including with respect to maritime security, cybersecurity, counterterrorism, information sharing, humanitarian assistance and disaster relief, military medicine, peacekeeping operations, defense trade, and other areas.

SEC. 1253. AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

(a) TRANSFER AUTHORITY.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Secretary of State, for use by the United States Agency for International Development, amounts to be used for the Bien Hoa dioxin cleanup in Vietnam.

(b) LIMITATION ON AMOUNT.—Not more than $15,000,000 may be transferred in fiscal year 2021 under the transfer authority in subsection (a).

(c) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority in subsection (a) is in addition to any other transfer authority available to the Department of Defense.

(d) NOTICE ON EXERCISE OF AUTHORITY.—If the Secretary of Defense determines to use the transfer authority in subsection (a), the Secretary shall notify the congressional defense committee of that determination not later than 30 days before the Secretary uses the transfer authority.

SEC. 1254. COOPERATIVE PROGRAM WITH VIETNAM TO ACCOUNT FOR VIETNAMESE PERSONNEL MISSING IN ACTION.

(a) IN GENERAL.—The Secretary of Defense, in cooperation with other appropriate Federal departments and agencies, is authorized to carry out a cooperative program with the Ministry of Defense of Vietnam to assist in accounting for Vietnamese personnel missing in action.

(b) PURPOSE.—The purpose of the cooperative program under subsection (a) is to carry out the following activities:

(1) Collection, digitization, and sharing of archival information.

(2) Building the capacity of Vietnam to conduct archival research, investigations, and excavations.

(3) Improving DNA analysis capacity.

(4) Increasing veteran-to-veteran exchanges.

(5) Other support activities the Secretary considers necessary and appropriate.

SEC. 1255. PROVISION OF GOODS AND SERVICES AT KWAJALEIN ATOLL, REPUBLIC OF THE MARSHALL ISLANDS.

(a) IN GENERAL.—Chapter 767 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7596. Provision of goods and services at Kwajalein Atoll

''(a) AUTHORITY.—(1) Except as provided in paragraph (2), the Secretary of the Army, with the concurrence of the Secretary of State, may provide goods and services, including interatoll transportation, to the Government of the Republic of the Marshall Islands and other eligible patrons, as determined by the Secretary of the Army, at Kwajalein Atoll.

''(2) The Secretary of the Army may not provide goods or services under this section if doing so would be inconsistent, as determined by the Secretary of State, with the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands or any subsidiary agreement or implementing arrangement.

''(b) REIMBURSEMENT.—(1) The Secretary of the Army may collect reimbursement from the Government of the Republic of the Marshall Islands and eligible patrons for the provision of goods or services under subsection (a).

''(2) The amount collected for goods or services under this subsection may not be

greater than the total amount of actual costs to the United States for providing the goods or services.

''(c) NECESSARY EXPENSES.—Amounts appropriated to the Department of the Army may be used for necessary expenses associated with providing goods and services under this section.

''(d) REGULATIONS.—The Secretary of the Army shall issue regulations to carry out this section.''.

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

''7596. Provision of goods and services at Kwajalein Atoll.''.

(c) BRIEFING.—Not later than December 31, 2021, the Secretary of the Army shall provide to the congressional defense committees a briefing on the use of the authority under section 7596(a) of title 10, United States Code, as added by subsection (a), in fiscal year 2021, including a written summary describing the goods and services provided on a reimbursable basis and the goods and services provided on a nonreimbursable basis.

SEC. 1256. AUTHORITY TO ESTABLISH A MOVEMENT COORDINATION CENTER PACIFIC IN THE INDO-PACIFIC REGION AND PARTICIPATE IN AN AIR TRANSPORT AND AIR-TO-AIR REFUELING AND OTHER EXCHANGES OF SERVICES PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize—

(1) the establishment of a Movement Coordination Center Pacific (in this section referred to as the ''Center''); and

(2) participation of the Department of Defense in an Air Transport and Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the ''ATARES program'') of the Center.

(b) SCOPE OF PARTICIPATION.—Participation of the Department in the ATARES program shall be limited to—

(1) the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind; and

(2) the exchange of air transportation or air refueling services of equal value.

(c) LIMITATIONS.—

(1) TRANSPORTATION HOURS.—The Department balance of executed transportation hours in the ATARES program, whether as credits or debits, may not exceed 500 hours.

(2) FLIGHT HOURS.—The Department balance of executed flight hours for air refueling in the ATARES program may not exceed 200 hours.

(d) WRITTEN ARRANGEMENT OR AGREEMENT.—

(1) IN GENERAL.—Participation of the Department in the ATARES program shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State.

(2) FUNDING ARRANGEMENTS.—If Department facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost-sharing or other funding arrangement.

(3) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require any accrued credit or liability resulting from an unequal exchange or transfer of air transportation or air refueling services to be liquidated through the ATARES program not less frequently than once every five years.

(e) IMPLEMENTATION.—In carrying out any written arrangement or agreement entered into under subsection (d), the Secretary of Defense may—

(1) pay the equitable share of the Department for the operating expenses of the Center and the ATARES program from funds available to the Department for operation and maintenance; and

(2) assign members of the Armed Forces or Department civilian personnel, within billets authorized for the United States Indo-Pacific Command, to duty at the Center as necessary to fulfill Department obligations under that arrangement or agreement.

SEC. 1257. TRAINING OF ALLY AND PARTNER AIR FORCES IN GUAM.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the memorandum of understanding agreed to by the United States and the Republic of Singapore on December 6, 2019, to establish a fighter jet training detachment in Guam should be commended;

(2) such agreement is a manifestation of the strong, enduring, and forward-looking partnership of the United States and the Republic of Singapore; and

(3) the permanent establishment of a fighter detachment in Guam will further enhance the interoperability of the air forces of the United States and the Republic of Singapore and provide training opportunities needed to maximize their readiness.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the merit and feasibility of entering into agreements similar to the memorandum of understanding referred to in subsection (a)(1) with other United States allies and partners in the Indo-Pacific region, including Japan, Australia, and India.

SEC. 1258. STATEMENT OF POLICY AND SENSE OF SENATE ON THE TAIWAN RELATIONS ACT.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) that the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the ''Six Assurances'' provided by the United States to Taiwan in July 1982 are the foundation for United States-Taiwan relations;

(2) that nothing in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) constrains deepening, to the extent possible, the extensive, close, and friendly relations of the United States and Taiwan, including defense relations;

(3) that the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) shall be implemented and executed in a manner consistent with evolving political, security, and economic dynamics and circumstances;

(4) that, as set forth in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the United States expects the ''future of Taiwan will be determined by peaceful means,'' and that ''any effort to determine the future of Taiwan by other than peaceful means'' is ''a threat to the peace and security of the Western Pacific area and of grave concern to the United States'';

(5) that the increasingly coercive and aggressive behavior of the People's Republic of China towards Taiwan, including growing military maneuvers targeting Taiwan, is contrary to the expectation of the peaceful resolution of the future of Taiwan;

(6) that, as set forth in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the United States will support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain a sufficient self-defense capability, including by—

(A) supporting acquisition by Taiwan of defense articles and services through foreign military sales, direct commercial sales, and industrial cooperation, with an emphasis on capabilities that support the asymmetric defense strategy of Taiwan, including antiship, coastal defense, antiarmor, air defense, undersea warfare, advanced command, control, communications, computers, intelligence, surveillance, and reconnaissance, and resilient command and control capabilities;

(B) ensuring timely review of and response to requests of Taiwan for defense articles and services;

(C) conducting practical training and military exercises with Taiwan, including, as appropriate, the Rim of the Pacific exercise, combined training at the National Training Center at Fort Erwin, and bilateral naval exercises and training;

(D) examining the potential for expanding professional military education and technical training opportunities in the United States for military personnel of Taiwan;

(E) pursuing a strategy of military engagement with Taiwan that fully integrates exchanges at the strategic, policy, and functional levels;

(F) increasing exchanges between senior defense officials and general officers of the United States and Taiwan consistent with the Taiwan Travel Act (Public Law 115–135; 132 Stat. 341), especially for the purpose of enhancing cooperation on defense planning and improving the interoperability of the military forces of the United States and Taiwan;

(G) conducting military exchanges with Taiwan specifically focused on improving the reserve force of Taiwan; and

(H) expanding cooperation in military medicine and humanitarian assistance and disaster relief, including through the participation of medical vessels of Taiwan in appropriate exercises with the United States; and

(7) that, as set forth in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the United States will maintain the capacity ''to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan'', including the capacity of the United States Armed Forces to deny a ''fait accompli'' operation by the People's Republic of China to rapidly seize control of Taiwan.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should—

(1) ensure that policy guidance to the Department of Defense related to United States-Taiwan defense relations is fully consistent with the statement of policy set forth in subsection (a); and

(2) issue new policy guidance required to carry out such policy.

SEC. 1259. SENSE OF CONGRESS ON PORT CALLS IN TAIWAN WITH THE USNS COMFORT AND THE USNS MERCY .

It is the sense of Congress that the Department of Defense should conduct port calls in Taiwan with the USNS Comfort and the USNS Mercy —

(1) to continue the collaboration between the United States and Taiwan on COVID–19 responses, which has included—

(A) research and development of tests, vaccines, and medicines; and

(B) donations of face masks;

(2) to further improve the cooperation between the United States and Taiwan on military medicine and humanitarian assistance and disaster relief;

(3) to allow United States personnel to benefit from the expertise of Taiwanese personnel, in light of the successful response of Taiwan to COVID–19; and

(4) to continue the mission of the USNS Comfort and the USNS Mercy, which have demonstrated the value of the Department

capacity to deploy maritime medical capabilities worldwide and provide contingency capacity in the United States during significant crises.

SEC. 1260. LIMITATION ON USE OF FUNDS TO REDUCE TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY WHO ARE DEPLOYED TO THE REPUBLIC OF KOREA.

None of the funds authorized to be appropriated by this Act may be obligated or expended to reduce the total number of members of the Armed Forces serving on active duty and deployed to the Republic of Korea to fewer than 28,500 such members of the Armed Forces until 90 days after the date on which the Secretary of Defense certifies to the congressional defense committees that—

(1) such a reduction—

(A) is in the national security interest of the United States; and

(B) will not significantly undermine the security of United States allies in the region; and

(2) the Secretary has appropriately consulted with allies of the United States, including the Republic of Korea and Japan, regarding such a reduction.

SEC. 1261. SENSE OF CONGRESS ON CO-DEVELOPMENT WITH JAPAN OF A LONG-RANGE GROUND-BASED ANTI-SHIP CRUISE MISSILE SYSTEM.

It is the sense of Congress that—

(1) the Department of Defense should prioritize consultations with the Ministry of Defense of Japan to determine whether a ground-based, long-range anti-ship cruise missile system would meet shared defense requirements of the United States and Japan; and

(2) if it is determined that a ground-based, long-range anti-ship cruise missile system would meet shared defense requirements, the United States and Japan should consider co-development of such a system.

SEC. 1262. STATEMENT OF POLICY ON COOPERATION IN THE INDO-PACIFIC REGION.

It is the policy of the United States—

(1) to strengthen alliances and partnerships in the Indo-Pacific region and Europe and with like-minded countries around the globe to effectively compete with the People's Republic of China; and

(2) to work in collaboration with such allies and partners—

(A) to address significant diplomatic, economic, and military challenges posed by the People's Republic of China;

(B) to deter the People's Republic of China from pursuing military aggression;

(C) to promote the peaceful resolution of territorial disputes in accordance with international law;

(D) to promote private sector-led long-term economic development while countering efforts by the Government of the People's Republic of China to leverage predatory economic practices as a means of political and economic coercion in the Indo-Pacific region and beyond;

(E) to promote the values of democracy and human rights, including through efforts to end the repression by the Chinese Communist Party of political dissidents and Uyghurs and other ethnic Muslim minorities, Tibetan Buddhists, Christians, and other minorities;

(F) to respond to the crackdown by the Chinese Communist Party, in contravention of the commitments made under the Sino-British Joint Declaration of 1984 and the Basic Law of Hong Kong, on the legitimate aspirations of the people of Hong Kong; and

(G) to counter the Chinese Communist Party's efforts to spread disinformation in the People's Republic of China and beyond with respect to the response of the Chinese Communist Party to COVID–19.

SEC. 1263. EXTENSION OF PROHIBITION ON COMMERCIAL EXPORT OF CERTAIN MUNITIONS TO THE HONG KONG POLICE FORCE.

Section 3 of the Act entitled ''An Act to prohibit the commercial export of covered munitions items to the Hong Kong Police Force'', approved November 27, 2019 (Public Law 116–77; 133 Stat. 1174), is amended by striking ''one year after the date of the enactment of this Act'' and inserting ''on November 27, 2021''.

SEC. 1264. IMPLEMENTATION OF THE ASIA REASSURANCE INITIATIVE ACT WITH REGARD TO TAIWAN ARMS SALES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense Indo-Pacific Strategy Report, released on June 1, 2019, states: ''[T]he Asia Reassurance Initiative Act, a major bipartisan legislation, was signed into law by President Trump on December 31, 2018. This legislation enshrines a generational whole-of-government policy framework that demonstrates U.S. commitment to a free and open Indo-Pacific region and includes initiatives that promote sovereignty, rule of law, democracy, economic engagement, and regional security.''.

(2) The Indo-Pacific Strategy Report further states: ''The United States has a vital interest in upholding the rules-based international order, which includes a strong, prosperous, and democratic Taiwan. . .The Department [of Defense] is committed to providing Taiwan with defense articles and services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.''.

(3) Section 209(b) of the Asia Reassurance Initiative Act of 2018 (22 U.S.C. 3301 note), signed into law on December 31, 2018—

(A) builds on longstanding commitments enshrined in the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan with defense articles; and

(B) states: ''The President should conduct regular transfers of defense articles to Taiwan that are tailored to meet the existing and likely future threats from the People's Republic of China, including supporting the efforts of Taiwan to develop and integrate asymmetric capabilities, as appropriate, including mobile, survivable, and cost-effective capabilities, into its military forces.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Asia Reassurance Initiative Act of 2018 (Public Law 115–409; 132 Stat. 5387) has recommitted the United States to support the close, economic, political, and security relationship between the United States and Taiwan; and

(2) the United States should fully implement the provisions of that Act with regard to regular defensive arms sales to Taiwan.

(c) BRIEFING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense, or their designees, shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the efforts to implement section 209(b) of the Asia Reassurance Initiative Act of 2018 (22 U.S.C. 3301 note).

Subtitle F—Reports

SEC. 1271. REVIEW OF AND REPORT ON OVERDUE ACQUISITION AND CROSS-SERVICING AGREEMENT TRANSACTIONS.

(a) REVIEW.—The Secretary of Defense, acting through the official designated to provide oversight of acquisition and cross-servicing agreements under section 2342(f) of title 10, United States Code, shall conduct a review of acquisition and cross-servicing transactions for which reimbursement to the United States is overdue under section 2345 of that title.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2021, the designated official described in subsection (a) shall submit to the congressional defense committees a report on the results of the review.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) For each acquisition and cross-servicing transaction valued at $1,000,000 or more for which reimbursement to the United States was overdue as of October 1, 2019—

(i) the total amount of the transaction;

(ii) the unreimbursed balance of the transaction;

(iii) the date on which the original transaction was made;

(iv) the date on which the most recent request for payment was sent to the relevant foreign partner; and

(v) a plan for securing reimbursement from the foreign partner.

(B) A description of the steps taken to implement the recommendations made in the report of the Government Accountability Office entitled ''Defense Logistics Agreements: DOD Should Improve Oversight and Seek Payment from Foreign Partners for Thousands of Orders It Identifies as Overdue'' issued in March 2020, including efforts to validate data reported under this subsection and in the system of record for acquisition and cross-servicing agreements of the Department of Defense.

(C) The amount of reimbursement received from foreign partners for each order—

(i) for which the reimbursement is recorded as overdue in the system of record for acquisition and cross-servicing agreements of the Department of Defense; and

(ii) that was authorized during the period beginning in October 2013 and ending in September 2020.

(D) A plan for improving recordkeeping of acquisition and cross-servicing transactions and ensuring timely reimbursement by foreign partners.

(E) Any other matter considered relevant by the designated official described in subsection (a).

SEC. 1272. REPORT ON BURDEN SHARING CONTRIBUTIONS BY DESIGNATED COUNTRIES.

Section 2350j of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) REPORT ON CONTRIBUTIONS RECEIVED FROM DESIGNATED COUNTRIES.—

''(1) IN GENERAL.—Not later than January 15 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the burden sharing contributions received under this section from designated countries.

''(2) ELEMENTS.—Each report required by paragraph (1) shall include the following for the preceding fiscal year:

''(A) A list of all designated countries from which burden sharing contributions were received.

''(B) An explanation of the purpose for which each such burden sharing contribution was provided.

''(C) In the case of a written agreement entered into with a designated country under this section—

''(i) the date on which the agreement was signed; and

''(ii) the names of the individuals who signed the agreement.

''(D) For each designated country—

''(i) the amount provided by the designated country; and

''(ii) the amount of any remaining unobligated balance.

''(E) The amount of such burden sharing contributions expended, by eligible category, including compensation for local national

employees, military construction projects, and supplies and services of the Department of Defense.

''(F) An explanation of any other burden sharing or in-kind contribution provided by a designated country under an agreement or authority other than the authority provided by this section.

''(G) Any other matter the Secretary of Defenses considers relevant.

''(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

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

SEC. 1273. REPORT ON RISK TO PERSONNEL, EQUIPMENT, AND OPERATIONS DUE TO HUAWEI 5G ARCHITECTURE IN HOST COUNTRIES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains an assessment of—

(1) the risk to personnel, equipment, and operations of the Department of Defense in host countries posed by the current or intended use by such countries of 5G telecommunications architecture provided by Huawei Technologies Co., Ltd.; and

(2) measures required to mitigate the risk described in paragraph (1), including the merit and feasibility of the relocation of certain personnel or equipment of the Department to another location without the presence of 5G telecommunications architecture provided by Huawei Technologies Co., Ltd.

(b) FORM.—The report required by subsection (a) shall be submitted in classified form with an unclassified summary.

SEC. 1274. ALLIED BURDEN SHARING REPORT.

(a) FINDING; SENSE OF CONGRESS.—

(1) FINDING.—Congress finds that section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 63 Stat. 2241)—

(A) expresses the sense of Congress that, due to threats that are ever-changing, Congress must be informed with respect to allied contributions to the common defense to properly assess the readiness of the United States and the countries described in subsection (b)(2) for threats; and

(B) requires the Secretary of Defense to submit to Congress an annual report on the contributions of allies to the common defense.

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

(A) the threats facing the United States—

(i) extend beyond the global war on terror; and

(ii) include near-peer threats; and

(B) the President should seek from each country described in subsection (b)(2) acceptance of international security responsibilities and agreements to make contributions to the common defense in accordance with the collective defense agreements or treaties to which such country is a party.

(b) REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense, in coordination with the heads of other Federal agencies, as the Secretary determines to be necessary, shall submit to the appropriate committees of Congress a report containing a description of—

(A) the annual defense spending by each country described in paragraph (2), including available data on nominal budget figures and defense spending as a percentage of the gross domestic products of each such country for the fiscal year immediately preceding the fiscal year in which the report is submitted;

(B) the activities of each such country to contribute to military or stability operations in which the Armed Forces of the United States are a participant or may be called upon in accordance with a cooperative defense agreement to which the United States is a party;

(C) any limitations placed by any such country on the use of such contributions; and

(D) any actions undertaken by the United States or by other countries to minimize such limitations.

(2) COUNTRIES DESCRIBED.—The countries described in this paragraph are the following:

(A) Each member state of the North Atlantic Treaty Organization.

(B) Each member state of the Gulf Cooperation Council.

(C) Each country party to the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), done at Rio de Janeiro September 2, 1947, and entered into force December 3, 1948 (TIAS 1838).

(D) Australia.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.

(I) Thailand.

(3) FORM.—Each report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(4) AVAILABILITY.—A report submitted under paragraph (1) shall be made available on request to any Member of Congress.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

Subtitle G—Other Matters

SEC. 1281. RECIPROCAL PATIENT MOVEMENT AGREEMENTS.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, as amended by section 1241(a), is further amended by adding at the end the following new section:

''§ 2350p. Reciprocal patient movement agreements

''(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary of Defense, with the concurrence of the Secretary of State, may enter into a bilateral or multilateral memorandum of understanding or other formal agreement with one or more governments of partner countries that provides for—

''(1) the interchangeable, nonreimbursable use of patient movement personnel, either individually or as members of a patient movement crew or team, and equipment, belonging to one partner country to perform patient movement services aboard the aircraft, vessels, or vehicles of another partner country;

''(2) the reciprocal recognition and acceptance of —

''(A) national professional credentials, certifications, and licenses of patient movement personnel; and

''(B) national certifications, approvals, and licenses of equipment used in the provision of patient movement services; and

''(3) the acceptance of agreed-upon standards for the provision of patient movement services by aircraft, vessel, or vehicle, including, as determined to be beneficial and otherwise permitted by law, the harmonization of patient treatment standards and procedures.

''(b) CERTIFICATION.—(1) Before entering into a memorandum of understanding or other formal agreement with the government of a partner country under this section, the Secretary of Defense shall certify in writing that the professional credentials, certifications, licenses, and approvals for patient movement personnel and patient movement equipment of the partner country—

''(A) meet or exceed the equivalent standards of the United States for similar personnel and equipment; and

''(B) will provide for a level of care comparable to, or better than, the level of care provided by the Department of Defense.

''(2) A certification under paragraph (1) shall be—

''(A) submitted to the appropriate committees of Congress not later than 15 days after the date on which the Secretary of Defense makes the certification; and

''(B) reviewed and recertified by the Secretary of Defense not less frequently than annually.

''(c) SUSPENSION.—If the Secretary of Defense is unable to recertify a partner country as required by subsection (b)(2)(B), use of the personnel or equipment of the partner country by the Department of Defense under a memorandum of understanding or other formal agreement concluded pursuant to subsection (a) shall be suspended until the date on which the Secretary of Defense is able to recertify the partner country.

''(d) DEFINITIONS.—In this section:

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

''(A) the congressional defense committees; and

''(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

''(2) PARTNER COUNTRY.—The term 'partner country' means any of the following:

''(A) A member country of the North Atlantic Treaty Organization.

''(B) Australia.

''(C) Japan.

''(D) New Zealand.

''(E) The Republic of Korea.

''(F) Any other country designated as a partner country by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

''(3) PATIENT MOVEMENT.—The term 'patient movement' means the act or process of moving wounded, ill, injured, or other persons (including contaminated, contagious, and potentially exposed patients) to obtain medical, surgical, mental health, or dental care or treatment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1241(b), is further amended by adding at the end the following new item:

''2350p. Reciprocal patient movement agreements.''.

SEC. 1282. EXTENSION OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

Subsection (g) of section 943 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578), as most recently amended by section 1282(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2542) and as redesignated by section 1051(n)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1564), is further amended by striking ''2021'' and inserting ''2024''.

SEC. 1283. EXTENSION OF DEPARTMENT OF DEFENSE SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL SECURITY INTEREST OF THE UNITED STATES.

Section 1210A(h) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. 1284. NOTIFICATION WITH RESPECT TO WITHDRAWAL OF MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE MULTINATIONAL FORCE AND OBSERVERS IN EGYPT.

(a) IN GENERAL.—Not later than 30 days before a reduction in the total number of members of the Armed Forces deployed to the Multinational Force and Observers in Egypt to fewer than 430 such members of the Armed Forces, the Secretary of Defense shall submit to the appropriate committees of Congress a notification that includes the following:

(1) A detailed accounting of the number of members of the Armed Forces to be withdrawn from the Multinational Force and Observers in Egypt and the capabilities that such members of the Armed Forces provide in support of the mission.

(2) An explanation of national security interests of the United States served by such a reduction and an assessment of the effect, if any, such a reduction is expected to have on the security of United States partners in the region.

(3) A description of consultations by the Secretary with the other countries that contribute military forces to the Multinational Force and Observers, including Australia, Canada, Colombia, the Czech Republic, Fiji, France, Italy, Japan, New Zealand, Norway, the United Kingdom, and Uruguay, with respect to the planned force reduction and the results of such consultations.

(4) An assessment of whether other countries, including the countries that contribute military forces to the Multinational Force and Observers, will increase their contributions of military forces to compensate for the capabilities withdrawn by the United States.

(5) An explanation of—

(A) any anticipated negative impact of such a reduction on the ability of the Multinational Force and Observers in Egypt to fulfill its mission of supervising the implementation of the security provisions of the 1979 Treaty of Peace between Egypt and Israel and employing best efforts to prevent any violation of the terms of such treaty; and

(B) the manner in which any such negative impact will be mitigated.

(6) Any other matter the Secretary considers appropriate.

(b) FORM.—The notification required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1285. MODIFICATION TO INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

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

''(C) includes requirements for appropriate senior officials of institutions of higher education to receive from appropriate Government agencies updated and periodic briefings that describe the espionage risks posed by technical intelligence gathering activities of near-peer strategic competitors.''; and

(2) in subsection (e)(2)(D), by striking ''improve'' and inserting ''improved''.

SEC. 1286. ESTABLISHMENT OF UNITED STATES-ISRAEL OPERATIONS-TECHNOLOGY WORKING GROUP.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government has a responsibility to undertake all reasonable measures to ensure that members of the Armed Forces never confront a more technologically advanced foe;

(2) the United States and Israel have several cooperative technology programs to develop and field capabilities in missile defense, countertunneling, and counter-unmanned aerial systems; and

(3) building on positive ongoing efforts, the United States and Israel should further institutionalize and strengthen their defense innovation partnership by establishing a United States-Israel Operations-Technology Working Group to identify and expeditiously field capabilities that the military forces of both countries need to deter and defeat respective adversaries.

(b) UNITED STATES-ISRAEL OPERATIONS-TECHNOLOGY WORKING GROUP.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Minister of Defense of Israel, shall establish a United States-Israel Operations-Technology Working Group (in this subsection referred to as the ''Working Group'') for the following purposes:

(A) To provide a standing forum for the United States and Israel to systematically share intelligence-informed military capability requirements.

(B) To identify military capability requirements common to both the Department of Defense and the Ministry of Defense of Israel.

(C) To assist defense suppliers in the United States and Israel, by incorporating recommendations from such defense suppliers, with respect to conducting joint science, technology, research, development, test, evaluation, and production efforts.

(D) To develop, as feasible and advisable, combined United States-Israel plans to research, develop, procure, and field weapons systems and military capabilities as quickly and economically as possible to meet common capability requirements of the Department of Defense and the Ministry of Defense of Israel.

(2) WORKING GROUP LEADERSHIP.—

(A) UNITED STATES LEADERSHIP.—With respect to the United States, the Working Group shall be headed by—

(i) the Secretary, or a designee; and

(ii) the Chairman of the Joint Chiefs of Staff, or a designee.

(B) ISRAEL LEADERSHIP.—The Secretary shall invite the Government of Israel to designate the head of the appropriate office or offices to head the Working Group with respect to Israel.

(3) WORKING GROUP MEMBERSHIP.—

(A) UNITED STATES MEMBERSHIP.—The Secretary, in consultation with other Cabinet members, shall designate one or more individuals to serve as members of the Working Group.

(i) MANDATORY UNITED STATES MEMBERS.—The membership of the Working Group shall consist of, at a minimum, representatives from—

(I) the Office of the Secretary of Defense;

(II) the Joint Staff;

(III) each of the military departments (including, as appropriate, subordinate entities such as Army Futures Command and research laboratories);

(IV) the defense agencies (including the Defense Advanced Research Projects Agency, the Defense Intelligence Agency, and the Defense Security Cooperation Agency);

(V) United States Central Command; and

(VI) United States European Command.

(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as limiting the ability of the Secretary to add members to the Working Group, as considered appropriate.

(B) ISRAEL MEMBERSHIP.—The Secretary shall invite such representatives of the Government of Israel to designate individuals from the Government of Israel to serve as members of the Working Group, as the Secretary considers appropriate.

(4) EXISTING EFFORTS.—

(A) IN GENERAL.—The Secretary shall determine the most efficient and effective means to integrate the Working Group into existing United States science and technology efforts and research, development, test, and evaluation efforts with Israel.

(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as requiring the termination of any existing United States defense activity, group, program, or partnership with Israel.

(5) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The Secretary shall, with the concurrence of the Minister of Defense of Israel, establish a memorandum of understanding between the United States and Israel establishing the United States-Israel Operations Technology Working Group.

(B) MATTERS TO BE INCLUDED.—The memorandum of understanding under subparagraph (A) shall set forth—

(i) the purposes of the Working Group, consistent with paragraph (1);

(ii) the membership of the Working Group, consistent with paragraph (3); and

(iii) any other matter considered appropriate.

(6) REPORTS.—

(A) INITIAL REPORT.—

(i) IN GENERAL.—Not later than 180 days after the establishment of the Working Group, the Secretary shall submit to the appropriate committees of Congress an initial report on the Working Group.

(ii) ELEMENTS.—The report required by clause (i) shall include the following:

(I) The finalized memorandum of understanding under paragraph (5).

(II) The name of each individual of the Government of the United States and of the Government of Israel designated to lead the Working Group.

(III) The name of each member of the Working Group designated under subparagraph (A) or (B) of paragraph (3).

(IV) A description of the manner in which the Working Group is anticipated to complement and augment existing science and technology efforts and research, development, test, and evaluation efforts with Israel.

(V) A schedule for Working Group meetings.

(VI) A description of key metrics and milestones for the Working Group.

(VII) A description of any authority or authorization of appropriations required for the Working Group to carry out the purposes described in paragraph (1).

(iii) FORM.—The report required by clause (i) shall be submitted in unclassified form, but may include a classified annex.

(B) ANNUAL REPORT.—

(i) IN GENERAL.—Not later than March 15 of each year following the submittal of the initial report required by subparagraph (A), the Secretary shall submit to the appropriate committees of Congress a report on the activities of the Working Group during the preceding calendar year.

(ii) ELEMENTS.—The report required by clause (i) shall include the following:

(I) A summary of the performance of the Working Group—

(aa) with respect to the first annual report under this subparagraph, the metrics and milestones described in the initial report in accordance with subparagraph (A)(ii)(VI); or

(bb) with respect to each subsequent annual report under this subparagraph, the metrics and milestones described in the preceding annual report under subclause (VIII).

(II) A description of military capabilities needed by both the United States and Israel.

(III) A description of any United States, or any United States-Israel, science and technology efforts, or research, development, test, and evaluation efforts, associated with the military capabilities described under subclause (II) carried out during the reporting period.

(IV) A description of any obstacle or challenge associated with an effort described in subclause (III) and the plan of the Working Group to address such obstacle or challenge.

(V) A description of any request to the Working Group made by a United States or Israel defense supplier for combined science and technology efforts or combined research, development, test, and evaluation efforts, including—

(aa) the date on which the request was received;

(bb) the efforts made by the Working Group to expeditiously address the request; and

(cc) the status of any decision associated with the request.

(VI) A description of the efforts of the Working Group to prevent the People's Republic of China or the Russian Federation from obtaining intellectual property or military technology associated with combined United States and Israel science and technology efforts and research, development, test, and evaluation efforts.

(VII) A description of any science and technology effort, or research, development, test, or evaluation effort, facilitated by the Working Group, including efforts that result in a United States or Israel program of record.

(VIII) A description of metrics and milestones for the Working Group for the following calendar year.

(iii) FORM.—Each report required by clause (i) shall be submitted in unclassified form and shall include a classified annex in which the elements required under subclauses (II) and (VI) of clause (ii) shall be addressed.

(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term ''appropriate committees of Congress'' means—

(i) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1287. IMPROVED COORDINATION OF UNITED STATES SANCTIONS POLICY.

(a) OFFICE OF SANCTIONS COORDINATION OF THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following:

''(g) OFFICE OF SANCTIONS COORDINATION.—

''(1) IN GENERAL.—There is established, within the Department of State, an Office of Sanctions Coordination (in this subsection referred to as the 'Office').

''(2) HEAD.—The head of the Office shall—

''(A) have the rank and status of ambassador;

''(B) be appointed by the President, by and with the advice and consent of the Senate; and

''(C) report directly to the Secretary.

''(3) DUTIES.—The head of the Office shall—

''(A) exercise sanctions authorities delegated to the Secretary;

''(B) serve as the principal advisor to the senior management of the Department and the Secretary regarding the development and implementation of sanctions policy;

''(C) serve as the lead representative of the United States in diplomatic engagement on sanctions matters;

''(D) consult and closely coordinate with allies and partners of the United States, including the United Kingdom, the European Union and member countries of the European Union, Canada, Australia, New Zealand, Japan, and South Korea, to ensure the maximum effectiveness of sanctions imposed by the United States and such allies and partners;

''(E) serve as the coordinator for the development and implementation of sanctions policy with respect to all activities, policies, and programs of all bureaus and offices of the Department relating to the development and implementation of sanctions policy; and

''(F) serve as the lead representative of the Department in interagency discussions with respect to the development and implementation of sanctions policy.

''(4) DIRECT HIRE AUTHORITY.—The head of the Office may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service, as defined in section 2102 of that title, in the Office.''.

(2) BRIEFING REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter until the date that is 2 years after such date of enactment, the Secretary of State shall brief the appropriate congressional committees on the efforts of the Department of State to establish the Office of Sanctions Coordination pursuant to section 1(g) of the State Department Basic Authorities Act of 1956, as amended by paragraph (1), including a description of—

(A) measures taken to implement the requirements of that section and to establish the Office;

(B) actions taken by the Office to carry out the duties listed in paragraph (3) of that section;

(C) the resources devoted to the Office, including the number of employees working in the Office; and

(D) plans for the use of the direct hire authority provided under paragraph (4) of that section.

(b) COORDINATION WITH ALLIES AND PARTNERS OF THE UNITED STATES.—

(1) IN GENERAL.—The Secretary of State shall develop and implement mechanisms and programs, as appropriate, through the head of the Office of Sanctions Coordination established pursuant to section 1(g) of the State Department Basic Authorities Act of 1956, as amended by subsection (a)(1), to coordinate the development and implementation of United States sanctions policies with allies and partners of the United States, including the United Kingdom, the European Union and member countries of the European Union, Canada, Australia, New Zealand, Japan, and South Korea.

(2) INFORMATION SHARING.—The Secretary should pursue the development and implementation of mechanisms and programs under paragraph (1), as appropriate, that involve the sharing of information with respect to policy development and sanctions implementation.

(3) CAPACITY BUILDING.—The Secretary should pursue efforts, in coordination with the Secretary of the Treasury and the head of any other agency the Secretary considers appropriate, to assist allies and partners of the United States, including the countries specified in paragraph (1), as appropriate, in the development of their legal and technical capacities to develop and implement sanctions authorities.

(4) EXCHANGE PROGRAMS.—In furtherance of the efforts described in paragraph (3), the Secretary, in coordination with the Secretary of the Treasury and the head of any other agency the Secretary considers appropriate, may enter into agreements with counterpart agencies in foreign governments establishing exchange programs for the temporary detail of government employees to share information and expertise with respect to the development and implementation of sanctions authorities.

(5) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after such date of enactment, the Secretary of State shall brief the appropriate congressional committees on the efforts of the Department of State to implement this section, including a description of—

(A) measures taken to implement paragraph (1);

(B) actions taken pursuant to paragraphs (2) through (4);

(C) the extent of coordination between the United States and allies and partners of the United States, including the countries specified in paragraph (1), with respect to the development and implementation of sanctions policy; and

(D) obstacles preventing closer coordination between the United States and such allies and partners with respect to the development and implementation of sanctions policy.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President should appoint a coordinator for sanctions and national economic security issues within the framework of the National Security Council.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Finance of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Way and Means of the House of Representatives.

Subtitle H—Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act''.

SEC. 1292. ASSISTANCE FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.

(a) REVIEW.—The Secretary of State shall review the cases of United States nationals detained abroad to determine if there is

credible information that they are being detained unlawfully or wrongfully, based on criteria which may include whether—

(1) United States officials receive or possess credible information indicating innocence of the detained individual;

(2) the individual is being detained solely or substantially because he or she is a United States national;

(3) the individual is being detained solely or substantially to influence United States Government policy or to secure economic or political concessions from the United States Government;

(4) the detention appears to be because the individual sought to obtain, exercise, defend, or promote freedom of the press, freedom of religion, or the right to peacefully assemble;

(5) the individual is being detained in violation of the laws of the detaining country;

(6) independent nongovernmental organizations or journalists have raised legitimate questions about the innocence of the detained individual;

(7) the United States mission in the country where the individual is being detained has received credible reports that the detention is a pretext for an illegitimate purpose;

(8) the individual is detained in a country where the Department of State has determined in its annual human rights reports that the judicial system is not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts;

(9) the individual is being detained in inhumane conditions;

(10) due process of law has been sufficiently impaired so as to render the detention arbitrary; and

(11) United States diplomatic engagement is likely necessary to secure the release of the detained individual.

(b) REFERRALS TO THE SPECIAL ENVOY.—Upon a determination by the Secretary of State, based on the totality of the circumstances, that there is credible information that the detention of a United States national abroad is unlawful or wrongful, and regardless of whether the detention is by a foreign government or a nongovernmental actor, the Secretary shall transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Special Envoy for Hostage Affairs created pursuant to section 1293.

(c) REPORT.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees an annual report with respect to United States nationals for whom the Secretary determines there is credible information of unlawful or wrongful detention abroad.

(B) FORM.—The report required under this paragraph shall be submitted in unclassified form, but may include a classified annex if necessary.

(2) COMPOSITION.—The report required under paragraph (1) shall include current estimates of the number of individuals so detained, as well as relevant information about particular cases, such as—

(A) the name of the individual, unless the provision of such information is inconsistent with section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'');

(B) basic facts about the case;

(C) a summary of the information that such individual may be detained unlawfully or wrongfully;

(D) a description of specific efforts, legal and diplomatic, taken on behalf of the individual since the last reporting period, including a description of accomplishments and setbacks; and

(E) a description of intended next steps.

(d) RESOURCE GUIDANCE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act and after consulting with relevant organizations that advocate on behalf of United States nationals detained abroad and the Family Engagement Coordinator established pursuant to section 1294(c)(2), the Secretary of State shall provide resource guidance in writing for government officials and families of unjustly or wrongfully detained individuals.

(2) CONTENT.—The resource guidance required under paragraph (1) should include—

(A) information to help families understand United States policy concerning the release of United States nationals unlawfully or wrongfully held abroad;

(B) contact information for officials in the Department of State or other government agencies suited to answer family questions;

(C) relevant information about options available to help families obtain the release of unjustly or wrongfully detained individuals, such as guidance on how families may engage with United States diplomatic and consular channels to ensure prompt and regular access for the detained individual to legal counsel, family members, humane treatment, and other services;

(D) guidance on submitting public or private letters from members of Congress or other individuals who may be influential in securing the release of an individual; and

(E) appropriate points of contacts, such as legal resources and counseling services, who have a record of assisting victims' families.

SEC. 1293. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.

(a) ESTABLISHMENT.—There shall be a Special Presidential Envoy for Hostage Affairs, appointed by the President, who shall report to the Secretary of State.

(b) RANK.—The Special Envoy shall have the rank and status of ambassador.

(c) RESPONSIBILITIES.—The Special Presidential Envoy for Hostage Affairs shall—

(1) lead diplomatic engagement on United States hostage policy;

(2) coordinate all diplomatic engagements and strategy in support of hostage recovery efforts, in coordination with the Hostage Recovery Fusion Cell and consistent with policy guidance communicated through the Hostage Response Group;

(3) in coordination with the Hostage Recovery Fusion Cell as appropriate, coordinate diplomatic engagements regarding cases in which a foreign government has detained a United States national and the United States Government regards such detention as unlawful or wrongful;

(4) provide senior representation from the Special Envoy's office to the Hostage Recovery Fusion Cell established under section 1294 and the Hostage Response Group established under section 1295; and

(5) ensure that families of United States nationals unlawfully or wrongly detained abroad receive updated information about developments in cases and government policy.

SEC. 1294. HOSTAGE RECOVERY FUSION CELL.

(a) ESTABLISHMENT.—The President shall establish an interagency Hostage Recovery Fusion Cell.

(b) PARTICIPATION.—The President shall direct the heads of each of the following executive departments, agencies, and offices to make available personnel to participate in the Hostage Recovery Fusion Cell:

(1) The Department of State.

(2) The Department of the Treasury.

(3) The Department of Defense.

(4) The Department of Justice.

(5) The Office of the Director of National Intelligence.

(6) The Federal Bureau of Investigation.

(7) The Central Intelligence Agency.

(8) Other agencies as the President, from time to time, may designate.

(c) PERSONNEL.—The Hostage Recovery Fusion Cell shall include—

(1) a Director, who shall be a full-time senior officer or employee of the United States Government;

(2) a Family Engagement Coordinator who shall—

(A) work to ensure that all interactions by executive branch officials with a hostage's family occur in a coordinated fashion and that the family receives consistent and accurate information from the United States Government; and

(B) if directed, perform the same function as set out in subparagraph (A) with regard to the family of a United States national who is unlawfully or wrongfully detained abroad; and

(3) other officers and employees as deemed appropriate by the President.

(d) DUTIES.—The Hostage Recovery Fusion Cell shall—

(1) coordinate efforts by participating agencies to ensure that all relevant information, expertise, and resources are brought to bear to secure the safe recovery of United States nationals held hostage abroad;

(2) if directed, coordinate the United States Government's response to other hostage-takings occurring abroad in which the United States has a national interest;

(3) if directed, coordinate or assist the United States Government's response to help secure the release of United States nationals unlawfully or wrongfully detained abroad; and

(4) pursuant to policy guidance coordinated through the National Security Council—

(A) identify and recommend hostage recovery options and strategies to the President through the National Security Council or the Deputies Committee of the National Security Council;

(B) coordinate efforts by participating agencies to ensure that information regarding hostage events, including potential recovery options and engagements with families and external actors (including foreign governments), is appropriately shared within the United States Government to facilitate a coordinated response to a hostage-taking;

(C) assess and track all hostage-takings of United States nationals abroad and provide regular reports to the President and Congress on the status of such cases and any measures being taken toward the hostages' safe recovery;

(D) provide a forum for intelligence sharing and, with the support of the Director of National Intelligence, coordinate the declassification of relevant information;

(E) coordinate efforts by participating agencies to provide appropriate support and assistance to hostages and their families in a coordinated and consistent manner and to provide families with timely information regarding significant events in their cases;

(F) make recommendations to agencies in order to reduce the likelihood of United States nationals' being taken hostage abroad and enhance United States Government preparation to maximize the probability of a favorable outcome following a hostage-taking; and

(G) coordinate with agencies regarding congressional, media, and other public inquiries pertaining to hostage events.

(e) ADMINISTRATION.—The Hostage Recovery Fusion Cell shall be located within the Federal Bureau of Investigation for administrative purposes.

SEC. 1295. HOSTAGE RESPONSE GROUP.

(a) ESTABLISHMENT.—The President shall establish a Hostage Response Group, chaired

by a designated member of the National Security Council or the Deputies Committee of the National Security Council, to be convened on a regular basis, to further the safe recovery of United States nationals held hostage abroad or unlawfully or wrongfully detained abroad, and to be tasked with coordinating the United States Government response to other hostage-takings occurring abroad in which the United States has a national interest.

(b) MEMBERSHIP.—The regular members of the Hostage Response Group shall include the Director of the Hostage Recovery Fusion Cell, the Hostage Recovery Fusion Cell's Family Engagement Coordinator, the Special Envoy appointed pursuant to section 1293, and representatives from the Department of the Treasury, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, and other agencies as the President, from time to time, may designate.

(c) DUTIES.—The Hostage Recovery Group shall—

(1) identify and recommend hostage recovery options and strategies to the President through the National Security Council;

(2) coordinate the development and implementation of United States hostage recovery policies, strategies, and procedures;

(3) receive regular updates from the Hostage Recovery Fusion Cell and the Special Envoy for Hostage Affairs on the status of United States nationals being held hostage or unlawfully or wrongfully detained abroad and measures being taken to effect safe recoveries;

(4) coordinate the provision of policy guidance to the Hostage Recovery Fusion Cell, including reviewing recovery options proposed by the Hostage Recovery Fusion Cell and working to resolve disputes within the Hostage Recovery Fusion Cell;

(5) as appropriate, direct the use of resources at the Hostage Recovery Fusion Cell to coordinate or assist in the safe recovery of United States nationals unlawfully or wrongfully detained abroad; and

(6) as appropriate, direct the use of resources at the Hostage Recovery Fusion Cell to coordinate the United States Government response to other hostage-takings occurring abroad in which the United States has a national interest.

(d) MEETINGS.—The Hostage Response Group shall meet regularly.

(e) REPORTING.—The Hostage Response Group shall regularly provide recommendations on hostage recovery options and strategies to the National Security Council.

SEC. 1296. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for or is complicit in, or responsible for ordering, controlling, or otherwise directing, the hostage-taking of a United States national abroad or the unlawful or wrongful detention of a United States national abroad; or

(2) knowingly provides financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (1).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) may be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a) may be subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) may—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the alien's possession.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The President may exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(c) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under subsection (b)(1) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(d) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(e) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines that—

(1) information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

(4) the termination of the sanctions is in the national security interests of the United States.

(f) REPORTING REQUIREMENT.—If the President terminates sanctions pursuant to subsection (d), the President shall report to the appropriate congressional committees a written justification for such termination within 15 days.

(g) IMPLEMENTATION OF REGULATORY AUTHORITY.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(h) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(i) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term ''foreign person'' means—

(A) any citizen or national of a foreign country (including any such individual who is also a citizen or national of the United States); or

(B) any entity not organized solely under the laws of the United States or existing solely in the United States.

(2) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 1297. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, the Committee on Armed Services, and the Select Committee on Intelligence of the United States Senate; and

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

(2) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) a United States national as defined in section 101(a)(22) or section 308 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22), 8 U.S.C. 1408); and

(B) a lawful permanent resident alien with significant ties to the United States.

SEC. 1298. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to authorize a private right of action.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. FUNDING ALLOCATIONS FOR DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) IN GENERAL.—Of the $288,490,000 authorized to be appropriated to the Department of Defense for fiscal year 2021 in section 301 and

made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $2,924,000.

(2) For chemical security and elimination, $11,806,000.

(3) For global nuclear security, $20,152,000.

(4) For biological threat reduction, $177,396,000.

(5) For proliferation prevention, $52,064,000.

(6) For activities designated as Other Assessments/Administrative Costs, $24,148,000.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2021, 2022, and 2023.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

Subtitle B—Armed Forces Retirement Home

SEC. 1411. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2021 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

SEC. 1412. PERIODIC INSPECTIONS OF ARMED FORCES RETIREMENT HOME FACILITIES BY NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION.

(a) IN GENERAL.—Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended to read as follows:

''SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES.

''(a) INSPECTIONS.—The Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with section 1511(g) on a frequency consistent with the standards of such organization.

''(b) AVAILABILITY OF STAFF AND RECORDS.—The Chief Operating Officer and the Administrator of a facility being inspected under this section shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this section.

''(c) REPORTS.—Not later than 60 days after receiving a report on an inspection from the civilian accrediting organization under this section, the Chief Operating Officer shall submit to the Secretary of Defense, the Senior Medical Advisor, and the Advisory Council a report containing—

''(1) the results of the inspection; and

''(2) a plan to address any recommendations and other matters set forth in the report.''.

(b) CONFORMING AMENDMENTS.—The Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401 et seq.) is further amended as follows:

(1) In section 1513A(c)(2) (24 U.S.C. 413a(c)(2)), by striking ''(including requirements identified in applicable reports of the Inspector General of the Department of Defense)''.

(2) In section 1516(b)(3) (24 U.S.C. 416(b)(3))—

(A) by striking ''shall—'' and all that follows through ''provide for'' and inserting ''shall provide for'';

(B) by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (B).

(3) In section 1517(e)(2) (24 U.S.C. 417(e)(2)), by striking ''the Inspector General of the Department of Defense,''.

SEC. 1413. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT THE ARMED FORCES RETIREMENT HOME.

(a) EXPANSION OF ELIGIBILITY.—Section 1512(a) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 412(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''active'' in the first sentence;

(2) in paragraph (1), by striking ''are 60 years of age or over and''; and

(3) by adding the following new paragraph:

''(5) Persons who are eligible for retired pay under chapter 1223 of title 10, United States Code, and—

''(A) are eligible for care under section 1710 of title 38, United States Code;

''(B) are enrolled in coverage under chapter 55 of title 10, United States Code; or

''(C) are enrolled in a qualified health plan acceptable to the Chief Operating Officer.''.

(b) PARITY OF FEES AND DEDUCTIONS.—Section 1514(c) of such Act (24 U.S.C. 414(c)) is amended—

(1) by striking paragraph (2) and inserting the following new paragraph (2)

''(2)(A) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident. The percentage shall be the same for each facility of the Retirement Home. The Secretary of Defense may make any adjustment in a percentage that the Secretary determines appropriate.

''(B) The calculation of monthly income and monthly payments under subparagraph (A) for a resident eligible under section 1512(a)(5) shall not be less than the retirement pay for equivalent active duty service as determined by the Chief Operating Officer, except as the Chief Operating Officer may provide because of compelling personal circumstances.''; and

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

''(4) The Administrator of each facility of the Retirement Home may collect a fee upon admission from a resident accepted under section 1512(a)(5) equal to the deductions then in effect under section 1007(i)(1) of title 37, United States Code, for each year of nonregular service, and shall deposit such fee in the Armed Forces Retirement Home Trust Fund.''.

(c) CONFORMING AMENDMENT.—Section 1007(i)(3) of title 37, United States Code, is amended by striking ''Armed Forces Retirement Home Board'' and inserting ''Chief Operating Officer of the Armed Forces Retirement Home''.

Subtitle C—Other Matters

SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $130,400,000 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).

(b) TREATMENT OF TRANSFERRED FUNDS.—For purposes of subsection (a)(2) of such section 1704, any funds transferred under subsection (a) shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(c) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2021 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(ii)).

SEC. 1503. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2021 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1507. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2021 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $2,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.

(a) EXTENSION OF AVAILABILITY OF FUNDS FOR SECURITY OF AFGHAN WOMEN.—Subsection (c)(1) of section 1520 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, in the matter preceding subparagraph (A), by striking ''fiscal year 2020'' and inserting ''fiscal year 2021''.

(b) ASSESSMENT OF AFGHANISTAN PROGRESS ON OBJECTIVES.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''June 1, 2020'' and inserting ''March 1, 2021'';

(B) in subparagraph (A), by striking ''; and'' and inserting '', including specific milestones achieved since the date on which the 2020 progress report was submitted;'';

(C) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(C) the efforts of the Government of the Islamic Republic of Afghanistan to fulfill the commitments of the Government of the Islamic Republic of Afghanistan under the Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan, issued on February 29, 2020.'';

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

''(2) MATTERS TO BE INCLUDED.—In conducting the assessment required by paragraph (1), the Secretary of Defense shall include each of the following:

''(A) The progress made by the Government of the Islamic Republic of Afghanistan toward increased accountability and the reduction of corruption within the Ministry of Defense and the Ministry of Interior of the Government of the Islamic Republic of Afghanistan.

''(B) The extent to which the Government of the Islamic Republic of Afghanistan has designated the appropriate staff, prioritized the development of relevant processes, and provided or requested the allocation of resources necessary to support a peace and reconciliation process in Afghanistan.

''(C) The extent to which the capability and capacity of the Afghan National Defense and Security Forces have improved as a result of Afghanistan Security Forces Fund investment, including through training, and an articulation of the metrics used to assess such improvements.

''(D) The extent to which the Afghan National Defense and Security Forces have been successful in—

''(i) defending territory, re-taking territory, and disrupting attacks;

''(ii) reducing the use of Afghan National Defense and Security Forces checkpoints; and

''(iii) curtailing the use of Afghan Special Security Forces for missions that are better suited to general purpose forces.

''(E) The distribution practices of the Afghan National Defense and Security Forces and whether the Government of the Islamic Republic of Afghanistan is ensuring that supplies, equipment, and weaponry supplied by the United States are appropriately distributed to, and employed by, security forces.

''(F) The progress made with respect to the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces.

''(G) The extent to which the Government of the Islamic Republic of Afghanistan is adhering to conditions for receiving assistance established in annual financial commitment letters or any other bilateral agreement with the United States.

''(H) Such other factors as the Secretaries consider appropriate.''; and

(3) by amending paragraph (4) to read as follows:

''(4) WITHHOLDING OF FUNDS FOR INSUFFICIENT PROGRESS.—

''(A) CERTIFICATION.—Not later than December 31, 2020, the Secretary of Defense, in coordination with the Secretary of State and pursuant to the assessment under paragraph (1), shall submit to the congressional defense committees a certification indicating whether the Government of the Islamic Republic of Afghanistan has made sufficient progress in the areas described in paragraph (2).

''(B) WITHHOLDING OF FUNDS.—If the Secretary of Defense is unable under subparagraph (A) to certify that the Government of the Islamic Republic of Afghanistan is making sufficient progress in the areas described in paragraph (2), the Secretary of Defense shall—

''(i) withhold from expenditure and obligation an amount that is not less than 5 percent and not more than 15 percent of the amounts made available for assistance for the Afghan National Defense and Security Forces for fiscal year 2021 until the date on which the Secretary is able to so certify; and

''(ii) notify the congressional defense committees not later than 30 days before withholding such funds and indicate the specific areas of insufficient progress.

''(C) WAIVER.—If the Secretary of Defense determines that withholding such funds would impede the national security objectives of the United States by prohibiting, restricting, delaying, or otherwise limiting the provision of assistance to the Afghan National Defense and Security Forces for fiscal year 2021, the Secretary may waive the withholding requirement under subparagraph (B) if the Secretary, in coordination with the Secretary of State, certifies such determination to the congressional defense committees not later than 30 days before the effective date of the waiver.''.

(c) ADDITIONAL REPORTING REQUIREMENTS.—Subsection (e) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal year 2021'' and inserting ''fiscal year 2022'';

(2) in paragraph (1), by striking ''fiscal year 2019'' and inserting ''fiscal year 2020'';

(3) in paragraph (2), by striking ''fiscal year 2020'' and inserting ''fiscal year 2021''; and

(4) by amending paragraph (3) to read as follows:

''(3) If the amounts described in paragraph (2) exceed the amount described in paragraph (1)—

''(A) an explanation as to why such amounts are greater; and

''(B) a detailed description of the specific entities and purposes that were supported by such increase.''.

(d) CONFORMING AMENDMENT.—Such section is further amended by striking ''Government of Afghanistan'' each place it appears and inserting ''Government of the Islamic Republic of Afghanistan''.

SEC. 1532. TRANSITION AND ENHANCEMENT OF INSPECTOR GENERAL AUTHORITIES FOR AFGHANISTAN RECONSTRUCTION.

(a) SENSE OF SENATE.—It is the sense of the Senate to commend the Special Inspector General for Afghanistan Reconstruction, and the Office of the Special Inspector General for Afghanistan Reconstruction, for—

(1) dedicated and faithful service to the United States since their establishment in the 2008; and

(2) promoting substantial efficiency and effectiveness in the administration of programs and operations funded with amounts for the reconstruction of Afghanistan.

(b) PURPOSES.—Subsection (a) of section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (5 U.S.C. app. 8G note) is amended—

(1) in paragraph (3), by inserting after ''To provide for'' the following: ''the transition to the lead Inspector General for Operation Freedom's Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978 (50 U.S.C. app. 8L(d)) of all duties, responsibilities, and authorities for serving''; and

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

''(4) To maximize coordination between the Inspector General under this section and the lead Inspector General for Operation Freedom's Sentinel, including through transparency and timely sharing of data and information collected in relation to the exercise of their respective duties, responsibilities, and authorities, with emphasis on matters of significant overlap between the Department of State, the United States Agency for International Development, and the Department of Defense.''.

(c) ASSISTANT INSPECTOR GENERAL FOR AUDITING.—Subsection (d)(1) of such section is amended by striking ''supported by'' and inserting ''funded with''.

(d) SUPERVISION.—Subsection (e)(2) of such section is amended by inserting ''authorized by this section'' after ''any audit or investigation''.

(e) DUTIES.—Subsection (f) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by adding ''and'' at the end;

(B) by striking subparagraph (F);

(C) by redesignating subparagraph (G) as subparagraph (F); and

(D) in subparagraph (F), as redesignated by subparagraph (C) of this paragraph—

(i) by inserting ''with such funds'' after ''overpayments,''; and

(ii) by inserting ''regarding such funds,'' after ''or affiliated entities'';

(2) in paragraph (2)—

(A) by striking ''The Inspector General'' and inserting ''As specified in this section, the Inspector General''; and

(B) by striking ''as the Inspector General considers appropriate'' and inserting ''as necessary''; and

(3) by striking paragraph (4) and inserting the following new paragraph (4):

''(4) SCOPE OF DUTIES AND RESPONSIBILITIES.—

''(A) NO EXTENSION TO PARTICULAR MATTERS.—The duties and responsibilities of the Inspector General under paragraphs (1) through (3) shall not extend to the following:

''(i) Military operations or activities (including security assistance or cooperation), unless such operations or activities are funded using a Fund or account specified in subsection (n)(1).

''(ii) Contracts for personal security.

''(B) ASSIGNMENT OF DUTIES AND RESPONSIBILITIES FOR SUCH MATTERS.—Duties and responsibilities of inspectors general with respect to operations and activities and contracts specified in subparagraph (A) shall be discharged by the lead Inspector General for Operation Freedom's Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978.''.

(f) RESPONSIBILITY FOR COORDINATION OF EFFORTS VESTED IN LEAD IG FOR OPERATION FREEDOM'S SENTINEL.—Such section is further amended—

(1) by redesignating subsections (g) through (o) as subsections (h) through (p), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) COORDINATION AND DECONFLICTION OF EFFORTS.—

''(1) COORDINATION AND DECONFLICTION THROUGH LEAD IG FOR OPERATION FREEDOM'S SENTINEL.—The lead Inspector General for Operation Freedom's Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978 shall exercise all duties, responsibilities, and authorities for the coordination and deconfliction of inspector general activities in or in regard to Afghanistan.

''(2) COORDINATION IN DISCHARGE.—In carrying out duties, responsibilities, and authorities under paragraph (1), the lead Inspector General referred to in that paragraph shall coordinate with, receive the cooperation of, and be responsible for deconfliction among, the following:

''(A) Each Inspector General specified in section 8L(c) of the Inspector General Act of 1978 who is not the lead Inspector General for Operation Freedom's Sentinel.

''(B) The Inspector General under this section.''.

(g) ASSISTANCE FROM FEDERAL AGENCIES.—Subsection (i) of such section, as redesignated by subsection (f)(1) of this section, is amended—

(1) in paragraph (5)(A), by inserting ''pertaining to the exercise by the Inspector General of duties, responsibilities, or authorities specified in subsection (f)'' after ''information and assistance''; and

(2) by striking paragraph (6).

(h) REPORTS.—Subsection (j) of such section, as redesignated by subsection (f)(1) of this section, is amended—

(1) in paragraph (1)—

(A) by striking the matter preceding subparagraph (A) and inserting the following new matter:

''(1) SEMI-ANNUAL REPORTS.—Not later than 30 days after the end of the second quarter of each fiscal year, and not later than 30 days after the end of the fourth quarter of each fiscal year, the Inspector General shall submit to the appropriate congressional committees a report setting forth a summary, for the two fiscal year quarters ending before the date on which such report is required to be submitted, of the activities of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, the following:'';

(B) by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) A detailed statement of all obligations and expenditures of amounts appropriated or otherwise made available for the reconstruction of Afghanistan.'';

(C) in subparagraph (B), by inserting ''projects and programs funded by amounts appropriated or otherwise made available'' after ''costs incurred to date for''; and

(D) in subparagraphs (C) and (D), by striking ''funded by any department or agency of the United States Government'' each place it appears and inserting ''funded by amounts appropriated or otherwise made available for the reconstruction of Afghanistan''; and

(2) in paragraph (2), by striking ''that involves the use'' and all that follows and inserting ''that is funded by amounts appropriated or otherwise made available for the reconstruction of Afghanistan.''.

(i) REPORT COORDINATION.—Subsection (k) of such section, as redesignated by subsection (f)(1) of this section, is amended—

(1) in the subsection heading, by inserting ''BY INSPECTOR GENERAL FOR OPERATION FREEDOM'S SENTINEL'' after ''REPORT COORDINATION'';

(2) in paragraph (1), by striking ''and the Secretary of Defense'' and inserting '', the Secretary of Defense, and the lead Inspector General for Operation Freedom's Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978''; and

(3) in paragraph (2), by striking ''or the Secretary of Defense'' each place it appears and inserting '', the Secretary of Defense, or the lead Inspector General referred to in paragraph (1)''.

(j) FUNDS SUBJECT TO OVERSIGHT RESPONSIBILITY.—Paragraph (1) of subsection (n) of such section, as redesignated by subsection (f)(1) of this section, is amended to read as follows:

''(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term 'amounts appropriated or otherwise made available for the reconstruction of Afghanistan' means amounts appropriated or otherwise made available for any fiscal year for the reconstruction of Afghanistan under either of the following:

''(A) The Economic Support Fund.

''(B) The International Narcotics Control and Law Enforcement account.

''(C) The Commanders Emergency Response Program Fund.

''(D) The NATO Afghanistan National Army Trust Fund.

''(E) The Drug Interdiction and Counter Drug Activities Fund.

''(F) The Afghanistan Security Forces Fund.''.

(k) TERMINATION.—Subsection (p) of such section, as redesignated by subsection (f)(1) of this section, is amended—

(1) by striking paragraph (2); and

(2) by adding at the end the following new paragraphs.

''(2) ASSUMPTION OF DUTIES, RESPONSIBILITIES, AND AUTHORITIES IN TERMINATION.—

''(A) IN GENERAL.—Effective as of the date provided for in subparagraph (B), the duties, responsibilities, and authorities of the Inspector General under this section shall be discharged by the lead Inspector General for Operation Freedom's Sentinel designated pursuant to subsection (d) of section 8L of the Inspector General Act of 1978.

''(B) EFFECTIVE DATE.—The effective date provided for in this subparagraph shall be such date after the date of the termination of the Office of the Special Inspector General for Afghanistan Reconstruction pursuant to paragraph (1) as the Chair of the Council of Inspectors General on Integrity and Efficiency under subsection (a) of section 8L of the Inspector General Act of 1978 shall specify, which date may not be more than 180 days after the date of such termination.

''(3) FINAL REPORT.—The final report of the Inspector General under this section shall consist of the semi-annual report required by subsection (j)(1) for the last two fiscal year quarters ending before the date of the termination of the Office of the Special Inspector General for Afghanistan Reconstruction pursuant to paragraph (1).''.

(l) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), such section is further amended as follows:

(A) In subsection (a)(2)(A), by inserting a comma after ''economy''.

(B) Subsection (a)(3) is amended to read as such subsection read as of the day before the date of the enactment of this Act.

(C) Paragraph (4) of subsection (a) is repealed.

(D) In subsection (f)(1)(E), by striking ''fund'' and inserting ''funds''.

(E) In subsections (l) and (m), as redesignated by subsection (f)(1) of this section—

(i) by striking ''subsection (i)'' each place it appears and inserting ''subsection (j)''; and

(ii) by striking ''subsection (j)(2)'' each place it appears and inserting ''subsection (k)(2)''.

(2) EFFECTIVE DATES.—The amendments made by subparagraphs (A), (D) and (E) of paragraph (1) shall take effect on the date of the enactment of this Act. The amendment made by subparagraphs (B) and (C) of that paragraph shall take effect on the effective date provided for in section 1229(p)(2)(B) of the National Defense Authorization Act for Fiscal Year 2008, as redesignated by subsection (f)(1) and amended by subsection (k).

(m) CONFORMING AMENDMENT TO OTHER LAW.—Section 842(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note) is amended—

(1) by inserting ''(1)'' before ''The Special Inspector General for Iraq Reconstruction''; and

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

''(2) Upon the assumption by the lead Inspector General for Operation Freedom's Sentinel designated pursuant to section 8L(d) of the Inspector General Act of 1978 (5 U.S.C. app. 8L(d)) of duties, responsibilities, and authorities under section 1229 of this Act, as provided for in subsection (p)(2) of such section 1229, the requirement in paragraph (1) to perform audits as required by subsection (a) with respect to Afghanistan shall be discharged by such lead Inspector General.''.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1601. RESILIENT AND SURVIVABLE POSITIONING, NAVIGATION, AND TIMING CAPABILITIES.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, consistent with the timescale applicable to joint urgent operational needs statements, the Secretary of Defense shall—

(1) prioritize and rank order the mission elements, platforms, and weapons systems most critical for the operational plans of the combatant commands;

(2) mature, test, and produce for such prioritized mission elements sufficient equipment—

(A) to generate resilient and survivable alternative positioning, navigation, and timing signals; and

(B) to process resilient survivable data provided by signals of opportunity and on-board sensor systems; and

(3) integrate and deploy such equipment into the prioritized operational systems, platforms, and weapons systems.

(b) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to commence carrying out subsection (a) in fiscal year 2021.

(2) REPROGRAMMING AND BUDGET PROPOSALS.—The plan submitted under paragraph (1) may include any reprogramming or supplemental budget request the Secretary considers necessary to carry out subsection (a).

(c) COORDINATION.—In carrying out this section, the Secretary shall consult with the National Security Council, the Secretary of Homeland Security, the Secretary of Transportation, and the head of any other relevant Federal department or agency to enable civilian and commercial adoption of technologies and capabilities for resilient and survivable alternative positioning, navigation, and timing capabilities to complement the global positioning system.

SEC. 1602. DEVELOPMENT EFFORTS FOR NATIONAL SECURITY SPACE LAUNCH PROVIDERS.

(a) IN GENERAL.—The Secretary of the Air Force shall establish a program to develop technologies and systems to enhance phase three National Security Space Launch requirements and enable further advances in launch capability associated with the insertion of national security payloads into relevant classes of orbits.

(b) DURATION.—The duration of a project to develop technologies and systems selected under the program shall be not more than three years.

(c) PROGRAM EXPENSE CEILING.—The total amount expended under the program shall not exceed $250,000,000.

(d) SUNSET.—The program established under this section shall terminate on October 1, 2027.

SEC. 1603. TIMELINE FOR NONRECURRING DESIGN VALIDATION FOR RESPONSIVE SPACE LAUNCH.

Not later than 540 days after the date on which the Secretary of the Air Force selects two National Security Space Launch providers in accordance with the phase two acquisition strategy for the National Security Space Launch program, the Secretary of Defense shall complete the nonrecurring design validation of previously flown launch hardware for National Security Space Launch providers that offer such hardware for use in the phase two acquisition strategy or other national security space missions.

SEC. 1604. TACTICALLY RESPONSIVE SPACE LAUNCH OPERATIONS.

The Secretary of the Air Force shall implement a tactically responsive space launch program—

(1) to provide long-term continuity for tactically responsive space launch operations across the future-years defense program submitted to Congress under section 221 of title 10, United States Code;

(2) to accelerate the development of—

(A) responsive launch concepts of operations;

(B) tactics;

(C) training; and

(D) procedures;

(3) to develop appropriate processes for tactically responsive space launch, including—

(A) mission assurance processes; and

(B) command and control, tracking, telemetry, and communications; and

(4) to identify basing capabilities necessary to enable tactically responsive space launch, including mobile launch range infrastructure.

SEC. 1605. CONFORMING AMENDMENTS RELATING TO REESTABLISHMENT OF SPACE COMMAND.

(a) CERTIFICATIONS REGARDING INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT MISSION OF THE AIR FORCE.—Section 1666(a) of National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 113 Stat. 2617) is amended by striking ''Strategic Command'' and inserting ''Space Command''.

(b) COUNCIL ON OVERSIGHT OF THE DEPARTMENT OF DEFENSE POSITIONING, NAVIGATION, AND TIMING ENTERPRISE.—Section 2279b of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (7), (8), (9), and (10) as paragraphs (8), (9), (10), and (11), respectively; and

(B) by inserting after paragraph (6) the following new paragraph (7):

''(7) The Commander of the United States Space Command.''; and

(2) in subsection (f), by striking ''Strategic Command'' each place it appears and inserting ''Space Command''.

(c) JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER.—Section 605(e) of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 115–31; 131 Stat. 832) is amended—

(1) in the subsection heading, by striking ''JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER'' and inserting ''NATIONAL SPACE DEFENSE CENTER''; and

(2) by striking ''Strategic Command'' each place it appears and inserting ''Space Command''; and

(3) by striking ''Joint Interagency Combined Space Operations Center'' each place it appears and inserting ''National Space Defense Center''.

(d) NATIONAL SECURITY SPACE SATELLITE REPORTING POLICY.—Section 2278(a) of title 10, United States Code, is amended by striking ''Strategic Command'' and inserting ''Space Command''.

(e) SPACE-BASED INFRARED SYSTEM AND ADVANCED EXTREMELY HIGH FREQUENCY PROGRAM.—Section 1612(a)(1) of the National Defense Authorization Act for 2017 (Public Law 114–328; 130 Stat. 2590) is amended by striking ''Strategic Command'' and inserting ''Space Command''.

SEC. 1606. SPACE DEVELOPMENT AGENCY DEVELOPMENT REQUIREMENTS AND TRANSFER TO SPACE FORCE.

(a) DEVELOPMENT.—The Director of the Space Development Agency shall lead—

(1) the development and demonstration of a resilient military space-based sensing, tracking, and data transport architecture that primarily uses a proliferated low-Earth orbit; and

(2) the integration of next-generation space capabilities, and sensor and tracking components (including a hypersonic and ballistic missile-tracking space sensor payload), into such architecture to address the requirements and needs of the Armed Forces and combatant commands for such capabilities.

(b) ORGANIZATION.—On October 1, 2022, or earlier if directed by the Secretary of Defense, the Space Development Agency shall be transferred from the Office of the Secretary of Defense to the United States Space Force and shall maintain the same organizational reporting requirements and acquisition authorities as the Space Rapid Capability Office.

SEC. 1607. SPACE LAUNCH RATE ASSESSMENT.

Not later than 90 days after the date of the enactment of this Act, and biennially thereafter for the following five-year period, the Secretary of the Air Force shall submit to the congressional defense committees an assessment that includes—

(1) the total number of space launches for all national security and Federal civil agency entities conducted in the United States during the preceding two-year period; and

(2) the number of space launches by the same sponsors projected to occur during the following three-year period, including—

(A) the number of launches, disaggregated by class of launch vehicle; and

(B) the number of payloads, disaggregated by orbital destination.

SEC. 1608. REPORT ON IMPACT OF ACQUISITION STRATEGY FOR THE NATIONAL SECURITY SPACE LAUNCH PROGRAM ON EMERGING FOREIGN SPACE LAUNCH PROVIDERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on the impact of the acquisition strategy for the National Security Space Launch program on the potential for foreign countries, including the People's Republic of China, to enter the global commercial space launch market.

SEC. 1609. LEVERAGING COMMERCIAL SATELLITE REMOTE SENSING.

(a) IN GENERAL.—In acquiring geospatial-intelligence, the Secretary of Defense, in coordination with the Director of the National Reconnaissance Office and the Director of the National Geospatial-Intelligence Agency, shall leverage, to the maximum extent practicable, the capabilities of United States industry, including through the use of commercial geospatial-intelligence services and acquisition of commercial satellite imagery.

(b) OBTAINING FUTURE GEOSPATIAL-INTELLIGENCE DATA.—The Director of the National Reconnaissance Office, as part of an analysis of alternatives for the future acquisition of space systems for geospatial-intelligence, shall—

(1) consider whether there is a suitable, cost-effective, commercial capability available that can meet any or all of the geospatial-intelligence requirements of the Department and the intelligence community;

(2) if a suitable, cost-effective, commercial capability is available as described in paragraph (1), determine whether it is in the national interest to develop a governmental space system for geospatial intelligence; and

(3) include, as part of the established acquisition reporting requirements to the appropriate committees of Congress, any determination made under paragraphs (1) and (2).

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

Subtitle B—Cyberspace-Related Matters

SEC. 1611. MODIFICATION OF POSITION OF PRINCIPAL CYBER ADVISOR.

(a) IN GENERAL.—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 to read as follows:

''(c) PRINCIPAL CYBER ADVISOR.—

''(1) DESIGNATION.—The Secretary shall designate a Principal Cyber Advisor from among those civilian officials of the Department of Defense who have been appointed to the positions in which they serve by the President, by and with the advice and consent of the Senate.

''(2) RESPONSIBILITIES.—The Principal Cyber Advisor shall be responsible for the following:

''(A) Acting as the principal advisor to the Secretary on military cyber forces and activities.

''(B) Overall integration of Cyber Operations Forces activities relating to cyberspace operations, including associated policy and operational considerations, resources, personnel, technology development and transition, and acquisition.

''(C) Assessing and overseeing the implementation of the cyber strategy of the Department and execution of the cyber posture review of the Department on behalf of the Secretary.

''(D) Coordinating activities pursuant to subparagraphs (A) and (B) of subsection (c)(3) with the Principal Information Operations Advisor, the Chief Information Officer of the Department, and other officials as determined by the Secretary of Defense, to ensure the integration of activities in support of cyber, information, and electromagnetic spectrum operations.

''(E) Such other matters relating to the offensive military cyber forces of the Department as the Secretary shall specify for the purposes of this subsection.

''(3) CROSS-FUNCTIONAL TEAM.—Consistent with section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), the Principal Cyber Advisor shall—

''(A) integrate the cyber expertise and perspectives of appropriate organizations within the Office of the Secretary of Defense, Joint Staff, military departments, the Defense Agencies and Field Activities, and combatant commands, by establishing and maintaining a full-time cross-functional team of subject matter experts from those organizations; and

''(B) select team members, and designate a team leader, from among those personnel nominated by the heads of such organizations.''.

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—Section 905(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking ''Under Secretary of Defense for Policy'' and inserting ''Secretary of Defense''.

SEC. 1612. FRAMEWORK FOR CYBER HUNT FORWARD OPERATIONS.

(a) FRAMEWORK REQUIRED.—Not later than February 1, 2021, the Secretary of Defense shall develop a standard, comprehensive framework to enhance the consistency, execution, and effectiveness of cyber hunt forward operations.

(b) ELEMENTS.—The framework developed pursuant to subsection (a) shall include the following:

(1) Identification of the selection criteria for proposed hunt forward operations, including specification of necessary thresholds for the justification of operations and thresholds for partner cooperation.

(2) The roles and responsibilities of the following organizations in the support of the planning and execution of hunt forward operations:

(A) United States Cyber Command.

(B) Service cyber components.

(C) The Office of the Under Secretary of Defense for Policy.

(D) Geographic combatant commands.

(E) Cyber Operations-Integrated Planning Elements and Joint Cyber Centers.

(F) Embassies and consulates of the United States.

(3) Pre-deployment planning guidelines to maximize the operational success of each unique operation, including guidance that takes into account the highly variable nature of the following aspects at the tactical level:

(A) Team composition, including necessary skillsets, recommended training, and guidelines on team size and structure.

(B) Relevant factors to determine mission duration in a country of interest.

(C) Agreements with partner countries required pre-deployment.

(D) Criteria for potential follow-on operations.

(E) Equipment and infrastructure required to support the missions.

(4) Metrics to measure the effectiveness of each operation, including means to evaluate the value of discovered malware and infrastructure, the effect on the adversary, and the potential for future engagements with the partner country.

(5) Roles and responsibilities for United States Cyber Command and the National Security Agency in the analysis of relevant mission data.

(6) Such other matters as the Secretary determines relevant.

(c) BRIEFING.—

(1) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the framework developed pursuant to subsection (a).

(2) CONTENTS.—The briefing required by paragraph (1) shall include the following:

(A) An overview of the framework developed in subsection (a).

(B) An explanation of the tradeoffs associated with the use of Department of Defense resources for hunt forward missions in the context of competing priorities.

(C) Such recommendations as the Secretary may have for legislative action to improve the effectiveness of hunt forward missions.

SEC. 1613. MODIFICATION OF SCOPE OF NOTIFICATION REQUIREMENTS FOR SENSITIVE MILITARY CYBER OPERATIONS.

Subsection (c) of section 395 of title 10, United States Code, is amended to read as follows:

''(c) SENSITIVE MILITARY CYBER OPERATION DEFINED.—(1) In this section, the term 'sensitive military cyber operation' means an action described in paragraph (2) that—

''(A) is carried out by the armed forces of the United States;

''(B) is intended to achieve a cyber effect against a foreign terrorist organization or a country, including its armed forces and the proxy forces of that country located elsewhere —

''(i) with which the armed forces of the United States are not involved in hostilities (as that term is used in section 4 of the War Powers Resolution (50 U.S.C. 1543)); or

''(ii) with respect to which the involvement of the armed forces of the United States in hostilities has not been acknowledged publicly by the United States; and

''(C)(i) is determined to—

''(I) have a medium or high collateral effects estimate;

''(II) have a medium or high intelligence gain or loss;

''(III) have a medium or high probability of political retaliation, as determined by the political military assessment contained within the associated concept of operations;

''(IV) have a medium or high probability of detection when detection is not intended; or

''(V) result in medium or high collateral effects; or

''(ii) is a matter the Secretary determines to be appropriate.

''(2) The actions described in this paragraph are the following:

''(A) An offensive cyber operation.

''(B) A defensive cyber operation.''.

SEC. 1614. MODIFICATION OF REQUIREMENTS FOR QUARTERLY DEPARTMENT OF DEFENSE CYBER OPERATIONS BRIEFINGS FOR CONGRESS.

Section 484 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) BRIEFINGS REQUIRED.—The Under Secretary of Defense for Policy, the Commander of United States Cyber Command, and the

Chairman of the Joint Chiefs of Staff, or designees from each of their offices, shall provide to the congressional defense committees quarterly briefings on all offensive and significant defensive military operations in cyberspace, including clandestine cyber activities, carried out by the Department of Defense during the immediately preceding quarter.

''(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the military operations in cyberspace described in such subsection, the following:

''(1) An update, set forth separately for each applicable geographic and functional command, that describes the operations carried out in the area of operations of that command or by that command.

''(2) An update, set forth for each applicable geographic and functional command, that describes defensive cyber operations executed to protect or defend forces, networks, and equipment in the area of operations of that command.

''(3) An update on relevant authorities and legal issues applicable to operations, including any presidential directives and delegations of authority received since the last quarterly update.

''(4) An overview of critical operational challenges posed by major adversaries or encountered in operational activities conducted since the last quarterly update.

''(5) An overview of the readiness of the Cyber Mission Forces to perform assigned missions that—

''(A) addresses all of the abilities of such Forces to conduct cyberspace operations based on capability and capacity of personnel, equipment, training, and equipment condition—

''(i) using both quantitative and qualitative metrics; and

''(ii) in a way that is common to all military departments; and

''(B) is consistent with readiness reporting pursuant to section 482 of this title.

''(6) Any other matters that the briefers determine to be appropriate.

''(c) DOCUMENTS.—Each briefing under subsection (a) shall include a classified placemat, summarizing the elements specified in paragraphs (1), (2), (3), and (5) of subsection (b), and an unclassified memorandum, summarizing the briefing's contents.''.

SEC. 1615. RATIONALIZATION AND INTEGRATION OF PARALLEL CYBERSECURITY ARCHITECTURES AND OPERATIONS.

(a) REVIEW REQUIRED.—The Commander of United States Cyber Command, with support from the Chief Information Officer of the Department of Defense, the Chief Data Officer of the Department, the Principal Cyber Advisor, the Vice Chairman of the Joint Chiefs of Staff, and the Director of Cost Analysis and Program Evaluation, shall conduct a review of the Cybersecurity Service Provider and Cyber Mission Force enterprises.

(b) ASSESSMENT AND IDENTIFICATION OF REDUNDANCIES AND GAPS.—The review required by subsection (a) shall assess and identify—

(1) the optimal way to integrate the Joint Cyber Warfighting Architecture and the Cybersecurity Service Provider architectures, associated tools and capabilities, and associated concepts of operations;

(2) redundancies and gaps in network sensor deployment and data collection and analysis for the—

(A) Big Data Platform;

(B) Joint Regional Security Stacks; and

(C) Security Information and Event Management capabilities;

(3) where integration, collaboration, and interoperability are not occurring that would improve outcomes;

(4) baseline training, capabilities, competencies, operational responsibilities, and joint concepts of operations for the Joint Force Headquarters for the Department of Defense Information Network, Cybersecurity Service Providers, and Cyber Protection Teams;

(5) the roles and responsibilities of the Principal Cyber Advisor, Chief Information Officer, and the Commander of United States Cyber Command in establishing and overseeing the baselines assessed and identified under paragraph (4);

(6) the optimal command structure for the military services' and combatant commands' cybersecurity service providers and cyber protection teams;

(7) the responsibilities of network owners and cybersecurity service providers in mapping, configuring, instrumenting, and deploying sensors on networks to best support response of cyber protection teams when assigned to defend unfamiliar networks; and

(8) operational concepts and engineering changes to enhance remote access and operations of cyber protection teams on networks through tools and capabilities of the Cybersecurity Service Providers.

(c) RECOMMENDATIONS FOR FISCAL YEAR 2023 BUDGET.—The Chief Information Officer, the Chief Data Officer, the Commander of United States Cyber Command, and the Principal Cyber Advisor shall jointly develop recommendations for the Secretary of Defense in preparation of the budget justification materials to be submitted to Congress in support of the budget for the Department of Defense for fiscal year 2023 (as submitted with the budget of the President for such fiscal year under section 1105(a) of title 31, United States Code).

(d) PROGRESS BRIEFING.—Not later than March 31, 2021, the Chief Information Officer, the Chief Data Officer, the Commander of United States Cyber Command, and the Principal Cyber Advisor shall jointly provide a briefing to the congressional defense committees on the progress made in carrying out this section.

SEC. 1616. MODIFICATION OF ACQUISITION AUTHORITY OF COMMANDER OF UNITED STATES CYBER COMMAND.

Section 807 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2224 note) is amended—

(1) by striking subsections (e) and (i); and

(2) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

SEC. 1617. ASSESSMENT OF CYBER OPERATIONAL PLANNING AND DECONFLICTION POLICIES AND PROCESSES.

(a) ASSESSMENT.—Not later than November 1, 2021, the Principal Cyber Advisor of the Department of Defense and the Commander of United States Cyber Command shall jointly, in coordination with the Under Secretary of Defense for Policy, the Under Secretary of Defense for Intelligence and Security, and the Chairman of the Joint Chiefs of Staff, conduct and complete an assessment on the operational planning and deconfliction policies and processes that govern cyber operations of the Department of Defense.

(b) ELEMENTS.—The assessment required by subsection (a) shall include evaluations as to whether—

(1) the joint targeting cycle and relevant operational and targeting databases are suitable for the conduct of timely and well-coordinated cyber operations;

(2) each of the policies and processes in effect to facilitate technical, operational, and capability deconfliction are appropriate for the conduct of timely and effective cyber operations;

(3) intelligence gain-loss decisions made by Cyber Command are sufficiently well-informed and made in timely fashion;

(4) relevant intelligence data and products are consistently available and distributed to relevant planning and operational elements in Cyber Command;

(5) collection operations and priorities meet the operational requirements of Cyber Command; and

(6) authorities relevant to intelligence, surveillance, and reconnaissance and operational preparation of the environment are delegated to the appropriate level.

(c) BRIEFING.—Not later than February 1, 2022, the Principal Cyber Advisor and the Commander of United States Cyber Command shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the findings of the assessment completed under subsection (a), including discussion of planned policy and process changes, if any, relevant to cyber operations.

SEC. 1618. PILOT PROGRAM ON CYBERSECURITY CAPABILITY METRICS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense, acting through the Chief Information Officer of the Department of Defense and the Commander of United States Cyber Command, shall conduct a pilot program to assess the feasibility and advisability of developing and using speed-based metrics to measure the performance and effectiveness of security operations centers and cyber security service providers in the Department of Defense.

(b) REQUIREMENTS.—

(1) DEVELOPMENT OF METRICS.—(A) Not later than July 1, 2021, the Chief Information Officer and the Commander shall jointly develop metrics described in subsection (a) to carry out the pilot program under such subsection.

(B) The Chief Information Officer and the Commander shall ensure that the metrics developed under subparagraph (A) are commensurate with the representative timelines of nation-state and non-nation-state actors when gaining access to, and compromising, Department networks.

(2) USE OF METRICS.—(A) Not later than December 1, 2021, the Secretary shall, in carrying out the pilot program required by subsection (a), begin using the metrics developed under paragraph (1) of this subsection to assess select security operations centers and cyber security service providers, which the Secretary shall select specifically for purposes of the pilot program, for a period of not less than four months.

(B) In carrying out the pilot program under subsection (a), the Secretary shall evaluate the effectiveness of operators, capabilities available to operators, and operators' tactics, techniques, and procedures.

(c) AUTHORITIES.—In carrying out the pilot program under subsection (a), the Secretary may—

(1) assess select security operations centers and cyber security service providers—

(A) over the course of their mission performance; or

(B) in the testing and accreditation of cybersecurity products and services on test networks designated pursuant to section 1658 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92); and

(2) assess select elements' use of security orchestration and response technologies, modern endpoint security technologies, Big Data Platform instantiations, and technologies relevant to zero trust architectures.

(d) BRIEFING.—

(1) IN GENERAL.—Not later than March 1, 2022, the Secretary shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the findings of the Secretary with respect to the pilot program required by subsection (a).

(2) ELEMENTS.—The briefing provided under paragraph (1) shall include the following:

(A) The pilot metrics developed under subsection (b)(1).

(B) The findings of the Secretary with respect to the assessments carried out under subsection (b)(2).

(C) An analysis of the utility of speed-based metrics in assessing security operations centers and cyber security service providers.

(D) An analysis of the utility of the extension of the pilot metrics to or speed-based assessment of the Cyber Mission Forces.

(E) An assessment of the technical and procedural measures that would be necessary to meet the speed-based metrics developed and applied in the pilot program.

SEC. 1619. ASSESSMENT OF EFFECT OF INCONSISTENT TIMING AND USE OF NETWORK ADDRESS TRANSLATION IN DEPARTMENT OF DEFENSE NETWORKS.

(a) IN GENERAL.—Not later than March 1, 2021, the Chief Information Officer of the Department of Defense shall conduct comprehensive assessments as follows:

(1) TIMING VARIABILITY IN DEPARTMENT NETWORKS.—The Chief Information Officer shall characterize—

(A) timing variability across Department information technology and operational technology networks, appliances, devices, applications, and sensors that generate time-stamped data and metadata used for cybersecurity purposes;

(B) how timing variability affects current, planned, and potential capabilities for detecting network intrusions that rely on correlating events and the sequence of events; and

(C) how to harmonize standard of timing across Department networks.

(2) USE OF NETWORK ADDRESS TRANSLATION.—The Chief Information Officer shall characterize—

(A) why and how the Department is using Network Address Translation (NAT) and multiple layers and nesting of Network Address Translation;

(B) how using Network Address Translation affects the ability to link malicious communications detected at various network tiers to specific endpoints or hosts to enable prompt additional investigations, quarantine decisions, and remediation activities; and

(C) what steps and associated cost and schedule are necessary to eliminate the use of Network Address Translation or to otherwise provide transparency to network defenders, including options to accelerate the transition from Internet Protocol version 4 to Internet Protocol version 6.

(b) RECOMMENDATION.—The Chief Information Officer and the Principal Cyber Advisor shall submit to the Secretary of Defense a recommendation to address the assessments conducted under subsection (a), including whether and how to revise the cyber strategy of the Department.

(c) BRIEFING.—Not later than April 1, 2021, the Chief Information Officer shall brief the congressional defense committees on the findings of the Chief Information Officer with respect to the assessments conducted under subsection (a) and the recommendation submitted under subsection (b).

SEC. 1620. MATTERS CONCERNING THE COLLEGE OF INFORMATION AND CYBERSPACE AT NATIONAL DEFENSE UNIVERSITY.

(a) PROHIBITION.—The Secretary of Defense may not eliminate, divest, downsize, or reorganize the College of Information and Cyberspace of the National Defense University, or seek to reduce the number of students educated at the College, until 30 days after the date on which the congressional defense committees receive the report required by subsection (c).

(b) ASSESSMENT, DETERMINATION, AND REVIEW.—The Under Secretary of Defense for Policy, in consultation with the Under Secretary of Defense for Personnel and Readiness, the Principal Cyber Advisor, the Principal Information Operations Advisor of the Department of Defense, the Chief Information Officer of the Department, the Chief Financial Officer of the Department, the Chairman of the Joint Chiefs of Staff, and the Commander of United States Cyber Command, shall—

(1) assess requirements for joint professional military education and civilian leader education in the information environment and cyberspace domain to support the Department and other national security institutions of the Federal Government;

(2) determine whether the importance, challenges, and complexity of the modern information environment and cyberspace domain warrant—

(A) a college at the National Defense University, or a college independent of the National Defense University whose leadership is responsible to the Office of the Secretary of Defense; and

(B) the provision of resources, services, and capacity at levels that are the same as, or decreased or enhanced in comparison to, those resources, services, and capacity in place at the College of Information and Cyberspace on January 1, 2019;

(3) review the plan proposed by the National Defense University for eliminating the College of Information and Cyberspace and reducing and restructuring the information and cyberspace faculty, course offerings, joint professional military education and degree and certificate programs, and other services provided by the College; and

(4) assess the changes made to the College of Information and Cyberspace since January 1, 2019, and the actions necessary to reverse those changes, including relocating the College and its associated budget, faculty, staff, students, and facilities outside of the National Defense University.

(c) REPORT REQUIRED.—Not later than February 1, 2021, the Secretary shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary with respect to the assessments, determination, and review conducted under subsection (b); and

(2) such recommendations as the Secretary may have for higher education in the information environment and cyberspace domain.

SEC. 1621. MODIFICATION OF MISSION OF CYBER COMMAND AND ASSIGNMENT OF CYBER OPERATIONS FORCES.

Section 167b of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ''(1)'' before ''With the advice'';

(B) in paragraph (1), as designated by subparagraph (A), by striking the second sentence; and

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

''(2) The principal mission of the cyber command is to direct, synchronize, and coordinate cyber planning and operations to defend and advance national interests in collaboration with domestic and international partners.''; and

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

''(b) ASSIGNMENT OF FORCES.—(1) Active and reserve cyber forces of the armed forces shall be assigned to the cyber command through the Global Force Management Process, as approved by the Secretary of Defense.

''(2) Cyber forces not assigned to cyber command remain assigned to combatant commands or service-retained.''.

SEC. 1622. INTEGRATION OF DEPARTMENT OF DEFENSE USER ACTIVITY MONITORING AND CYBERSECURITY.

(a) INTEGRATION OF PLANS, CAPABILITIES, AND SYSTEMS.—The Secretary of Defense shall integrate the plans, capabilities, and systems for user activity monitoring, and the plans, capabilities, and systems for endpoint cybersecurity and the collection of metadata on network activity for cybersecurity to enable mutual support and information sharing.

(b) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

(1) consider using the Big Data Platform instances that host cybersecurity metadata for storage and analysis of all user activity monitoring data collected across the Department of Defense Information Network at all security classification levels;

(2) develop policies and procedures governing access to user activity monitoring data or data derived from user activity monitoring by cybersecurity operators; and

(3) develop processes and capabilities for using metadata on host and network activity for user activity monitoring in support of the insider threat mission.

(c) CONGRESSIONAL BRIEFING.—Not later than October 1, 2021, the Secretary shall provide a briefing to the congressional defense committees on actions taken to carry out this section.

SEC. 1623. DEFENSE INDUSTRIAL BASE CYBERSECURITY SENSOR ARCHITECTURE PLAN.

(a) PLAN REQUIRED.—Not later than February 1, 2021, the Principal Cyber Advisor of the Department of Defense, in consultation with the Chief Information Officer of the Department, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Intelligence and Security, and the Commander of United States Cyber Command, shall develop a comprehensive plan for the deployment of commercial-off-the-shelf solutions on supplier networks to monitor the public-facing Internet attack surface in the defense industrial base.

(b) CONTENTS.—The plan required by subsection (a) shall include the following:

(1) Definition of an architecture, concept of operations, and governance structure that—

(A) will allow for the instrumentation and collection of cybersecurity data on the public-facing Internet attack surfaces of defense industrial base contractors in a manner that is compatible with the Department's existing or future capabilities for analysis, and instrumentation and collection, as appropriate, of cybersecurity data within the Department of Defense Information Network;

(B) includes the expected scale, schedule, and guiding principles of deployment;

(C) is consistent with the defense industrial base cybersecurity policies and programs of the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer; and

(D) includes an acquisition strategy for sensor capabilities that optimizes required capability, scalability, cost, and intelligence and cybersecurity requirements.

(2) Roles and responsibilities of the persons referred to in subsection (a) in implementing and executing the plan.

(c) CONSULTATION.—In developing the plan required by subsection (a), the Principal Cyber Advisor shall ensure that extensive consultation with representative companies of the defense industrial base occurs so as to ensure that prospective participants in the defense industrial base understand and agree that emerging solutions are acceptable, practical, and effective.

(d) BRIEFING.—Not later than March 1, 2021, the Principal Cyber Advisor shall provide a

briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the plan developed pursuant to subsection (a).

SEC. 1624. EXTENSION OF CYBERSPACE SOLARIUM COMMISSION TO TRACK AND ASSESS IMPLEMENTATION.

Section 1652 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), as amended by section 1639 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in subsection (b)(1)(B)—

(A) in clause (i), by striking ''under clauses (iv) through (vii) of subparagraph (A)'' and inserting ''under clauses (v) through (viii) of subparagraph (A)''; and

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

''(iv) Effective on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the composition of the Commission shall not include clauses (i) through (iv) of subparagraph (A).'';

(2) in subsection (d)(2), by striking ''Seven members shall'' and inserting ''Seven members, during the period beginning on the date of the establishment of the Commission and ending on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, and six members, during the period beginning on the date of the enactment of such Act and ending on the date of the termination of the Commission, shall'';

(3) in subsection (i)(1)(B)—

(A) by striking ''Members of the Commission who'' inserting ''(i) During the period beginning on the date of the establishment of the Commission and ending on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, members of the Commission who''; and

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

''(ii) During the period beginning on the date of the enactment of such Act and ending on the date of the termination of the Commission, members of the Commission who are Members of Congress shall receive no additional pay by reason of their service on the Commission.''; and

(4) in subsection (k)(2)—

(A) in subparagraph (A), by striking ''120 day period'' and inserting ''16 month period with no further extensions permitted'';

(B) by amending subparagraph (B) to read as follows:

''(B) The Commission may use the 16 month period referred to in subparagraph (A) for the purposes of—

''(i) collecting and assessing comments and feedback from the Federal departments and agencies, as well as published reviews, on the analysis and recommendations contained in the final report under paragraph (1);

''(ii) collecting and assessing any developments in cybersecurity that may affect the recommendations in such report;

''(iii) reviewing the implementation of the recommendations contained in such report; and

''(iv) revising or amending recommendations based on the assessments and reviews conducted under clauses (i) through (iii);

''(C) During the 16 month period referred to in subparagraph (A), the Commission shall—

''(i) provide, in such manner and format as the Commission considers appropriate, an annual update on such report and any revisions or amendments reached by the Commission under subparagraph (B)(iv) to—

''(I) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate;

''(II) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Homeland Security of the House of Representatives;

''(III) the Director of National Intelligence;

''(IV) the Secretary of Defense; and

''(V) the Secretary of Homeland Security; and

''(ii) conclude its activities, including providing testimony to Congress concerning the final report under paragraph (1) and disseminating such report.''; and

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

''(D) In the event that the Commission is extended, and the effective date of the extension comes after the time set for the Commission's termination, the Commission shall be deemed reconstituted with the same members and powers that existed at the time of termination of the Commission, except that—

''(i) a member of the Commission shall only serve if the member's position continues to be authorized under subsection (b);

''(ii) no compensation or entitlements relating to a person's status with the Commission shall be due for the period between the termination and reconstitution of the Commission;

''(iii) nothing in this paragraph shall be deemed as requiring the extension or reemployment of any staff member or contractor working for the Commission;

''(iv) the staff of the commission—

''(I) shall be selected by the co-chairs of the Commission in accordance with subsection (h)(1);

''(II) shall be comprised of not more than four individuals, including a staff director;

''(III) shall be resourced in accordance with subsection (g)(4)(A); and

''(IV) with the approval of the co-chairs, may be provided by contract with a nongovernmental organization;

''(v) any unexpended funds made available for the use of the Commission shall continue to be available for use for the life of the Commission, as well as any additional funds appropriated to the Department of Defense that are made available to the Commission, provided that the total such funds does not exceed $1,000,000 from the reconstitution of the Commission to the completion of the Commission; and

''(vi) the requirement for an annual assessment of the final report in subsection (l) shall be in effect until the termination of the Commission.''.

SEC. 1625. REVIEW OF REGULATIONS AND PROMULGATION OF GUIDANCE RELATING TO NATIONAL GUARD RESPONSES TO CYBER ATTACKS.

(a) IN GENERAL.—Not later than December 31, 2021, the Secretary of Defense, in coordination with the Secretary of Homeland Security, shall—

(1) review and, if the Secretary determines necessary, update regulations promulgated under section 903 of title 32, United States Code, to clarify when and under what conditions the participation of the National Guard in a response to a cyber attack qualifies as a homeland defense activity that would be compensated for by the Secretary of Defense under section 902 of such title; and

(2) promulgate guidance on how units of the National Guard shall collaborate with the Cybersecurity and Infrastructure Security Agency and the Federal Bureau of Investigation through multi-agency task forces, information-sharing groups, incident response planning and exercises, State fusion centers, and other relevant forums and activities.

(b) ANNEX OF NATIONAL CYBER INCIDENT RESPONSE PLAN.—Not later than December 31, 2021, the Secretary of Homeland Security, in coordination with the Secretary of Defense, shall develop an annex to the National Cyber Incident Response Plan that details those regulations and guidance reviewed, updated, and promulgated under paragraphs (1) and (2) of subsection (a).

SEC. 1626. IMPROVEMENTS RELATING TO THE QUADRENNIAL CYBER POSTURE REVIEW.

Section 1644(c) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), as amended by section 1635 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

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

''(1) The assessment and definition of the role of cyber forces in the national defense and military strategies of the United States.'';

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

''(2) Review of the following:

''(A) The role of cyber operations in combatant commander warfighting plans.

''(B) The ability of combatant commanders to respond to adversary cyber attacks.

''(C) The cyber capacity-building programs of the Department.'';

(3) by amending paragraph (3) to read as follows:

''(3) A review of the law, policies, and authorities relating to, and necessary for, the United States to maintain a safe, reliable, and credible cyber posture for defending against and responding to cyber attacks and for deterrence in cyberspace, including the following:

''(A) An assessment of the need for further delegation of cyber-related authorities, including those germane to information warfare, to the Commander of United States Cyber Command.

''(B) An evaluation of the adequacy of mission authorities for all cyber-related military components, defense agencies, directorates, centers, and commands.'';

(4) in paragraph (4), by striking ''A declaratory'' and inserting ''A review of the need for or for updates to a declaratory'';

(5) in paragraph (5), by striking ''Proposed'' and inserting ''A review of'';

(6) by amending paragraph (6) to read as follows:

''(6) A review of a strategy to deter, degrade, or defeat malicious cyber activity targeting the United States (which may include activities, capability development, and operations other than cyber activities, cyber capability development, and cyber operations), including—

''(A) a review and assessment of various approaches to competition and deterrence in cyberspace, determined in consultation with experts from Government, academia, and industry;

''(B) a comparison of the strengths and weaknesses of the approaches identified pursuant to subparagraph (A) relative to the threat of each other; and

''(C) an assessment as to how the cyber strategy will inform country-specific campaign plans focused on key leadership of Russia, China, Iran, North Korea, and any other country the Secretary considers appropriate.'';

(7) by striking paragraph (8) and inserting the following new paragraph (8):

''(8) A comprehensive force structure assessment of the Cyber Operations Forces of the Department for the posture review period, including the following:

''(A) A determination of the appropriate size and composition of the Cyber Mission

Forces to accomplish the mission requirements of the Department.

''(B) An assessment of the Cyber Mission Forces' personnel, capabilities, equipment, funding, operational concepts, and ability to execute cyber operations in a timely fashion.

''(C) An assessment of the personnel, capabilities, equipment, funding, and operational concepts of Cybersecurity Service Providers and other elements of the Cyber Operations Forces.'';

(8) by redesignating paragraphs (9) through (11) as subsections (12) through (15), respectively; and

(9) by inserting after paragraph (8), the following new paragraphs:

''(9) An assessment of whether the Cyber Mission Force has the appropriate level of interoperability, integration, and interdependence with special operations and conventional forces.

''(10) An evaluation of the adequacy of mission authorities for the Joint Force Provider and Joint Force Trainer responsibilities of United States Cyber Command, including the adequacy of the units designated as Cyber Operations Forces to support such responsibilities.

''(11) An assessment of the missions and resourcing of the combat support agencies in support of cyber missions of the Department.''.

SEC. 1627. REPORT ON ENABLING UNITED STATES CYBER COMMAND RESOURCE ALLOCATION.

(a) IN GENERAL.—Not later than January 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report detailing the actions the Secretary will undertake to implement clauses (ii) and (iii) of section 167b(d)(2) of title 10, United States Code, including actions to ensure that the Commander of United States Cyber Command has enhanced authority, direction, and control of the Cyber Operations Forces and the equipment budget that enables Cyber Operations Forces' operations and readiness, beginning with the budget to be submitted to Congress by the President under section 1105(a) of title 31, United States Code, for fiscal year 2024, and the budget justification materials for the Department of Defense to be submitted to Congress in support of such budget.

(b) ELEMENTS.—The report required by subsection (a) shall address the following items:

(1) The procedures by which the Principal Cyber Advisor (PCA) will exercise authority, direction, and oversight over the Commander of United States Cyber Command, with respect to Cyber Operations Forces-peculiar equipment and resources.

(2) The procedures by which the Commander of United States Cyber Command will—

(A) prepare and submit to the Secretary program recommendations and budget proposals for Cyber Operations Forces and for other forces assigned to the Cyber Command; and

(B) exercise authority, direction, and control over the expenditure of funds for—

(i) forces assigned to United States Cyber Command; and

(ii) Cyber Operations Forces assigned to other unified combatant commands.

(3) Recommendations for actions to enable the Commander of United States Cyber Command to execute the budget and acquisition responsibilities of the Commander in excess of currently imposed limits on the Cyber Operations Procurement Fund, including potential increases in personnel to support the Commander.

(4) The procedures by which the Secretary will categorize and track funding obligated or expended for Cyber Operations Forces-peculiar equipment and capabilities.

(5) The methodology and criteria by which the Secretary will characterize equipment as being Cyber Operations Forces-peculiar.

SEC. 1628. EVALUATION OF OPTIONS FOR ESTABLISHING A CYBER RESERVE FORCE.

(a) EVALUATION REQUIRED.—Not later than December 31, 2021, the Secretary of Defense shall conduct an evaluation of options for establishing a cyber reserve force.

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

(1) The capabilities and deficiencies in military and civilian personnel with needed cybersecurity expertise, and the quantity of personnel with such expertise, within the Department.

(2) The potential for a uniformed, civilian, or mixed cyber reserve force to remedy shortfalls in expertise and capacity.

(3) The ability of the Department to attract the personnel with the desired expertise to either a uniformed or civilian cyber reserve force.

(4) The number of personnel, the level of funding, and the composition of a cyber reserve force that would be required to meet the needs of the Department.

(5) Alternative models for establishing a cyber reserve force, including the following:

(A) A traditional uniformed military reserve component.

(B) A nontraditional uniformed military reserve component, with respect to drilling and other requirements such as grooming and physical fitness.

(C) Nontraditional civilian cyber reserve options.

(6) The impact a uniformed military cyber reserve would have on active duty and existing reserve forces, including the following:

(A) Recruiting.

(B) Promotion.

(C) Retention.

(7) The effect a civilian cyber reserve would have on active duty and existing reserve forces, and the private sector.

(c) REPORT.—Not later than February 1, 2022, the Secretary shall submit to the congressional defense committees a report on the evaluation conducted under subsection (a).

SEC. 1629. ENSURING CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) PLAN FOR IMPLEMENTATION OF FINDINGS AND RECOMMENDATIONS FROM FIRST ANNUAL ASSESSMENT OF CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.—Not later than October 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan, including a schedule and resourcing plan, for the implementation of the findings and recommendations included in the first report submitted under section 499(c)(3) of title 10, United States Code.

(b) CONCEPT OF OPERATIONS AND OVERSIGHT MECHANISM FOR CYBER DEFENSE OF NUCLEAR COMMAND AND CONTROL SYSTEM.—Not later than October 1, 2021, the Secretary shall develop and establish—

(1) a concept of operations for defending the nuclear command and control system against cyber attacks, including specification of the—

(A) roles and responsibilities of relevant entities within the Office of the Secretary, the military services, combatant commands, the Defense Agencies, and the Department of Defense Field Activities; and

(B) cybersecurity capabilities to be acquired and employed and operational tactics, techniques, and procedures, including cyber protection team and sensor deployment strategies, to be used to monitor, defend, and mitigate vulnerabilities in nuclear command and control systems; and

(2) an oversight mechanism or governance model for overseeing the implementation of the concept of operations developed and established under paragraph (1), related development, systems engineering, and acquisition activities and programs, and the plan required by subsection (a), including specification of the—

(A) roles and responsibilities of relevant entities within the Office of the Secretary, the military services, combatant commands, the Defense Agencies, and the Department of Defense Field Activities in overseeing the defense of the nuclear command and control system against cyber attacks;

(B) responsibilities and authorities of the Strategic Cybersecurity Program in overseeing and, as appropriate, executing—

(i) vulnerability assessments; and

(ii) development, systems engineering, and acquisition activities; and

(C) processes for coordination of activities, policies, and programs relating to the cybersecurity and defense of the nuclear command and control system.

SEC. 1630. MODIFICATION OF REQUIREMENTS RELATING TO THE STRATEGIC CYBERSECURITY PROGRAM AND THE EVALUATION OF CYBER VULNERABILITIES OF MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) EVALUATION OF CYBER VULNERABILITIES OF MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), as amended by section 1633 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by adding at the end the following new subsection:

''(i) ESTABLISHING REQUIREMENTS FOR PERIODICITY OF VULNERABILITY REVIEWS.—The Secretary of Defense shall establish policies and requirements for each major weapon system, and the priority critical infrastructure essential to the proper functioning of major weapon systems in broader mission areas, to be re-assessed for cyber vulnerabilities, taking into account upgrades or other modifications to systems and changes in the threat.

''(j) IDENTIFICATION OF SENIOR OFFICIAL.—Each secretary of a military department shall identify a senior official who shall be responsible for ensuring that cyber vulnerability assessments and mitigations for weapon systems and critical infrastructure are planned, funded, and carried out.''.

(2) TECHNICAL CORRECTION.—Such section 1647 of the National Defense Authorization Act for Fiscal Year 2016 is further amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by redesignating the second subsection (f), as added by section 1633 of the National Defense Authorization Act for Fiscal Year 2020, as subsection (g).

(b) STRATEGIC CYBERSECURITY PROGRAM.—Section 1640 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2224 note), is amended by striking subsections (a) through (e) and inserting the following new subsections:

''(a) IN GENERAL.—Not later than August 1, 2021, the Secretary of Defense shall, acting through the Director of the National Security Agency and in coordination with the Vice Chairman of the Joint Chiefs of Staff, establish a program to be known as the 'Strategic Cybersecurity Program' (in this section referred to as the 'Program').

''(b) ELEMENTS.—

''(1) IN GENERAL.—The Program shall be comprised of personnel assigned to the Program by the Secretary from among personnel, including regular and reserve members of the Armed Forces, civilian employees

of the Department of Defense (including the Defense intelligence agencies), and personnel of the research laboratories of the Department of Defense and the Department of Energy, who have particular expertise in the areas of responsibility described in subsection (c).

''(2) DEPARTMENT OF ENERGY PERSONNEL.—Any personnel assigned to the Program from among personnel of the Department of Energy shall be so assigned with the concurrence of the Secretary of Energy.

''(3) PROGRAM MANAGER.—The Secretary of Defense shall designate a manager for the Program (in this section referred to as the 'Program manager').

''(c) RESPONSIBILITIES.—

''(1) IN GENERAL.—The Program manager and the personnel assigned to the Program shall improve the end-to-end cybersecurity of all of the systems, critical infrastructure, kill chains, and processes that make up the following military missions of the Department of Defense:

''(A) Nuclear deterrence and strike.

''(B) Select long-range conventional strike missions germane to the warfighting plans of United States European Command and United States Indo-Pacific Command.

''(C) Offensive cyber operations.

''(D) Homeland missile defense.

''(2) ASSESSING AND REMEDIATING VULNERABILITIES IN MISSION EXECUTION.—In carrying out the activities described in paragraph (1), the Program manager shall conduct end-to-end vulnerability assessments and undertake or oversee remediation of identified vulnerabilities in the systems and processes on which the successful execution of the missions delineated in paragraph (1) depend.

''(3) ACQUISITION AND SYSTEMS ENGINEERING REVIEW.—In carrying out paragraph (1), the Program manager shall conduct appropriate reviews of acquisition and systems engineering plans for proposed systems and infrastructure. The review of an acquisition plan for any proposed system or infrastructure shall be carried out before Milestone B approval for such system or infrastructure.

''(d) INTEGRATION WITH OTHER EFFORTS.—The Secretary shall ensure that the Program builds upon, and does not duplicate, other efforts of the Department of Defense relating to cybersecurity, including the following:

''(1) The evaluation of cyber vulnerabilities of major weapon systems of the Department of Defense required under section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

''(2) The evaluation of cyber vulnerabilities of Department of Defense critical infrastructure required under section 1650 of the National Defense Authorization Act for Fiscal year 2017 (Public Law 114–328; 10 U.S.C. 2224 note).

''(3) The activities of the cyber protection teams of the Department of Defense.

''(e) MISSION DEFINITION.—The Vice Chairman of the Joint Chiefs of Staff shall coordinate with the Director of the National Security Agency and the commanders of the unified combatant commands to define the elements of the missions that will be included in the Program, and shall be responsible for updating those definitions as necessary.

''(f) BRIEFING.—Not later than December 1, 2021, the Secretary of Defense shall provide a briefing to the congressional defense committees on the establishment of the Program, and the plans, funding, and staffing of the Program.''.

SEC. 1631. DEFENSE INDUSTRIAL BASE PARTICIPATION IN A CYBERSECURITY THREAT INTELLIGENCE SHARING PROGRAM.

(a) DEFENSE INDUSTRIAL BASE THREAT INTELLIGENCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall establish a threat intelligence sharing program to share threat intelligence with, and obtain threat intelligence from, the defense industrial base.

(2) PROGRAM REQUIREMENTS.—At a minimum, the Secretary shall ensure that the program established pursuant to paragraph (1) includes the following:

(A) Cybersecurity incident reporting requirements applicable to the defense industrial base that—

(i) extend beyond mandatory incident reporting requirements in effect on the day before the date of the enactment of this Act;

(ii) set specific timeframes for all categories of incident reporting;

(iii) establishes a single clearinghouse for all mandatory incident reporting to the Department of Defense, including incidents involving covered unclassified information, and classified information; and

(iv) provide that, unless authorized or required by another provision of law or the element of the defense industrial base making the report consents, nonpublic information of which the Department becomes aware only because of a report provided pursuant to the program shall be disseminated and used only for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(B) A mechanism for developing a shared and real-time picture of the threat environment.

(C) Joint, collaborative, and co-located analytics.

(D) Investments in technology and capabilities to support automated detection and analysis across the defense industrial base.

(E) Coordinated intelligence tipping, sharing, and deconfliction, as necessary, with relevant government agencies with similar intelligence sharing programs.

(b) THREAT INTELLIGENCE PROGRAM PARTICIPATION.—

(1) PROCUREMENT.—The Secretary either may require or shall encourage and provide incentive for companies to participate in the threat intelligence sharing program required by subsection (a).

(2) IMPLEMENTATION.—In implementing paragraph (1), the Secretary shall—

(A) create tiers of requirements for participation within the program based on—

(i) the role of and relative threats related to entities within the defense industrial base; and

(ii) Cybersecurity Maturity Model Certification level; and

(B) prioritize available funding and technical support to assist affected businesses, institutions, and organizations as is reasonably necessary for those affected entities to commence participation in the threat intelligence sharing program and to meet any applicable program requirements.

(c) EXISTING INFORMATION SHARING PROGRAMS.—The Secretary may utilize an existing Department information sharing program to satisfy the requirement in subsection (a) if—

(1) the existing program includes, or is modified to include, two-way sharing of threat information that is specifically relevant to the defense industrial base; and

(2) such a program is coordinated with other government agencies with existing intelligence sharing programs where overlap occurs.

(d) REGULATIONS.—

(1) RULEMAKING AUTHORITY.—Not later than December 15, 2021, the Secretary shall promulgate such rules and regulations as are necessary to carry out this section.

(2) CYBERSECURITY MATURITY MODEL CERTIFICATION PROGRAM HARMONIZATION.—The Secretary shall ensure that any intelligence sharing requirements set forth in the rules and regulations promulgated pursuant to paragraph (1) consider an entity's maturity and role within the defense industrial base, consistent with the maturity certification levels established in the Cybersecurity Maturity Model Certification program of the Department.

(e) COMMUNITY CONSENT.—

(1) IN GENERAL.—As part of the program established pursuant to subsection (a), the Secretary either may require through contractual mechanisms or shall encourage entities in the defense industrial base to consent to queries of foreign intelligence collection databases related to the entities, provided that intelligence information provided to companies is handled in a manner that protects sources and methods.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require that the elements of the intelligence community conduct queries on defense industrial base companies to detect cybersecurity threats to such companies or to require that information resulting from such queries be provided to such companies.

(f) REPORT REQUIRED.—Not later than March 1, 2022, the Secretary shall submit to the congressional defense committees a report that includes a description of—

(1) mandatory requirements levied on defense industrial base entities regarding cyber incidents;

(2) Department procedures for ensuring the confidentiality and security of data provided by such entities to the Department on either a voluntary or mandatory basis; and

(3) any other matters regarding the program established under subsection (a) the Secretary considers significant.

(g) DEFINITIONS.—In this section:

(1) The term ''defense industrial base'' means the Department of Defense, Federal Government, and private sector worldwide industrial complex with capabilities to perform research and development, design, produce, and maintain military weapon systems, subsystems, components, or parts to satisfy military requirements.

(2) The term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(3) The term ''threat intelligence'' means cybersecurity information collected and shared amongst the defense industrial base.

SEC. 1632. ASSESSMENT ON DEFENSE INDUSTRIAL BASE CYBERSECURITY THREAT HUNTING.

(a) ASSESSMENT REQUIRED.—Not later than December 1, 2021, the Secretary of Defense shall complete an assessment of—

(1) the adequacy of the threat hunting elements of the compliance-based Cybersecurity Maturity Model Certification program of the Department of Defense; and

(2) the need for continuous threat hunting operations on defense industrial base networks conducted by the Department of Defense, prime contractors, or third-party cybersecurity vendors.

(b) ELEMENTS.—The assessment completed under section (a) shall include evaluation of the following:

(1) The adequacy of the requirements at each level of the Cybersecurity Maturity Model Certification, including requirements germane to continuous monitoring, discovery, and investigation of anomalous activity indicative of a cybersecurity incident.

(2) The need for the establishment of a continuous threat-hunting operational model, as a supplement to the cyber hygiene requirements of the Cybersecurity Maturity Model Certification, in which network activity is comprehensively and continuously monitored for signs of compromise.

(3) Whether the continuous threat-hunting operations described in paragraph (2) should be conducted by—

(A) United States Cyber Command;

(B) a component of the Department of Defense other than United States Cyber Command;

(C) qualified prime contractors or subcontractors;

(D) accredited third-party cybersecurity vendors; or

(E) a combination of the entities specified in subparagraphs (A) through (D).

(4) Criteria for the prime contractors and subcontractors that should be subject to continuous threat-hunting operations as described in paragraph (2).

(c) BRIEFING.—Not later than February 1, 2022, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on—

(1) the findings of the Secretary with respect to the assessment completed under subsection (a); and

(2) such implementation plans as the Secretary may have arising out of the findings described in paragraph (1).

SEC. 1633. ASSESSING RISK TO NATIONAL SECURITY OF QUANTUM COMPUTING.

(a) COMPREHENSIVE ASSESSMENT AND RECOMMENDATIONS REQUIRED.—Not later than December 31, 2022, the Secretary of Defense shall—

(1) complete a comprehensive assessment of the current and potential threats and risks posed by quantum computing technologies to critical national security systems, including—

(A) identification and prioritization of critical national security systems at risk;

(B) assessment of the standards of the National Institute of Standards and Technology for quantum resistant cryptography and their applicability to cryptographic requirements of the Department of Defense;

(C) feasibility of alternative quantum resistant algorithms and features; and

(D) funding shortfalls in public and private developmental efforts relating to quantum resistant cryptography; and

(2) develop recommendations for research, development, and acquisition activities, including resourcing schedules, for securing the national security systems identified in paragraph (1)(A) against quantum computing code-breaking capabilities.

(b) BRIEFING.—Not later than February 1, 2023, the Secretary shall brief the congressional defense committees on the assessment completed under paragraph (1) of subsection (a) and the recommendations developed under paragraph (2) of such subsection.

SEC. 1634. APPLICABILITY OF REORIENTATION OF BIG DATA PLATFORM PROGRAM TO DEPARTMENT OF NAVY.

(a) IN GENERAL.—Section 1651 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following new subsection:

''(e) APPLICABILITY.—The requirements of this section shall apply in full to the Department of the Navy, including the Sharkcage and associated programs.''.

(b) BRIEFING.—Not later than January 1, 2021, the Secretary of the Navy, the program manager of the Unified Platform program, the Chief Information Officer, and the Principal Cyber Advisor shall jointly brief the congressional defense committees on the compliance of the Department of the Navy with the requirements of such section, as amended by paragraph (1).

SEC. 1635. EXPANSION OF AUTHORITY FOR ACCESS AND INFORMATION RELATING TO CYBER ATTACKS ON OPERATIONALLY CRITICAL CONTRACTORS OF THE ARMED FORCES.

Section 391(c) of title 10, United States Code, is amended—

(1) by amending paragraph (3) to read as follows:

''(3) ARMED FORCES ASSISTANCE AND ACCESS TO EQUIPMENT AND INFORMATION BY MEMBERS OF THE ARMED FORCES.—The procedures established pursuant to subsection (a) shall—

''(A) include mechanisms for a member of the armed forces—

''(i) if requested by an operationally critical contractor, to assist the contractor in detecting and mitigating penetrations; or

''(ii) at the request of the Secretary of Defense or the Commandant of the Coast Guard, to obtain access to equipment or information of an operationally critical contractor necessary to conduct a forensic analysis, in addition to any analysis conducted by the contractor; and

''(B) provide that an operationally critical contractor is only required to provide access to equipment or information as described in subparagraph (A) to determine whether—

''(i) information created by or for the armed forces in connection with any program of the armed forces was successfully exfiltrated from or compromised on a network or information system of such contractor and, if so, what information was exfiltrated or compromised; or

''(ii) the ability of the contractor to provide operationally critical support has been affected and, if so, how and to what extent it has been affected.'';

(2) in paragraph (4), by inserting '', so as to minimize delays in or any curtailing of the cyber response or defensive actions of the Department or the Coast Guard'' after ''specific person''; and

(3) in paragraph (5)(C), by inserting ''or counterintelligence activities'' after ''investigations''.

SEC. 1636. REQUIREMENTS FOR REVIEW OF AND LIMITATIONS ON THE JOINT REGIONAL SECURITY STACKS ACTIVITY.

(a) BASELINE REVIEW.—Not later than October 1, 2021, the Secretary of Defense shall undertake a baseline review of the Joint Regional Security Stacks (JRSS) to determine whether the activity—

(1) should proceed as a program of record, with modifications as specified in section (b), for exclusively the Non-Classified Internet Protocol Network (NIPRNET) or for such network and the Secret Internet Protocol Network (SIPRNET); or

(2) should be phased out across the Department of Defense with each of the Joint Regional Security Stacks replaced through the institution of cost-effective and capable networking and cybersecurity technologies, architectures, and operational concepts within five years of the date of the enactment of this Act.

(b) PLAN TO TRANSITION TO PROGRAM OF RECORD.—If the Secretary determines under subsection (a) that the Joint Regional Security Stacks activity should proceed, not later than October 1, 2021, the Secretary shall develop a plan to transition such activity to a program of record, governed by standard Department of Defense acquisition program requirements and practices, including the following:

(1) Baseline operational requirements documentation.

(2) An acquisition strategy and baseline.

(3) A program office and responsible program manager, under the oversight of the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense, responsible for pertinent doctrine, organization, training, materiel, leadership and education, personnel, facilities and policy matters, and the development of effective tactics, techniques, and procedures;

(4) manning and training requirements documentation; and

(5) operational test planning.

(c) LIMITATIONS.—

(1) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated by this Act may be used to field Joint Regional Security Stacks on the Secret Internet Protocol Network in fiscal year 2021.

(2) LIMITATION ON OPERATIONAL DEPLOYMENT.—The Secretary may not conduct an operational deployment of Joint Regional Security Stacks to the Secret Internet Protocol Network in fiscal year 2021.

(d) SUBMITTAL TO CONGRESS.—Not later than December 1, 2021, the Secretary shall submit to the congressional defense committees—

(1) the findings of the Secretary with respect to the baseline review conducted under subsection (a);

(2) the plan developed under subsection (b), if any; and

(3) a proposal for the replacement of Joint Regional Security Stacks, if the Secretary determines under subsection (a) that it should be replaced.

SEC. 1637. INDEPENDENT ASSESSMENT OF ESTABLISHMENT OF A NATIONAL CYBER DIRECTOR.

(a) ASSESSMENT.—Not later than December 1, 2020, the Secretary of Defense, in coordination with the Secretary of Homeland Security, shall seek to enter into an agreement with an independent organization with relevant expertise in cyber policy and governmental organization to conduct and complete an assessment of the feasibility and advisability of establishing a National Cyber Director.

(b) ELEMENTS.—The assessment required under subsection (a) shall include a review of and development of recommendations germane to the following, including the development of proposed legislative text for the establishment of a National Cyber Director:

(1) The authorities necessary to bring capabilities and capacities together across the interagency, all levels of government, and the private sector.

(2) A definition of the roles of the National Cyber Director in planning, preparing, and directing integrated cyber operations in response to a major cyber attack on the United States, including intelligence operations, law enforcement actions, cyber effects operations, defensive operations, and incident response operations.

(3) The authorities necessary to align resources to cyber priorities.

(4) The structure of the office of the National Cyber Director and position within government.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense shall submit to the appropriate committees of Congress a report on—

(A) the findings of the independent organization with respect to the assessment carried out under subsection (a); and

(B) the recommendations developed as part of such assessment under subsection (b).

(2) FORM.—The report submitted under paragraph (1) shall be submitted in a publicly releasable and unclassified format, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

SEC. 1638. MODIFICATION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CYBER OPERATIONS-PECULIAR CAPABILITY DEVELOPMENT PROJECTS.

(a) IN GENERAL.—Section 1640 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by redsignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) in subsection (a)—

(A) by striking ''The Secretary of Defense'' and inserting ''Subject to subsection (b), the Commander of the United States Cyber Command'';

(B) by striking ''per service'' and inserting ''per use''; and

(C) by striking ''through 2022'' and inserting ''through 2025''; and

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—(1) Each fiscal year, the Secretaries of the military departments concerned may each obligate and expend under subsection (a) not more than $20,000,000.

''(2) Each fiscal year, the Commander of the United States Cyber Command may obligate and expend under subsection (a) not more than $6,000,000.''.

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''through 2022'' and inserting ''through 2025''.

SEC. 1639. PERSONNEL MANAGEMENT AUTHORITY FOR COMMANDER OF UNITED STATES CYBER COMMAND AND DEVELOPMENT PROGRAM FOR OFFENSIVE CYBER OPERATIONS.

(a) PERSONNEL MANAGEMENT AUTHORITY FOR COMMANDER OF UNITED STATES CYBER COMMAND TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.—Section 1599h of title 10, United States Code, as amended by section 212 of National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92)), is further amended—

(1) in subsection (a), by adding at the end the following:

''(7) UNITED STATES CYBER COMMAND.—The Commander of United States Cyber Command may carry out a program of personnel management authority provided in subsection (b) in order to facilitate the recruitment of eminent experts in computer science, data science, engineering, mathematics, and computer network exploitation within the headquarters of United States Cyber Command and the Cyber National Mission Force.''; and

(2) in subsection (b)(1)—

(A) in subparagraph (E), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (F), by striking the semicolon and inserting ''; and''; and

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

''(G) in the case of United States Cyber Command, appoint computer scientists, data scientists, engineers, mathematicians, and computer network exploitation specialists to a total of not more than 10 scientific and engineering positions in the Command;''.

(b) PROGRAM TO DEVELOP ACCESSES, DISCOVER VULNERABILITIES, AND ENGINEER CYBER TOOLS AND DEVELOP TACTICS, TECHNIQUES, AND PROCEDURES FOR OFFENSIVE CYBER OPERATIONS.—

(1) IN GENERAL.—Pursuant to the authority provided under section 1599h(a)(7) of such title, as added by subsection (a), the Commander of United States Cyber Command shall establish a program or augment an existing program within the Command to develop accesses, discover vulnerabilities, and engineer cyber tools and develop tactics, techniques, and procedures for the use of these assets and capabilities in offensive cyber operations.

(2) ELEMENTS.—The program or augmented program required by paragraph (1) shall—

(A) develop accesses, tools, vulnerabilities, and tactics, techniques, and procedures fit for Department of Defense military operations in cyberspace, such as reliability, meeting short development and operational timelines, low cost, and expendability;

(B) aim to decrease the reliance of Cyber Command on accesses, tools, and expertise provided by the intelligence community;

(C) be designed to provide technical and operational expertise on par with that of programs of the intelligence community;

(D) enable the Commander to attract and retain expertise resident in the private sector and other technologically elite government organizations; and

(E) coordinate development activities with, and, as appropriate, facilitate transition of capabilities from, the Defense Advanced Research Projects Agency, the Strategic Capabilities Office, and components within the intelligence community.

(3) INTELLIGENCE COMMUNITY DEFINED.—In this subsection, the term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1640. IMPLEMENTATION OF INFORMATION OPERATIONS MATTERS.

Of the amounts authorized to be appropriated for fiscal year 2021 by section 301 for operation and maintenance and available for the Office of the Secretary of Defense for the travel of persons as specified in the table in section 4301—

(1) not more than 25 percent shall be available until the date on which the report required by subsection (h)(1) of section 1631 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services House of Representatives; and

(2) not more than 75 percent shall be available until the date on which the strategy and posture review required by subsection (g) of such section is submitted to such committees.

SEC. 1641. REPORT ON CYBER INSTITUTES PROGRAM.

Section 1640 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2310; 10 U.S.C. 2200 note) is amended by adding at the end the following:

''(g) REPORT TO CONGRESS.—Not later than September 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effectiveness of the Cyber Institutes and on opportunities to expand the Cyber Institutes to additional select institutions of higher learning that have a Reserve Officers' Training Corps program.''.

SEC. 1642. ASSISTANCE FOR SMALL MANUFACTURERS IN THE DEFENSE INDUSTRIAL SUPPLY CHAIN ON MATTERS RELATING TO CYBERSECURITY.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Defense, in consultation with the Director of the National Institute of Standards and Technology, may award financial assistance to a Center for the purpose of providing cybersecurity services to small manufacturers.

(b) CRITERIA.—The Secretary, in consultation with the Director, shall establish and publish on the grants.gov website, or successor website, criteria for selecting recipients for financial assistance under this section.

(c) USE OF FINANCIAL ASSISTANCE.—Financial assistance under this section—

(1) shall be used by a Center to provide small manufacturers with cybersecurity services relating to—

(A) compliance with the cybersecurity requirements of the Department of Defense Supplement to the Federal Acquisition Regulation, including awareness, assessment, evaluation, preparation, and implementation of cybersecurity services; and

(B) achieving compliance with the Cybersecurity Maturity Model Certification framework of the Department of Defense; and

(2) may be used by a Center to employ trained personnel to deliver cybersecurity services to small manufacturers.

(d) BIENNIAL REPORTS.—

(1) IN GENERAL.—Not less frequently than once every two years, the Secretary shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a biennial report on financial assistance awarded under this section.

(2) CONTENTS.—To the extent practicable, each report submitted under paragraph (1) shall include the following with respect to the years covered by the report:

(A) The number of small manufacturing companies assisted.

(B) A description of the cybersecurity services provided.

(C) A description of the cybersecurity matters addressed.

(D) An analysis of the operational effectiveness and cost-effectiveness of the cybersecurity services provided.

(e) TERMINATION.—The authority of the Secretary to award of financial assistance under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(f) DEFINITIONS.—In this section:

(1) The term ''Center'' has the meaning given such term in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).

(2) The term ''small manufacturer'' has the meaning given that term in section 1644(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2224 note).

SEC. 1643. STUDY ON CYBEREXPLOITATION OF MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) STUDY REQUIRED.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall complete a study on the cyberexploitation of the personal information and accounts of members of the Armed Forces and their families.

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

(1) An intelligence assessment of the threat currently posed by foreign government and non-state actor cyberexploitation of members of the Armed Forces and their families, including generalized assessments as to whether cyberexploitation of members of the Armed Forces and their families is a substantial threat as compared to other means of information warfare and as to whether cyberexploitation of members of the Armed Forces and their families is an increasing threat.

(2) Case-study analysis of three known occurrences of attempted cyberexploitation against members of the Armed Forces and their families, including assessments of the vulnerability and the ultimate consequences of the attempted cyberexploitation.

(3) A description of the actions taken by the Department of Defense to educate members of the Armed Forces and their families, including particularly vulnerable subpopulations, about any actions that can be taken to reduce these threats.

(4) An intelligence assessment of the threat posed by foreign government and non-state actor creation and use of deep fakes featuring members of the Armed Forces or their families, including generalized assessments of the maturity of the technology used in the creation of deep fakes and as to how deep fakes have been used or might be used to conduct information warfare.

(5) Development of recommendations for policy changes to reduce the vulnerability of members of the Armed Forces and their families to cyberexploitation, including recommendations for legislative or administrative action.

(c) REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the congressional defense committees a report on the findings of the Secretary with respect to the study required by subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term ''cyberexploitation'' means the use of digital means to knowingly access, or conspire to access, without authorization, an individual's personal information to be employed (or to be used) with malicious intent.

(2) The term ''deep fake'' means the digital insertion of a person's likeness into or digital alteration of a person's likeness in visual media, such as photographs and videos, without the person's permission and with malicious intent.

Subtitle C—Nuclear Forces

SEC. 1651. MODIFICATION TO RESPONSIBILITIES OF NUCLEAR WEAPONS COUNCIL.

Section 179(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively; and

(2) by inserting after paragraph (8) the following new paragraph (9):

''(9) Reviewing proposed capabilities, and establishing and validating performance requirements (as defined in section 181(h) of this title), for nuclear warhead programs.''.

SEC. 1652. RESPONSIBILITY OF NUCLEAR WEAPONS COUNCIL IN PREPARATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION BUDGET.

Paragraph (11) of section 179(d) of title 10, United States Code, as redesignated by section 1651, is further amended to read as follows:

''(11) As part of the planning, programming, budgeting, and execution process of the National Nuclear Security Administration—

''(A) providing guidance with respect to the development of the annual budget proposals of the Administration under section 3255 of the National Nuclear Security Administration Act;

''(B) reviewing the adequacy of such proposals under section 4717 of the Atomic Energy Defense Act; and

''(C) preparing, coordinating, and approving such proposals, including before such proposals are submitted to—

''(i) the Secretary of Energy;

''(ii) the Director of the Office of Management and Budget;

''(iii) the President; or

''(iv) Congress (as submitted with the budget of the President under section 1105(a) of title 31).''.

SEC. 1653. MODIFICATION OF GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ANNUAL REPORTS ON NUCLEAR WEAPONS ENTERPRISE.

Section 492a(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''review each report'' and inserting ''periodically review reports submitted''; and

(2) in paragraph (2), by striking ''not later'' and all that follows through ''submitted,''.

SEC. 1654. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2021 for the Department of Defense may be obligated or expended for the following, and the Department may not otherwise take any action to do the following:

(1) Reduce, or prepare to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States.

(2) Reduce, or prepare to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance or sustainment of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

SEC. 1655. SENSE OF THE SENATE ON NUCLEAR COOPERATION BETWEEN THE UNITED STATES AND THE UNITED KINGDOM.

It is the sense of the Senate that—

(1) the North Atlantic Treaty Organization (NATO) continues to play an essential role in the national security of the United States and the independent nuclear deterrents of other NATO members, such as the United Kingdom, have helped underwrite peace and security;

(2) the nuclear programs of the United States and the United Kingdom have enjoyed significant collaborative benefits as a result of the cooperative relationship formalized in the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington July 3, 1958, and entered into force August 4, 1958 (9 UST 1028), between the United States and the United Kingdom (commonly referred to as the ''Mutual Defense Agreement'');

(3) the unique partnership between the United States and the United Kingdom has enhanced sovereign military and scientific capabilities, strengthened bilateral ties, and shared costs, particularly on such programs as the Trident II D–5 weapons system and the common missile compartment for the future Dreadnought and Columbia classes of submarines;

(4) additionally, the extension of the nuclear deterrence commitments of the United Kingdom to members of the NATO alliance strengthens collective security while reducing the burden placed on United States nuclear forces to deter potential adversaries and assure allies of the United States and the United Kingdom;

(5) as the international security environment deteriorates and potential adversaries expand and enhance their nuclear forces, the extended deterrence commitments of the United Kingdom play an increasingly important role in supporting the security interests of the United States and allies of the United States and the United Kingdom;

(6) it is in the national security interest of the United States to support the United Kingdom with respect to the decision of the Government of the United Kingdom to maintain its nuclear deterrent until global security conditions warrant its elimination;

(7) as the United States must modernize its aging nuclear forces to ensure its ability to continue to field a nuclear deterrent that is safe, secure, and effective, the United Kingdom faces a similar challenge;

(8) bilateral cooperation on the parallel development of the W93/Mk7 warhead of the United States and the replacement warhead of the United Kingdom, as well as associated components, will allow the United States and the United Kingdom to responsibly address challenges within their legacy nuclear forces in a cost-effective manner that—

(A) preserves independent, sovereign control;

(B) is consistent with each country's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (21 UST 483) (commonly referred to as the ''Nuclear Non-Proliferation Treaty''); and

(C) supports nonproliferation objectives; and

(9) continued cooperation between the nuclear programs of United States and the United Kingdom, including through the W93/Mk7 program, is essential to ensuring that the NATO alliance continues to be supported by credible nuclear forces capable of preserving peace, preventing coercion, and deterring aggression.

Subtitle D—Missile Defense Programs

SEC. 1661. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act for fiscal year 2021 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $73,000,000 may be provided to the Government of Israel to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement;

(ii) an assessment detailing any risks relating to the implementation of such agreement; and

(iii) for system improvements resulting in modified Iron Dome components and Tamir interceptor sub-components, a certification that the Government of Israel has demonstrated successful completion of Production Readiness Reviews, including the validation of production lines, the verification of component conformance, and the verification of performance to specification as defined in the Iron Dome Defense System Procurement Agreement, as further amended.

(b) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (3), of the funds authorized to be appropriated for fiscal year 2021 for procurement, Defense-wide, and available for the Missile Defense

Agency not more than $50,000,000 may be provided to the Government of Israel to procure the David's Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

(2) AGREEMENT.—Provision of funds specified in paragraph (1) shall be subject to the terms and conditions in the bilateral co-production agreement, including—

(A) a one-for-one cash match is made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(B) co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David's Sling Weapon System is not less than 50 percent.

(3) CERTIFICATION AND ASSESSMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

(A) a certification that the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David's Sling Weapon System; and

(B) an assessment detailing any risks relating to the implementation of such agreement.

(c) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2021 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $77,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement for the Arrow 3 Upper Tier Interceptor Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.

(d) NUMBER.—In carrying out paragraph (2) of subsection (b) and paragraph (2) of subsection (c), the Under Secretary may submit—

(1) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(e) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification and assessment under subsection (b)(3) and the certification under subsection (c)(2) no later than 30 days before the funds specified in paragraph (1) of subsections (b) and (c) for the respective system covered by the certification are provided to the Government of Israel.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional defense committees.

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

SEC. 1662. ACCELERATION OF THE DEPLOYMENT OF HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR PAYLOAD.

(a) PRIMARY RESPONSIBILITY FOR DEVELOPMENT AND DEPLOYMENT OF HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR PAYLOAD.—

(1) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the Secretary shall—

(A) assign the Director of the Missile Defense Agency with the principal responsibility for the development and deployment of a hypersonic and ballistic tracking space sensor payload through the end of fiscal year 2022; and

(B) submit to the congressional defense committees certification of such assignment.

(2) TRANSITION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees—

(A) a determination regarding whether responsibility for a hypersonic and ballistic tracking space sensor payload should be transitioned to the United States Space Force at the end of fiscal year 2022 or later; and

(B) if the Secretary so determines, a plan for transition of primary responsibility that minimizes disruption to the program and provides for sufficient funding as described in subsection (b)(1).

(b) CERTIFICATION REGARDING FUNDING OF HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR PROGRAM.—

(1) IN GENERAL.—At the same time that the President submits to Congress pursuant to section 1105 of title 31, United States Code, the annual budget request of the President for fiscal year 2022, the Under Secretary of Defense Comptroller and the Director for Cost Assessment and Program Evaluation shall jointly submit to the congressional defense committees a certification as to whether the hypersonic and ballistic tracking space sensor program is sufficiently funded in the future-years defense program.

(2) FUNDING LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2021 under the Operations and Maintenance, Defense-Wide, account for the Office of Secretary of Defense travel of persons assigned to the Office of the Under Secretary of Defense for Research and Engineering, not more than 50 percent of such funds may be obligated or expended until the certification required by paragraph (1) is submitted under such paragraph.

(c) DEPLOYMENT DEADLINE.—Section 1683(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended—

(1) by striking ''(a) IN GENERAL.—'' and inserting the following:

''(a) DEVELOPMENT, TESTING, AND DEPLOYMENT.—

''(1) DEVELOPMENT.—''; and

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

''(2) TESTING AND DEPLOYMENT.—The Director shall begin on-orbit testing of a hypersonic and ballistic tracking space sensor no later than December 31, 2022, with full operational deployment as soon as technically feasible thereafter.

''(3) WAIVER.—The Secretary of Defense may waive the deadline for testing specified in paragraph (2) if the Secretary submits to the congressional defense committees a report containing—

''(A) the explanation why the Secretary cannot meet such deadline;

''(B) the technical risks and estimated cost of accelerating the program to attempt to meet such deadline;

''(C) an assessment of threat systems that could not be detected or tracked persistently due to waiving such deadline; and

''(D) a plan, including a timeline, for beginning the required testing.''.

(d) ASSESSMENT AND REPORT.—Not later than 120 days after the date of the enactment of this Act, the Chair of the Joint Requirements Oversight Council established under section 181 of title 10, United States Code, shall—

(1) complete an assessment on whether all efforts being made by the Missile Defense Agency, the Defense Advanced Research Projects Agency, the Air Force, and the Space Development Agency relating to space-based sensing and tracking capabilities for missile defense are aligned with the requirements of United States Strategic Command, United States Northern Command, United States European Command, and United States Indo-Pacific Command for missile tracking and missile warning that have been validated by the Joint Requirements Oversight Council; and

(2) submit to the congressional defense committees a report on the findings of the Chair with respect to the assessment conducted under paragraph (1).

SEC. 1663. EXTENSION OF PROHIBITION RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.

Section 130h(e) of title 10, United States Code, is amended by striking ''January 1, 2021'' and inserting ''January 1, 2026''.

SEC. 1664. REPORT ON AND LIMITATION ON EXPENDITURE OF FUNDS FOR LAYERED HOMELAND MISSILE DEFENSE SYSTEM.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2021, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the proposal for a layered homeland missile defense system included in the budget justification materials submitted to Congress in support of the budget for the Department of Defense for fiscal year 2021 (as submitted with the budget of the President for such year under section 1105(a) of title 31, United States Code).

(2) ELEMENTS REQUIRED.—The report required by paragraph (1) shall include the following:

(A) A description of the approved requirements for a layered homeland missile defense system, based on an assessment by the intelligence community of threats to be addressed at the time of deployment of such a system.

(B) An assessment of how such requirements addressed by a layered homeland missile defense system relate to those addressed by the existing ground-based midcourse defense system, including deployed ground-based interceptors and planned upgrades to such ground-based interceptors.

(C) An analysis of interceptor solutions to meet such requirements, to include land-based Standard Missile 3 (SM–3) Block IIA interceptor systems and the Terminal High Altitude Area Defense (THAAD) system, with the number of locations required for deployment and the production numbers of interceptors and related sensors.

(D) A site-specific fielding plan that includes possible locations, the number and type of interceptors and radars in each location, and any associated environmental or permitting considerations, including an assessment of the locations evaluated pursuant to section 227(b) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 1679; Public Law 112–239) for inclusion in the layered homeland missile defense system.

(E) Relevant policy considerations for deployment of such systems for defense against intercontinental ballistic missiles in the continental United States.

(F) A cost estimate and schedule for options involving a land-based Standard Missile 3 Block IIA interceptor system and the Terminal High Altitude Area Defense system, including required environmental assessments.

(G) A feasibility assessment of the necessary modifications to the Terminal High Altitude Area Defense system to address such requirements.

(H) An assessment of the industrial base capacity to support additional production of either a land-based Standard Missile 3 Block IIA interceptor system or the Terminal High Altitude Area Defense system.

(3) CONSULTATION.—In preparing the report required by paragraph (1), the Director shall consult with the following:

(A) The Under Secretary of Defense for Policy.

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

(C) The Vice Chairman of the Joint Chiefs of Staff, in Vice Chairman's capacity as the Chair of the Joint Requirements Oversight Council.

(D) The Commander, United States Strategic Command.

(E) The Commander, United States Northern Command.

(b) LIMITATION ON USE OF FUNDS.—Not more than 50 percent of the amounts authorized to be appropriated by this Act for fiscal year 2021 for the Missile Defense Agency for the purposes of a layered homeland missile defense system may be obligated or expended until the Director submits to the congressional defense committees the report required by subsection (a).

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1665. EXTENSION OF REQUIREMENT FOR COMPTROLLER GENERAL REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS.

Section 232(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended—

(1) in paragraph (1), by striking ''through 2020'' and inserting ''through 2025'';

(2) in paragraph (2)—

(A) by striking ''through 2021'' and inserting ''through 2026''; and

(B) by striking ''year. Each'' and all that follows through ''appropriate.'' and insert the following: '', which shall include such findings and recommendations as the Comptroller General considers appropriate.''; and

(3) by adding at the end the following new subsection:

''(3) REVIEW OF EMERGING ISSUES.—In carrying out this subsection, as the Comptroller General determines is warranted, the Comptroller General shall review emerging issues and, in consultation with the congressional defense committees, brief such committees or submit to such committees a report on the findings of the Comptroller General with respect to such review.''.

SEC. 1666. REPEAL OF REQUIREMENT FOR REPORTING STRUCTURE OF MISSILE DEFENSE AGENCY.

Section 205 of title 10, United States Code, is amended to read as follows:

''§ 205. Missile Defense Agency

''The Director of the Missile Defense Agency shall be appointed for a six-year term.''.

SEC. 1667. GROUND-BASED MIDCOURSE DEFENSE INTERIM CAPABILITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the nuclear and ballistic missile threats from rogue nations are increasing; and

(2) the Department of Defense should fully assess development of an interim ground-based missile defense capability while also pursuing the development of a next generation interceptor capability.

(b) INTERIM GROUND-BASED INTERCEPTOR.—

(1) DEVELOPMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Missile Defense Agency and in coordination with the Under Secretary of Defense for Acquisition and Sustainment, the Commander of the United States Northern Command, and the Commander of the United States Strategic Command, shall commence carrying out a program to develop an interim ground-based interceptor capability that will—

(A) use sound acquisition practices;

(B) address the majority of current and near- to mid-term projected ballistic missile threats to the United States homeland from rogue nations;

(C) at minimum, meet the proposed capabilities of the Redesigned Kill Vehicle program;

(D) leverage existing kill vehicle and booster technology; and

(E) appropriately balance interceptor performance with schedule of delivery.

(2) DEPLOYMENT.—The Secretary of Defense, acting through the Director of the Missile Defense Agency and in coordination with the Under Secretary of Defense for Acquisition and Sustainment, the Commander of the United States Northern Command, and the Commander of the United States Strategic Command, shall—

(A) conduct rigorous flight testing of the interim ground-based interceptor; and

(B) deliver 20 new ground-based interceptors by 2026.

(3) WAIVER AUTHORITY.—(A) The Secretary of Defense may waive the requirements under paragraphs (1) and (2) if the Secretary certifies to the congressional defense committees that—

(i) the technology development is not technically feasible;

(ii) the interim capability development is not in the national security interest of the United States; or

(iii) the next generation interceptor for the ground-based midcourse defense system can deliver capability before the program otherwise required by this subsection.

(B) If the Secretary chooses to waive the requirements under paragraphs (1) and (2), the Secretary shall submit to the congressional defense committees along with the certification required by subparagraph (A) of this paragraph—

(i) an explanation of the rationale for the decision;

(ii) an estimate of projected rogue nation threats to the United States homeland that will not be defended against until the fielding of the next generation interceptor for the ground-based midcourse defense system; and

(iii) an updated schedule for development and deployment of the next generation interceptor.

(C) The Secretary may not delegate the certification described in subparagraphs (A) and (B) unless the Secretary is recused, in which case the Secretary may delegate such certification to the Deputy Secretary of Defense.

(c) CAPABILITIES AND CRITERIA.—The Director shall ensure that the interim ground-based interceptor developed under subsection (c)(1) meets, at a minimum, the following capabilities and criteria:

(1) Vehicle-to-vehicle communications, as applicable.

(2) Vehicle-to-ground communications.

(3) Kill assessment capability.

(4) The ability to counter advanced counter measures, decoys, and penetration aids.

(5) Producibility and manufacturability.

(6) Use of technology involving high technology readiness levels.

(7) Options to integrate the new kill vehicle onto other missile defense interceptor vehicles other than the ground-based interceptors of the ground-based midcourse defense system.

(8) Sound acquisition processes.

(d) REPORT ON FUNDING PROFILE.—The Director shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2022 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the funding profile necessary for the interim ground-based interceptor program to meet the objectives under subsection (c).

TITLE XVII—HONG KONG AUTONOMY ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Hong Kong Autonomy Act''.

SEC. 1702. DEFINITIONS.

In this title:

(1) ALIEN; NATIONAL; NATIONAL OF THE UNITED STATES.—The terms ''alien'', ''national'', and ''national of the United States'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term ''appropriate congressional committees and leadership'' means—

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and

(B) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Speaker and the minority leader of the House of Representatives.

(3) BASIC LAW.—The term ''Basic Law'' means the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

(4) CHINA.—The term ''China'' means the People's Republic of China.

(5) ENTITY.—The term ''entity'' means a partnership, joint venture, association, corporation, organization, network, group, or subgroup, or any other form of business collaboration.

(6) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in section 5312(a)(2) of title 31, United States Code.

(7) HONG KONG.—The term ''Hong Kong'' means the Hong Kong Special Administrative Region of the People's Republic of China.

(8) JOINT DECLARATION.—The term ''Joint Declaration'' means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984.

(9) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge of the conduct, the circumstance, or the result.

(10) PERSON.—The term ''person'' means an individual or entity.

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any citizen or national of the United States;

(B) any alien lawfully admitted for permanent residence in the United States;

(C) any entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity); or

(D) any person located in the United States.

SEC. 1703. FINDINGS.

Congress makes the following findings:

(1) The Joint Declaration and the Basic Law clarify certain obligations and promises that the Government of China has made with respect to the future of Hong Kong.

(2) The obligations of the Government of China under the Joint Declaration were codified in a legally-binding treaty, signed by the Government of the United Kingdom of Great Britain and Northern Ireland and registered with the United Nations.

(3) The obligations of the Government of China under the Basic Law originate from the Joint Declaration, were passed into the domestic law of China by the National People's Congress, and are widely considered by citizens of Hong Kong as part of the de facto legal constitution of Hong Kong.

(4) Foremost among the obligations of the Government of China to Hong Kong is the promise that, pursuant to Paragraph 3b of the Joint Declaration, ''the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government''.

(5) The obligation specified in Paragraph 3b of the Joint Declaration is referenced, reinforced, and extrapolated on in several portions of the Basic Law, including Articles 2, 12, 13, 14, and 22.

(6) Article 22 of the Basic Law establishes that ''No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law.''.

(7) The Joint Declaration and the Basic Law make clear that additional obligations shall be undertaken by China to ensure the ''high degree of autonomy'' of Hong Kong.

(8) Paragraph 3c of the Joint Declaration states, as reinforced by Articles 2, 16, 17, 18, 19, and 22 of the Basic Law, that Hong Kong ''will be vested with executive, legislative and independent judicial power, including that of final adjudication''.

(9) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (8) of this section, including the following:

(A) In 1999, the Standing Committee of the National People's Congress overruled a decision by the Hong Kong Court of Final Appeal on the right of abode.

(B) On multiple occasions, the Government of Hong Kong, at the advice of the Government of China, is suspected to have not allowed persons entry into Hong Kong allegedly because of their support for democracy and human rights in Hong Kong and China.

(C) The Liaison Office of China in Hong Kong has, despite restrictions on interference in the affairs of Hong Kong as detailed in Article 22 of the Basic Law—

(i) openly expressed support for candidates in Hong Kong for Chief Executive and Legislative Council;

(ii) expressed views on various policies for the Government of Hong Kong and other internal matters relating to Hong Kong; and

(iii) on April 17, 2020, asserted that both the Liaison Office of China in Hong Kong and the Hong Kong and Macau Affairs Office of the State Council ''have the right to exercise supervision . . . on affairs regarding Hong Kong and the mainland, in order to ensure correct implementation of the Basic Law''.

(D) The National People's Congress has passed laws requiring Hong Kong to pass laws banning disrespectful treatment of the national flag and national anthem of China.

(E) The State Council of China released a white paper on June 10, 2014, that stressed the ''comprehensive jurisdiction'' of the Government of China over Hong Kong and indicated that Hong Kong must be governed by ''patriots''.

(F) The Government of China has directed operatives to kidnap and bring to the mainland, or is otherwise responsible for the kidnapping of, residents of Hong Kong, including businessman Xiao Jianhua and bookseller Gui Minhai.

(G) The Government of Hong Kong, acting with the support of the Government of China, introduced an extradition bill that would have permitted the Government of China to request and enforce extradition requests for any individual present in Hong Kong, regardless of the legality of the request or the degree to which it compromised the judicial independence of Hong Kong.

(H) The spokesman for the Standing Committee of the National People's Congress said, ''Whether Hong Kong's laws are consistent with the Basic Law can only be judged and decided by the National People's Congress Standing Committee. No other authority has the right to make judgments and decisions.''.

(10) Paragraph 3e of the Joint Declaration states, as reinforced by Article 5 of the Basic Law, that the ''current social and economic systems in Hong Kong will remain unchanged, as so will the life-style.''.

(11) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (10) of this section, including the following:

(A) In 2002, the Government of China pressured the Government of Hong Kong to introduce ''patriotic'' curriculum in primary and secondary schools.

(B) The governments of China and Hong Kong proposed the prohibition of discussion of Hong Kong independence and self-determination in primary and secondary schools, which infringes on freedom of speech.

(C) The Government of Hong Kong mandated that Mandarin, and not the native language of Cantonese, be the language of instruction in Hong Kong schools.

(D) The governments of China and Hong Kong agreed to a daily quota of mainland immigrants to Hong Kong, which is widely believed by citizens of Hong Kong to be part of an effort to ''mainlandize'' Hong Kong.

(12) Paragraph 3e of the Joint Declaration states, as reinforced by Articles 4, 26, 27, 28, 29, 30, 31, 32 33, 34, and 39 of the Basic Law, that the ''rights and freedoms, including those of person, of speech, of the press, of assembly, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and of religious belief will be ensured by law'' in Hong Kong.

(13) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (12) of this section, including the following:

(A) On February 26, 2003, the Government of Hong Kong introduced a national security bill that would have placed restrictions on freedom of speech and other protected rights.

(B) The Liaison Office of China in Hong Kong has pressured businesses in Hong Kong not to advertise in newspapers and magazines critical of the governments of China and Hong Kong.

(C) The Hong Kong Police Force selectively blocked demonstrations and protests expressing opposition to the governments of China and Hong Kong or the policies of those governments.

(D) The Government of Hong Kong refused to renew work visa for a foreign journalist, allegedly for hosting a speaker from the banned Hong Kong National Party.

(E) The Justice Department of Hong Kong selectively prosecuted cases against leaders of the Umbrella Movement, while failing to prosecute police officers accused of using excessive force during the protests in 2014.

(F) On April 18, 2020, the Hong Kong Police Force arrested 14 high-profile democracy activists and campaigners for their role in organizing a protest march that took place on August 18, 2019, in which almost 2,000,000 people rallied against a proposed extradition bill.

(14) Articles 45 and 68 of the Basic Law assert that the selection of Chief Executive and all members of the Legislative Council of Hong Kong should be by ''universal suffrage.''.

(15) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (14) of this section, including the following:

(A) In 2004, the National People's Congress created new, antidemocratic procedures restricting the adoption of universal suffrage for the election of the Chief Executive of Hong Kong.

(B) The decision by the National People's Congress on December 29, 2007, which ruled out universal suffrage in 2012 elections and set restrictions on when and if universal suffrage will be implemented.

(C) The decision by the National People's Congress on August 31, 2014, which placed limits on the nomination process for the Chief Executive of Hong Kong as a condition for adoption of universal suffrage.

(D) On November 7, 2016, the National People's Congress interpreted Article 104 of the Basic Law in such a way to disqualify 6 elected members of the Legislative Council.

(E) In 2018, the Government of Hong Kong banned the Hong Kong National Party and blocked the candidacy of pro-democracy candidates.

(16) The ways in which the Government of China, at times with the support of a subservient Government of Hong Kong, has acted

in contravention of its obligations under the Joint Declaration and the Basic Law, as set forth in this section, are deeply concerning to the people of Hong Kong, the United States, and members of the international community who support the autonomy of Hong Kong.

SEC. 1704. SENSE OF CONGRESS REGARDING HONG KONG.

It is the sense of Congress that—

(1) the United States continues to uphold the principles and policy established in the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701 et seq.) and the Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116–76; 22 U.S.C. 5701 note), which remain consistent with China's obligations under the Joint Declaration and certain promulgated objectives under the Basic Law, including that—

(A) as set forth in section 101(1) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5711(1)), ''The United States should play an active role, before, on, and after July 1, 1997, in maintaining Hong Kong's confidence and prosperity, Hong Kong's role as an international financial center, and the mutually beneficial ties between the people of the United States and the people of Hong Kong.''; and

(B) as set forth in section 2(5) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701(5)), ''Support for democratization is a fundamental principle of United States foreign policy. As such, it naturally applies to United States policy toward Hong Kong. This will remain equally true after June 30, 1997.'';

(2) although the United States recognizes that, under the Joint Declaration, the Government of China ''resumed the exercise of sovereignty over Hong Kong with effect on 1 July 1997'', the United States supports the autonomy of Hong Kong in furtherance of the United States-Hong Kong Policy Act of 1992 and the Hong Kong Human Rights and Democracy Act of 2019 and advances the desire of the people of Hong Kong to continue the ''one country, two systems'' regime, in addition to other obligations promulgated by China under the Joint Declaration and the Basic Law;

(3) in order to support the benefits and protections that Hong Kong has been afforded by the Government of China under the Joint Declaration and the Basic Law, the United States should establish a clear and unambiguous set of penalties with respect to foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, to be involved in the contravention of the obligations of China under the Joint Declaration and the Basic Law and the financial institutions transacting with those foreign persons;

(4) the Secretary of State should provide an unclassified assessment of the reason for imposition of certain economic penalties on entities, so as to permit a clear path for the removal of economic penalties if the sanctioned behavior is reversed and verified by the Secretary of State;

(5) relevant Federal agencies should establish a multilateral sanctions regime with respect to foreign persons involved in the contravention of the obligations of China under the Joint Declaration and the Basic Law; and

(6) in addition to the penalties on foreign persons, and financial institutions transacting with those foreign persons, for the contravention of the obligations of China under the Joint Declaration and the Basic Law, the United States should take steps, in a time of crisis, to assist permanent residents of Hong Kong who are persecuted or fear persecution as a result of the contravention by China of its obligations under the Joint Declaration and the Basic Law to become eligible to obtain lawful entry into the United States.

SEC. 1705. IDENTIFICATION OF FOREIGN PERSONS INVOLVED IN THE EROSION OF THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW AND FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT SIGNIFICANT TRANSACTIONS WITH THOSE PERSONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, if the Secretary of State, in consultation with the Secretary of the Treasury, determines that a foreign person is materially contributing to, has materially contributed to, or attempts to materially contribute to the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law, the Secretary of State shall submit to the appropriate congressional committees and leadership a report that includes—

(1) an identification of the foreign person; and

(2) a clear explanation for why the foreign person was identified and a description of the activity that resulted in the identification.

(b) IDENTIFYING FOREIGN FINANCIAL INSTITUTIONS.—Not earlier than 30 days and not later than 60 days after the Secretary of State submits to the appropriate congressional committees and leadership the report under subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the appropriate congressional committees and leadership a report that identifies any foreign financial institution that knowingly conducts a significant transaction with a foreign person identified in the report under subsection (a).

(c) EXCLUSION OF CERTAIN INFORMATION.—

(1) INTELLIGENCE.—The Secretary of State shall not disclose the identity of a person in a report submitted under subsection (a) or (b), or an update under subsection (e), if the Director of National Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) LAW ENFORCEMENT.—The Secretary of State shall not disclose the identity of a person in a report submitted under subsection (a) or (b), or an update under subsection (e), if the Attorney General, in coordination, as appropriate, with the Director of the Federal Bureau of Investigation, the head of any other appropriate Federal law enforcement agency, and the Secretary of the Treasury, determines that such disclosure could reasonably be expected—

(A) to compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) to jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) to endanger the life or physical safety of any person; or

(D) to cause substantial harm to physical property.

(3) NOTIFICATION REQUIRED.—If the Director of National Intelligence makes a determination under paragraph (1) or the Attorney General makes a determination under paragraph (2), the Director or the Attorney General, as the case may be, shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(d) EXCLUSION OR REMOVAL OF FOREIGN PERSONS AND FOREIGN FINANCIAL INSTITUTIONS.—

(1) FOREIGN PERSONS.—The President may exclude a foreign person from the report under subsection (a), or an update under subsection (e), or remove a foreign person from the report or update prior to the imposition of sanctions under section 1706(a) if the material contribution (as described in subsection (g)) that merited inclusion in that report or update—

(A) does not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(B) is not likely to be repeated in the future; and

(C) has been reversed or otherwise mitigated through positive countermeasures taken by that foreign person.

(2) FOREIGN FINANCIAL INSTITUTIONS.—The President may exclude a foreign financial institution from the report under subsection (b), or an update under subsection (e), or remove a foreign financial institution from the report or update prior to the imposition of sanctions under section 1707(a) if the significant transaction or significant transactions of the foreign financial institution that merited inclusion in that report or update—

(A) does not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(B) is not likely to be repeated in the future; and

(C) has been reversed or otherwise mitigated through positive countermeasures taken by that foreign financial institution.

(3) NOTIFICATION REQUIRED.—If the President makes a determination under paragraph (1) or (2) to exclude or remove a foreign person or foreign financial institution from a report under subsection (a) or (b), as the case may be, the President shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(e) UPDATE OF REPORTS.—

(1) IN GENERAL.—Each report submitted under subsections (a) and (b) shall be updated in an ongoing manner and, to the extent practicable, updated reports shall be resubmitted with the annual report under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to terminate the requirement to update the reports under subsections (a) and (b) upon the termination of the requirement to submit the annual report under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).

(f) FORM OF REPORTS.—

(1) IN GENERAL.—Each report under subsection (a) or (b) (including updates under subsection (e)) shall be submitted in unclassified form and made available to the public.

(2) CLASSIFIED ANNEX.—The explanations and descriptions included in the report under subsection (a)(2) (including updates under subsection (e)) may be expanded on in a classified annex.

(g) MATERIAL CONTRIBUTIONS RELATED TO OBLIGATIONS OF CHINA DESCRIBED.—For purposes of this section, a foreign person materially contributes to the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law if the person—

(1) took action that resulted in the inability of the people of Hong Kong—

(A) to enjoy freedom of assembly, speech, press, or independent rule of law; or

(B) to participate in democratic outcomes; or

(2) otherwise took action that reduces the high degree of autonomy of Hong Kong.

SEC. 1706. SANCTIONS WITH RESPECT TO FOREIGN PERSONS THAT CONTRAVENE THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW.

(a) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—On and after the date on which a foreign person is included in the report under section 1705(a) or an update to that report under section 1705(e), the President may impose sanctions described in subsection (b) with respect to that foreign person.

(2) MANDATORY SANCTIONS.—Not later than one year after the date on which a foreign person is included in the report under section 1705(a) or an update to that report under section 1705(e), the President shall impose sanctions described in subsection (b) with respect to that foreign person.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign person are the following:

(1) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(2) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of a foreign person who is an individual, the President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, the foreign person, subject to regulatory exceptions to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

SEC. 1707. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT SIGNIFICANT TRANSACTIONS WITH FOREIGN PERSONS THAT CONTRAVENE THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW.

(a) IMPOSITION OF SANCTIONS.—

(1) INITIAL SANCTIONS.—Not later than one year after the date on which a foreign financial institution is included in the report under section 1705(b) or an update to that report under section 1705(e), the President shall impose not fewer than 5 of the sanctions described in subsection (b) with respect to that foreign financial institution.

(2) EXPANDED SANCTIONS.—Not later than two years after the date on which a foreign financial institution is included in the report under section 1705(b) or an update to that report under section 1705(e), the President shall impose each of the sanctions described in subsection (b).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign financial institution are the following:

(1) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to the foreign financial institution.

(2) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the foreign financial institution as a primary dealer in United States Government debt instruments.

(3) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—The foreign financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

(4) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and involve the foreign financial institution.

(5) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve the foreign financial institution.

(6) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign financial institution has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(7) RESTRICTION ON EXPORTS, REEXPORTS, AND TRANSFERS.—The President, in consultation with the Secretary of Commerce, may restrict or prohibit exports, reexports, and transfers (in-country) of commodities, software, and technology subject to the jurisdiction of the United States directly or indirectly to the foreign financial institution.

(8) BAN ON INVESTMENT IN EQUITY OR DEBT.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the foreign financial institution.

(9) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State, in consultation with the Secretary of the Treasury and the Secretary of Homeland Security, to exclude from the United States any alien that is determined to be a corporate officer or principal of, or a shareholder with a controlling interest in, the foreign financial institution, subject to regulatory exceptions to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(10) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of the foreign financial institution, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in paragraphs (1) through (8) that are applicable.

(c) TIMING OF SANCTIONS.—The President may impose sanctions required under subsection (a) with respect to a financial institution included in the report under section 1705(b) or an update to that report under section 1705(e) beginning on the day on which the financial institution is included in that report or update.

SEC. 1708. WAIVER, TERMINATION, EXCEPTIONS, AND CONGRESSIONAL REVIEW PROCESS.

(a) NATIONAL SECURITY WAIVER.—Unless a disapproval resolution is enacted under subsection (d), the President may waive the application of sanctions under section 1706 or 1707 with respect to a foreign person or foreign financial institution if the President—

(1) determines that the waiver is in the national security interest of the United States; and

(2) submits to the appropriate congressional committees and leadership a report on the determination and the reasons for the determination.

(b) TERMINATION OF SANCTIONS AND REMOVAL FROM REPORT.—Unless a disapproval resolution is enacted under subsection (d), the President may terminate the application of sanctions under section 1706 or 1707 with respect to a foreign person or foreign financial institution and remove the foreign person from the report required under section 1705(a) or the foreign financial institution from the report required under section 1705(b), as the case may be, if the Secretary of State, in consultation with the Secretary of the Treasury, determines that the actions taken by the foreign person or foreign financial institution that led to the imposition of sanctions—

(1) do not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(2) are not likely to be repeated in the future; and

(3) have been reversed or otherwise mitigated through positive countermeasures taken by that foreign person or foreign financial institution.

(c) TERMINATION OF ACT.—

(1) REPORT.—

(A) IN GENERAL.—Not later than July 1, 2046, the President, in consultation with the Secretary of State, the Secretary of the Treasury, and the heads of such other Federal agencies as the President considers appropriate, shall submit to Congress a report evaluating the implementation of this title and sanctions imposed pursuant to this title.

(B) ELEMENTS.—The President shall include in the report submitted under subparagraph (A) an assessment of whether this title and the sanctions imposed pursuant to this title should be terminated.

(2) TERMINATION.—This title and the sanctions imposed pursuant to this title shall remain in effect unless a termination resolution is enacted under subsection (e) after July 1, 2047.

(d) CONGRESSIONAL REVIEW.—

(1) RESOLUTIONS.—

(A) DISAPPROVAL RESOLUTION.—In this section, the term ''disapproval resolution'' means only a joint resolution of either House of Congress—

(i) the title of which is as follows: ''A joint resolution disapproving the waiver or termination of sanctions with respect to a foreign person that contravenes the obligations of China with respect to Hong Kong or a foreign financial institution that conducts a significant transaction with that person.''; and

(ii) the sole matter after the resolving clause of which is the following: ''Congress disapproves of the action under section 1708 of the Hong Kong Autonomy Act relating to the application of sanctions imposed with respect to a foreign person that contravenes the obligations of China with respect to Hong Kong, or a foreign financial institution that conducts a significant transaction with that person, on _____ relating to _____.'', with the first blank space

being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

(B) TERMINATION RESOLUTION.—In this section, the term ''termination resolution'' means only a joint resolution of either House of Congress—

(i) the title of which is as follows: ''A joint resolution terminating sanctions with respect to foreign persons that contravene the obligations of China with respect to Hong Kong and foreign financial institutions that conduct significant transactions with those persons.''; and

(ii) the sole matter after the resolving clause of which is the following: ''The Hong Kong Autonomy Act and any sanctions imposed pursuant to that Act shall terminate on _____.'', with the blank space being filled with the termination date.

(C) COVERED RESOLUTION.—In this subsection, the term ''covered resolution'' means a disapproval resolution or a termination resolution.

(2) INTRODUCTION.—A covered resolution may be introduced—

(A) in the House of Representatives, by the majority leader or the minority leader; and

(B) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(3) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—If a committee of the House of Representatives to which a covered resolution has been referred has not reported the resolution within 10 calendar days after the date of referral, that committee shall be discharged from further consideration of the resolution.

(4) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—

(i) DISAPPROVAL RESOLUTION.—A disapproval resolution introduced in the Senate shall be—

(I) referred to the Committee on Banking, Housing, and Urban Affairs if the resolution relates to an action that is not intended to significantly alter United States foreign policy with regard to China; and

(II) referred to the Committee on Foreign Relations if the resolution relates to an action that is intended to significantly alter United States foreign policy with regard to China.

(ii) TERMINATION RESOLUTION.—A termination resolution introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations.

(B) REPORTING AND DISCHARGE.—If a committee to which a covered resolution was referred has not reported the resolution within 10 calendar days after the date of referral of the resolution, that committee shall be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar.

(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Banking, Housing, and Urban Affairs or the Committee on Foreign Relations, as the case may be, reports a covered resolution to the Senate or has been discharged from consideration of such a resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a covered resolution shall be decided without debate.

(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a covered resolution, including all debatable motions and appeals in connection with the resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) TREATMENT OF SENATE RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a covered resolution received from the Senate (unless the House has already passed a resolution relating to the same proposed action):

(i) The resolution shall be referred to the appropriate committees.

(ii) If a committee to which a resolution has been referred has not reported the resolution within 2 calendar days after the date of referral, that committee shall be discharged from further consideration of the resolution.

(iii) Beginning on the third legislative day after each committee to which a resolution has been referred reports the resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(iv) The resolution shall be considered as read. All points of order against the resolution and against its consideration are waived. The previous question shall be considered as ordered on the resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the resolution shall not be in order.

(B) TREATMENT OF HOUSE RESOLUTION IN SENATE.—

(i) RECEIVED BEFORE PASSAGE OF SENATE RESOLUTION.—If, before the passage by the Senate of a covered resolution, the Senate receives an identical resolution from the House of Representatives, the following procedures shall apply:

(I) That resolution shall not be referred to a committee.

(II) With respect to that resolution—

(aa) the procedure in the Senate shall be the same as if no resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the resolution from the House of Representatives.

(ii) RECEIVED AFTER PASSAGE OF SENATE RESOLUTION.—If, following passage of a covered resolution in the Senate, the Senate receives an identical resolution from the House of Representatives, that resolution shall be placed on the appropriate Senate calendar.

(iii) NO SENATE COMPANION.—If a covered resolution is received from the House of Representatives, and no companion resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the resolution from the House of Representatives.

(C) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to a covered resolution that is a revenue measure.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 1709. IMPLEMENTATION; PENALTIES.

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this title.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of section 1706 or 1707 or any regulation, license, or order issued to carry out that section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 1710. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as an authorization of military force against China.

SEC. 1711. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—The authorities and requirements to impose sanctions under this title shall not include the authority or requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2021''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER FIVE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2025; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2026.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for

which appropriated funds have been obligated before the later of—

(1) October 1, 2025; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2026 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2020; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

ARMY: INSIDE THE UNITED STATES

State	Installation or Location	Amount
Alaska	Fort Wainwright	$114,000,000
Arizona	Yuma Proving Ground	$14,000,000
California	Military Ocean Terminal Concord	$46,000,000
Colorado	Fort Carson	$28,000,000
Georgia	Fort Gillem	$71,000,000
	Fort Gordon	$80,000,000
Hawaii	Aliamanu Military Reservation	$71,000,000
	Schofield Barracks	$39,000,000
	Wheeler Army Airfield	$89,000,000
Louisiana	Fort Polk	$25,000,000
Oklahoma	McAlester AAP	$35,000,000
South Carolina	Fort Jackson	$7,000,000
Virginia	Humphreys Engineer Center	$51,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations 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 installation outside the United States, and in the amount, set forth in the following table:

ARMY: OUTSIDE THE UNITED STATES

State	Installation	Amount
Italy	Casmera Renato Dal Din	$10,200,000

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 installations or locations, in the number of units, and in the amounts set forth in the following table:

ARMY: FAMILY HOUSING

Country	Installation or Location	Units	Amount
Italy	Vicenza	Family Housing New Construction	$84,100,000
Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction	$32,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,300,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2017 PROJECT AT CAMP WALKER, KOREA.

In the case of the authorization contained in the table in section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–92; 129 Stat. 1146) for Camp Walker, Korea, the Secretary of the Army may construct an elevated walkway between two existing parking garages to connect children's playgrounds using amounts available for Family Housing New Construction, as specified in the funding table in section 4601 of such Act (129 Stat. 1290).

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 2204(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	Camp Pendleton	$115,530,000
	Lemoore	$187,220,000
	Point Mugu	$26,700,000

NAVY: INSIDE THE UNITED STATES—Continued

State	Installation or Location	Amount
	Port Hueneme	$43,500,000
	San Diego	$128,500,000
	Seal Beach	$46,800,000
	Twentynine Palms	$76,500,000
Hawaii	Joint Base Pearl Harbor-Hickam	$114,900,000
Maine	Kittery	$715,000,000
	NCTAMS LANT Detachment Cutler	$26,100,000
Nevada	Fallon	$29,040,000
North Carolina	Cherry Point	$51,900,000
Virginia	Norfolk	$39,800,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

NAVY: OUTSIDE THE UNITED STATES

Country	Installation or Location	Amount
Bahrain Island	SW Asia	$68,340,000
El Salvador	Comalapa	$28,000,000
Greece	Souda Bay	$50,180,000
Guam	Andersen Air Force Base	$21,280,000
	Joint Region Marianas	$546,550,000
Spain	Rota	$60,110,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $5,854,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $37,043,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(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
Colorado	United States Air Force Academy	$49,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$22,000,000
South Dakota	Ellsworth Air Force Base	$96,000,000
Texas	Joint Base San Antonio	$19,500,000
Utah	Hill Air Force Base	$132,000,000
Virginia	Joint Base Langley-Eustis	$19,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(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
Guam	Andersen Air Force Base	$56,000,000
Qatar	Al Udeid	$26,000,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,969,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $94,245,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2018 PROJECT AT ROYAL AIR FORCE LAKENHEATH.

(a) IN GENERAL.—In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1826) for Royal Air Force Lakenheath, United Kingdom, the Secretary of the Air Force may construct a 2,700 square meter consolidated corrosion control and wash rack facility at such location.

(b) INCREASE OF AMOUNT.—The table in section 4601 of such Act is amended in the item relating to a Consolidated Corrosion Control Facility at Royal Air Force Lakenheath, United Kingdom, by striking ''20,000,000'' and inserting ''55,300,000''.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECTS.

(a) EIELSON AIR FORCE BASE, ALASKA.—In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2246) for Eielson Air Force Base, Alaska, the Secretary of the Air Force may construct a 426 square meter non-contained (outdoor) range with covered and heated firing line for construction of an F–35 CATM Range, as specified in the funding table in section 4601 of such Act (132 Stat. 2404).

(b) BARKSDALE AIR FORCE BASE, LOUISIANA.—

(1) IN GENERAL.—In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2246) for Barksdale Air Force Base, Louisiana, the Secretary of the Air Force may construct an entrance road and gate complex consistent with the Unified Facilities Criteria relating to entry control facilities and the construction guidelines for the Air Force, in the amount of $48,000,000.

(2) DETAILS OF CONSTRUCTION.—In constructing the entrance road and gate complex under paragraph (1), the Secretary of the Air Force may construct a 190 square meter visitor control center, a 44 square meter gate house, a 124 square meter privately owned vehicle inspection facility, a 338 square meter truck inspection facility, and a 45 square meter gatehouse.

(3) CONSTRUCTION IN FLOOD PLAIN.—Construction under paragraph (1) may be conducted in a flood plain and appropriate mitigation measures shall be included in the project.

(c) ROYAL AIR FORCE LAKENHEATH, UNITED KINGDOM.—In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2247) for Royal Air Force Lakenheath, United Kingdom, the Secretary of the Air Force may construct a 1,206 square meter maintenance facility for construction of an F–35A ADAL Conventional Munitions MX, as specified in the funding table in section 4601 of such Act (132 Stat. 2400).

(d) FORCE PROTECTION AND SAFETY.—The table in section 4601 of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2406) is amended in the item relating to Force Protection and Safety, Air Force, Unspecified Worldwide Locations, by striking ''35,000'' and inserting ''50,000''.

SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 FAMILY HOUSING PROJECTS.

(a) CONSTRUCTION AND ACQUISITION.—Section 2302 of the Military Construction Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by striking ''Using amounts'' and inserting ''(a) PLANNING AND DESIGN.—Using amounts''; and

(2) by adding at the end the following new subsection:

''(b) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a), the Secretary of the Air Force may construct or acquire family housing units (including land, acquisition, and supporting facilities) at the installation, in the number of units, and in the amounts set forth in the following table:

''AIR FORCE: FAMILY HOUSING

Country	Installation or Location	Purpose	Amount
Germany	Spangdahlem Air Base	76 Units	$53,584,000''.

(b) FUNDING.—Section 2303 of the Military Construction Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking ''$53,584,000'' and inserting ''$46,638,000''.

SEC. 2308. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 PROJECTS.

(a) TYNDALL AIR FORCE BASE, FLORIDA.—In the case of the authorization contained in the table in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Tyndall Air Force Base, Florida, the Secretary of the Air Force may construct—

(1) not more than 4,770 square meters of aircraft support equipment storage for construction of an Auxiliary Ground Equipment Facility, as specified in the funding table in section 4603 of such Act;

(2) not more than 18,770 square meters of visiting quarters for construction of Dorm Complex Phase 1, as specified in such funding table;

(3) 2,127 square meters of squadron operations and 2,875 square meters of aircraft maintenance unit for construction of Ops/Aircraft Maintenance Unit/Hangar #2, as specified in such funding table;

(4) 2,127 square meters of squadron operations and 2,875 square meters of aircraft maintenance unit for construction of Ops/Aircraft Maintenance Unit/Hangar #3, as specified in such funding table;

(5) not more than 3,420 square meters of headquarters for construction of an Operations Group/Maintenance Group HQ, as specified in such funding table;

(6) not more than 930 square meters of equipment storage for construction of a Security Forces Mobility Storage Facility, as specified in such funding table;

(7) not more than 7,000 meters of storm water piping, box culverts, underground detention, and grading for surface detention for construction of Site Development, Utilities & Demo Phase 2, as specified in such funding table; and

(8) not more than 12,471 meters of visiting quarters for construction of Lodging Facilities Phase 1, as specified in such funding table.

(b) OFFUTT AIR FORCE BASE, NEBRASKA.—In the case of the authorization contained in the table in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Offutt Air Force Base, Nebraska, the Secretary of the Air Force may construct—

(1) seven 2.5-megawatt diesel engine generators, seven diesel exhaust fluid systems, 15-kilovolt switchgear, two import/export inter-ties, five import-only inter-ties, and 800 square meters of switchgear facility for construction of an Emergency Power Microgrid, as specified in the funding table in section 4603 of such Act;

(2) 2,536 square meters of warehouse for construction of a Logistics Readiness Squadron Campus, as specified in such funding table;

(3) 4,218 square meters of operations center and 1,343 square meters of military working dog kennel for construction of a Security Campus, as specified in such funding table;

(4) 445 square meters of petroleum operations center, 268 square meters of de-icing liquid storage, and 173 square meters of warehouse for construction of a Flightline Hangars Campus, as specified in such funding table; and

(5) 240 square meters of recreation complex and 270 square meters of storage for construction of a Lake Campus, as specified in such funding table.

(c) JOINT BASE LANGLEY-EUSTIS, VIRGINIA.—In the case of the authorization contained in the table in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Joint Base Langley-Eustis, Virginia, the Secretary of the Air Force may construct up to 6,720 square meters of dormitory for construction of a Dormitory, as specified in the funding table in section 4603 of such Act.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction

projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

DEFENSE AGENCIES: INSIDE THE UNITED STATES

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$18,000,000
Alaska	Fort Greely	$48,000,000
Arizona	Fort Huachuca	$33,728,000
	Yuma	$49,500,000
California	Beale Air Force Base	$22,800,000
Colorado	Fort Carson	$15,600,000
CONUS Unspecified	CONUS Unspecified	$14,400,000
Florida	Hurlburt Field	$83,120,000
Kentucky	Fort Knox	$69,310,000
New Mexico	Kirtland Air Force Base	$46,600,000
North Carolina	Fort Bragg	$113,800,000
Ohio	Wright-Patterson Air Force Base	$23,500,000
Texas	Fort Hood	$32,700,000
Virginia	Joint Expeditionary Base Little Creek-Fort Story	$112,500,000
Washington	Joint Base Lewis-McChord	$21,800,000
	Manchester	$82,000,000

(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
Japan	Def Fuel Support Point Tsurumi	$49,500,000

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 conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

ERCIP PROJECTS: INSIDE THE UNITED STATES

State	Installation or Location	Amount
Alabama	Fort Rucker	$24,000,000
Arkansas	Fort Smith Air National Guard Base	$2,600,000
District of Columbia	Joint Base Anacostia-Bolling	$35,933,000
Georgia	Fort Benning	$17,000,000
Mississippi	MTA Camp Shelby	$30,000,000
North Carolina	Fort Bragg	$6,100,000
Ohio	Wright-Patterson Air Force Base	$35,000,000
Tennessee	Memphis International Airport	$4,780,000

(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
Unspecified Worldwide	Unspecified Worldwide Locations	$142,500,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

(a) AUTHORIZATION.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

(b) AUTHORITY TO RECOGNIZE NATO AUTHORIZATION AMOUNTS AS BUDGETARY RESOURCES FOR PROJECT EXECUTION.—When the

United States is designated as the Host Nation for the purposes of executing a project under the NATO Security Investment Program (NSIP), the Department of Defense construction agent may recognize the NATO project authorization amounts as budgetary resources to incur obligations for the purposes of executing the NSIP project.

SEC. 2503. EXECUTION OF PROJECTS UNDER THE NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by striking section 2350m and inserting the following new section 2350m:

''§ 2350m. Execution of projects under the North Atlantic Treaty Organization Security Investment Program

''(a) AUTHORITY TO EXECUTE PROJECTS.—When the United States is designated as the Host Nation for purposes of executing a project under the North Atlantic Treaty Organization Security Investment Program (in this section referred to as the 'Program'), the Secretary of Defense may accept such designation and carry out such project consistent with the requirements of this section.

''(b) PROJECT FUNDING.—The Secretary of Defense may fund authorized expenditures of projects accepted under subsection (a) with—

''(1) contributions under subsection (c);

''(2) appropriations of the Department of Defense for the Program when directed by the North Atlantic Treaty Organization to apply amounts of such appropriations as part of the share of contributions of the United States for the Program; or

''(3) any combination of amounts described in paragraphs (1) and (2).

''(c) AUTHORITY TO ACCEPT CONTRIBUTIONS.—(1) The Secretary of Defense may accept contributions from the North Atlantic Treaty Organization and member nations of the North Atlantic Treaty Organization for the purpose of carrying out a project under subsection (a).

''(2) Contributions accepted under paragraph (1) shall be placed in an account established for the purpose of carrying out the project for which the funds were provided and shall remain available until expended.

''(3)(A) If contributions are made under paragraph (1) as reimbursement for a project or portion of a project previously completed by the Department of Defense, such contributions shall be credited to—

''(i) the appropriations used for the project or portion thereof, if such appropriations have not yet expired; or

''(ii) the appropriations for the Program, if the appropriations described in clause (i) have expired.

''(B) Funding credited under subparagraph (A) shall merge with and remain available for the same purposes and duration as the appropriations to which credited.

''(d) OBLIGATION AUTHORITY.—The construction agent of the Department of Defense designated by the Secretary of Defense to execute a project under subsection (a) may recognize the North Atlantic Treaty Organization project authorization amounts as budgetary resources to incur obligations against for the purposes of executing the project.

''(e) INSUFFICIENT CONTRIBUTIONS.—(1) In the event that the North Atlantic Treaty Organization does not agree to contribute funding for all costs necessary for the Department of Defense to carry out a project under subsection (a), including necessary personnel costs of the construction agent designated by the Department of Defense, contract claims, and any conjunctive funding requirements that exceed the project authorization or standards of the North Atlantic Treaty Organization, the Secretary of Defense, upon determination that completion of the project is in the national interest of the United States, may fund such costs using any funds available in appropriations for the Program.

''(2) The use of funds under paragraph (1) from appropriations for the Program may be in addition to or in place of any other funding sources otherwise available for the purposes for which those funds are used.

''(f) AUTHORIZED EXPENDITURES DEFINED.—In this section, the term 'authorized expenditures' means project expenses for which the North Atlantic Treaty Organization has agreed to contribute funding.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by striking the item relating to section 2350m and inserting the following new item:

''2350m. Execution of projects under the North Atlantic Treaty Organization Security Investment Program.''.

(c) CONFORMING REPEALS.—

(1) 2019.—Section 2502 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2252) is amended—

(A) in subsection (a)—

(i) by striking ''(a) AUTHORIZATION.—Funds'' and inserting ''Funds''; and

(ii) by striking the second sentence; and

(B) by striking subsection (b).

(2) 2020.—Section 2502 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(A) in subsection (a), by striking ''(a) AUTHORIZATION.—Funds'' and inserting ''Funds''; and

(B) by striking subsection (b).

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Korea, and in the amounts, set forth in the following table:

REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS

Component	Installation or Location	Project	Amount
Army	Camp Carroll	Site Development	$49,000,000
Army	Camp Humphreys	Attack Reconnaissance Battalion Hangar	$99,000,000
Army	Camp Humphreys	Hot Refuel Point	$35,000,000
Navy	COMROKFLT Naval Base, Busan	Maritime Operations Center	$26,000,000
Air Force	Daegu Air Base	AGE Facility and Parking Apron	$14,000,000
Air Force	Kunsan Air Base	Backup Generator Plant	$19,000,000
Air Force	Osan Air Base	Aircraft Corrosion Control Facility (Phase 3)	$12,000,000
Air Force	Osan Air Base	Child Development Center	$20,000,000
Air Force	Osan Air Base	Relocate Munitions Storage Area Delta (Phase 1)	$84,000,000
Defense-Wide	Camp Humphreys	Elementary School	$58,000,000

SEC. 2512. QATAR FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the State of Qatar for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installation in the State of Qatar, and in the amounts, set forth in the following table:

STATE OF QATAR FUNDED CONSTRUCTION PROJECTS

Component	Installation or Location	Project	Amount
Air Force	Al Udeid	Billet (A12)	$63,000,000
Air Force	Al Udeid	Billet (B12)	$63,000,000
Air Force	Al Udeid	Billet (D10)	$77,000,000
Air Force	Al Udeid	Billet (009)	$77,000,000
Air Force	Al Udeid	Billet (007)	$77,000,000
Air Force	Al Udeid	Armory/Mount	$7,200,000
Air Force	Al Udeid	Billet (A06)	$77,000,000
Air Force	Al Udeid	Dining Facility	$14,600,000
Air Force	Al Udeid	Billet (BOS)	$77,000,000
Air Force	Al Udeid	Billet (B04)	$77,000,000
Air Force	Al Udeid	Billet (A04)	$77,000,000
Air Force	Al Udeid	Billet (AOS)	$77,000,000

STATE OF QATAR FUNDED CONSTRUCTION PROJECTS—Continued

Component	Installation or Location	Project	Amount
Air Force	Al Udeid	Dining Facility	$14,600,000
Air Force	Al Udeid	MSG (Base Operations Support Facility)	$9,300,000
Air Force	Al Udeid	ITN (Communications Facility)	$3,500,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard installations or locations inside the United States, and in the amounts, set forth in the following table:

ARMY NATIONAL GUARD

State	Installation or Location	Amount
Arizona	Tucson	$18,100,000
Arkansas	Fort Chaffee	$15,000,000
California	Bakersfield	$9,300,000
Colorado	Peterson Air Force Base	$15,000,000
Indiana	Shelbyville	$12,000,000
Kentucky	Frankfort	$15,000,000
Mississippi	Brandon	$10,400,000
Nebraska	North Platte	$9,300,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$15,000,000
Ohio	Columbus	$15,000,000
Oklahoma	Ardmore	$9,800,000
Oregon	Hermiston	$25,035,000
Puerto Rico	Fort Allen	$37,000,000
South Carolina	Joint Base Charleston	$15,000,000
Tennessee	McMinnville	$11,200,000
Texas	Fort Worth	$13,800,000
Utah	Nephi	$12,000,000
Virgin Islands	St. Croix	$39,400,000
Wisconsin	Appleton	$11,600,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve installations or locations inside the United States, and in the amounts, set forth in the following table:

ARMY RESERVE

State	Installation or Location	Amount
Florida	Gainesville	$36,000,000
Massachusetts	Devens Reserve Forces Training Area	$8,700,000
North Carolina	Asheville	$24,000,000
Wisconsin	Fort McCoy	$17,100,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve installations or locations inside the United States, and in the amounts, set forth in the following table:

NAVY RESERVE AND MARINE CORPS RESERVE

State	Installation or Location	Amount
Maryland	Reisterstown	$39,500,000
Minnesota	Naval Operational Support Center Minneapolis	$12,800,000
Utah	Hill Air Force Base	$25,010,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard 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	Montgomery Regional Airport	$23,600,000
Guam	Joint Region Marianas	$20,000,000
Maryland	Joint Base Andrews	$9,400,000

AIR NATIONAL GUARD—Continued

State	Installation or Location	Amount
North Dakota	Hector International Airport	$17,500,000
Texas	Joint Base San Antonio	$10,800,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation inside the United States, and in the amount, set forth in the following table:

AIR FORCE RESERVE

State	Installation	Amount
Texas	Joint Reserve Base Fort Worth	$39,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

SEC. 2607. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2020 PROJECT IN ALABAMA.

In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92) for Anniston Army Depot, Alabama, for construction of an Enlisted Transient Barracks as specified in the funding table in section 4601 of such Act, the Secretary of the Army may construct a training barracks at Fort McClellan, Alabama.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

SEC. 2703. PLAN TO FINISH REMEDIATION ACTIVITIES CONDUCTED BY THE SECRETARY OF THE ARMY IN UMATILLA, OREGON.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a plan to finish remediation activities conducted by the Secretary in Umatilla, Oregon, by not later than three years after such date of enactment.

TITLE XXVIII—MILITARY CONSTRUCTION AND GENERAL PROVISIONS

Subtitle A—Military Construction Program

SEC. 2801. RESPONSIBILITY OF NAVY FOR MILITARY CONSTRUCTION REQUIREMENTS FOR CERTAIN FLEET READINESS CENTERS.

In the case in which a Fleet Readiness Center is a tenant command aboard an installation of the Marine Corps, the Navy shall be responsible for programming, requesting, and executing any military construction requirements for the Fleet Readiness Center.

SEC. 2802. CONSTRUCTION OF GROUND-BASED STRATEGIC DETERRENT LAUNCH FACILITIES AND LAUNCH CENTERS FOR AIR FORCE.

(a) AUTHORITY TO CARRY OUT PROJECTS.—Subject to subsections (b) and (d) and within the amount appropriated for such purpose, the Secretary of the Air Force may carry out military construction projects to convert Minuteman III launch facilities and launch centers to ground-based strategic deterrent configurations.

(b) MASTER PLAN.—

(1) IN GENERAL.—Prior to the authority under subsection (a) being available for use, the Secretary of the Air Force shall submit to the congressional defense committees a master plan, broken out by year and location, for the planned launch facilities and launch centers to be converted to ground-based strategic deterrent configurations pursuant to a project under this section.

(2) SPENDING PLAN.—The master plan submitted under paragraph (1) shall include a spending plan with estimated amounts to be requested with respect to each planned location for conversion to ground-based strategic deterrent configurations.

(c) MANAGEMENT OF DESIGN AND CONSTRUCTION.—The Secretary of the Air Force may select a single, prime contractor to manage the design and construction phases of projects carried out under subsection (a).

(d) CONGRESSIONAL NOTIFICATION.—

(1) REPORT.—When a decision is made to carry out a project under subsection (a) and before carrying out such project, the Secretary of the Air Force shall submit to the congressional defense committees a report on that decision.

(2) ELEMENTS.—Subject to paragraph (3), the report submitted under paragraph (1) with respect to a project under subsection (a) shall include a justification for carrying out the project and a complete Department of Defense Form 1391 for the project.

(3) SINGLE SUBMISSION.—The Secretary of the Air Force may group multiple locations at which a project is to be carried out under subsection (a) into a single submission on a Department of Defense Form 1391 to allow all included locations to be considered as a single project.

(e) FUNDING.—In fiscal year 2021, the Secretary of the Air Force may expend amounts available to the Secretary for research, development, test, and evaluation for the purposes of planning and design to support the projects described in subsection (a).

(f) EXISTING AUTHORITIES.—The Secretary of the Air Force shall use existing authorities, as applicable, to carry out this section, including sections 2304 and 2853 of title 10, United States Code.

Subtitle B—Military Family Housing

SEC. 2821. PROHIBITION ON SUBSTANDARD FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by striking section 2830 and inserting the following new section:

''§ 2830. Prohibition on substandard family housing units

''The Secretary concerned may not lease a substandard family housing unit to a member of a uniformed service for occupancy by such member.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by striking the item relating to section 2830 and inserting the following new item:

''2830. Prohibition on substandard family housing units.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2021.

SEC. 2822. TECHNICAL CORRECTIONS TO PRIVATIZED MILITARY HOUSING PROGRAM.

(a) CHIEF HOUSING OFFICER.—Section 2890a of title 10, United States Code—

(1) is amended—

(A) in subsection (a)(1), by striking ''housing units'' and inserting ''all military housing''; and

(B) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''under subchapter IV and this subchapter'' and inserting ''by the Department of Defense under this chapter'';

(2) is transferred so as to appear at the end of subchapter III of chapter 169 of such title; and

(3) is redesignated as section 2870a.

(b) PRIVATIZED HOUSING REFORM.—Subchapter V of chapter 169 of such title is amended—

(1) in section 2890—

(A) in subsection (b)(15), by striking ''and held in escrow'';

(B) in subsection (e)(2), in the matter preceding subparagraph (A), by inserting ''a'' before ''landlord''; and

(C) in subsection (f)(2)—

(i) by striking ''executed as'' and inserting ''executed—

''(A) as'';

(ii) in subparagraph (A), as designated by clause (i), by striking the period at the end and inserting ''; or''; and

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

''(B) to avoid litigation if the tenant has retained legal counsel or has sought military legal assistance under section 1044 of this title.'';

(2) in section 2891—

(A) in subsection (e)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by inserting ''unit'' after ''different housing'';

(II) in subparagraph (B), by inserting ''the'' before ''tenant''; and

(ii) in paragraph (2)(B), by inserting ''the'' before ''tenant'';

(3) in section 2891a—

(A) in subsection (b)(2), by adding a period at the end;

(B) in subsection (d)(11)—

(i) by striking ''A landlord'' and inserting ''Upon request by a prospective tenant, a landlord''; and

(ii) by striking ''prospective tenants to housing units'' and inserting ''the prospective tenant to a housing unit''; and

(C) in subsection (e)(2)(B) by striking ''the any'' and inserting ''any'';

(4) in section 2892a—

(A) by striking ''The Secretary concerned'' and inserting ''(a) IN GENERAL.—The Secretary concerned'';

(B) by striking ''years. In this section'' and inserting ''years.

''(b) MAINTENANCE DEFINED.—In this section'';

(C) in subsection (a), as designated by subparagraph (A), by striking ''housing unit, before the prospective tenant'' and all that follows through the period at the end and inserting ''housing unit—

''(1) not later than five business days before the prospective tenant is asked to sign the lease, a summary of maintenance conducted with respect to that housing unit for the previous seven years; and

''(2) not later than two business days after requested by the prospective tenant, all information regarding maintenance conducted with respect to that housing unit during such period.''; and

(D) in subsection (b), as designated by subparagraph (B), by striking ''such period'' and inserting ''the period specified in subsection (a)(1)'';

(5) in section 2893, by striking ''propensity for'' and inserting ''pattern of''; and

(6) in section 2894—

(A) in subsection (b), by adding at the end the following new paragraph:

''(6) The dispute resolution process shall require the installation or regional commander (as the case may be) to record each dispute in the complaint database established under section 2894a of this title.'';

(B) in subsection (c)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''24 hours'' and inserting ''two business days'';

(ii) in paragraph (3)—

(I) by inserting ''business'' before ''days''; and

(II) by inserting '', such office'' before ''shall complete'';

(iii) in paragraph (4), in the matter preceding subparagraph (A), by inserting '', at a minimum,'' before ''the following persons'';

(iv) in paragraph (5)—

(I) by inserting ''calendar'' before ''days'' each place it appears; and

(II) in subparagraph (B), by striking ''30-day period'' and inserting ''30-calendar-day period''; and

(v) by striking paragraph (6) and inserting the following new paragraph (6):

''(6) Except as provided in paragraph (5)(B), a final decision shall be transmitted to the tenant, landlord, and the installation or regional commander (as the case may be) not later than 30 calendar days after the request was submitted.''; and

(C) in subsection (e)—

(i) by striking paragraph (3);

(ii) by redesignating paragraph (2) as paragraph (3);

(iii) in paragraph (1), in the matter preceding subparagraph (A), by striking '', the tenant may'' and all that follows through ''in which—'' and inserting ''regarding maintenance guidelines or procedures or habitability, the tenant may request that all or part of the payments described in paragraph (3) for lease of the housing unit be segregated and not used by the property owner, property manager, or landlord pending completion of the dispute resolution process.

''(2) The amount allowed to be withheld under paragraph (1) shall be limited to amounts associated with the period in which—''; and

(iv) in paragraph (3), as redesignated by clause (ii), by striking ''Paragraph (1)'' and inserting ''This subsection''.

(c) REPORTS.—Section 2884(c)(10) of such title is amended by striking ''specific analysis'' and all that follows through the period at the end and inserting ''list of dispute resolution cases by installation and the final outcome of each such case.''.

(d) PAYMENT AUTHORITY.—Section 606(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2871 note) is amended—

(1) in paragraph (1)(A), by inserting ''monthly'' before ''payments'';

(2) in paragraph (2)(A), by striking ''payments to'' and all that follows through ''subparagraph (C)'' and inserting ''monthly payments, under such terms and in such amounts as determined by the Secretary, to one of more lessors responsible for underfunded MHPI housing projects identified pursuant to subparagraph (C) under the jurisdiction of the Secretary''; and

(3) in paragraph (3)(B), by inserting ''that'' before ''require''.

(e) SUSPENSION OF RESIDENT ENERGY CONSERVATION PROGRAM.—Section 3063(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by striking ''on the installation military housing unit''; and

(2) by striking ''on the'' and inserting ''covered by a program suspended under subsection (a) on that''.

(f) CLERICAL AMENDMENTS.—

(1) CHIEF HOUSING OFFICER.—

(A) ADDITION.—The table of sections at the beginning of subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after the item relating to section 2870 the following new item:

''2870a. Chief Housing Officer.''.

(B) REPEAL.—The table of sections at the beginning of subchapter V of chapter 169 of such title is amended by striking the item relating to section 2890a.

(2) DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.—The table of sections at the beginning of subchapter V of such title is amended by striking the item relating to section 2892b and inserting the following new item:

''2892b. Prohibition on requirement to disclose personally identifiable information in requests for certain maintenance.''.

SEC. 2823. REQUIREMENT THAT SECRETARY OF DEFENSE IMPLEMENT RECOMMENDATIONS RELATING TO MILITARY FAMILY HOUSING CONTAINED IN REPORT BY INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement the recommendations of the Inspector General of the Department of Defense contained in the report of the Inspector General dated April 30, 2020, and entitled ''Evaluation of the DoD's Management of Health and Safety Hazards in Government-Owned and Government-Controlled Military Family Housing''.

Subtitle C—Project Management and Oversight Reforms

SEC. 2841. PROMOTION OF ENERGY RESILIENCE AND ENERGY SECURITY IN PRIVATIZED UTILITY SYSTEMS.

(a) UTILITY PRIVATIZATION CONTRACT RENEWALS.—Section 2688(d)(2) of title 10, United States Code, is amended—

(1) in the first sentence, by inserting ''or the renewal of such a contract'' after ''paragraph (1)''; and

(2) by adding at the end the following new sentence: ''A renewal of a contract pursuant to this paragraph may be entered into only within the last 5 years of the existing contract term.''.

(b) USE OF ERCIP FUNDS ON PRIVATIZED UTILITY SYSTEMS.—Section 2914 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) USE OF CERTAIN OTHER AUTHORITIES.—A project under this section may be—

''(1) carried out in conjunction with the authorities provided in subsections (j), and (k) of section 2688 of this title and section 2913 of this title, notwithstanding that the United States does not own a utility system covered by the project; or

''(2) included as a separate requirement in a contract entered into pursuant to title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.).''.

SEC. 2842. CONSIDERATION OF ENERGY SECURITY AND ENERGY RESILIENCE IN LIFE-CYCLE COST FOR MILITARY CONSTRUCTION.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by inserting after section 2815 the following new section:

''§ 2816. Consideration of energy security and energy resilience in life-cycle cost for military construction

''(a) IN GENERAL.—(1) The Secretary concerned, when evaluating the life-cycle designed cost of a covered military construction project, shall include as a facility requirement the long-term consideration of energy security and energy resilience that would ensure that the resulting facility is capable of continuing to perform its missions, during the life of the facility, in the event of a natural or human-caused disaster, an attack, or any other unplanned event that would otherwise interfere with the ability of the facility to perform its missions.

''(2) A facility requirement under paragraph (1) shall not be weighed, for cost purposes, against other facility requirements in determining the design of the facility.

''(b) INCLUSION IN THE BUILDING LIFE-CYCLE COST PROGRAM.—The Secretary shall include the requirements of subsection (a) in applying the latest version of the building life-cycle cost program, as developed by the National Institute of Standards and Technology, to consider on-site distributed energy assets in a building design for a covered military construction project.

''(c) COVERED MILITARY CONSTRUCTION PROJECT DEFINED.—(1) In this section, the term 'covered military construction project' means a military construction project for a facility that is used to perform critical functions during a natural or human-caused disaster, an attack, or any other unplanned event.

''(2) For purposes of paragraph (1), the term 'facility' includes any of the following:

''(A) Operations centers.

''(B) Nuclear command and control facilities.

''(C) Integrated strategic and tactical warning and attack assessment facilities.

''(D) Continuity of government facilities.

''(E) Missile defense facilities.

''(F) Air defense facilities.

''(G) Hospitals.

''(H) Armories and readiness centers of the National Guard.

''(I) Communications facilities.

''(J) Satellite and missile launch and control facilities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2815 the following new item:

''2816. Consideration of energy security and energy resilience in life-cycle cost for military construction.''.

Subtitle D—Land Conveyances

SEC. 2861. RENEWAL OF FALLON RANGE TRAINING COMPLEX LAND WITHDRAWAL AND RESERVATION.

Notwithstanding section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892), the withdrawal and reservation of lands (known as the Fallon Range Training Complex) made by section 3011(a) of such Act (113 Stat. 885) shall terminate on November 6, 2041.

SEC. 2862. RENEWAL OF NEVADA TEST AND TRAINING RANGE LAND WITHDRAWAL AND RESERVATION.

Notwithstanding section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892), the withdrawal and reservation of lands (known as the Nevada Test and Training Range) made by section 3011(b) of such Act (113 Stat. 886) shall terminate on November 6, 2041.

SEC. 2863. TRANSFER OF LAND UNDER THE ADMINISTRATIVE JURISDICTION OF THE DEPARTMENT OF THE INTERIOR WITHIN NAVAL SUPPORT ACTIVITY PANAMA CITY, FLORIDA.

(a) AUTHORITY.—The Secretary of the Interior shall transfer to the Secretary of the Navy, without consideration, approximately 1.23 acres of land within Naval Support Activity Panama City, Florida, that are used on the day before the date of the enactment of this Act by the Department of the Navy pursuant to Executive Order 10355 (17 Fed. Reg. 4831; relating to delegating to the Secretary of the Interior the authority of the President to withdraw or reserve lands of the United States for public purposes) and the public land order entitled ''Public Land Order 952'' (19 Fed. Reg. 2085 (April 10, 1954)).

(b) STATUS OF FEDERAL LAND AFTER TRANSFER.—Upon completion of a transfer to the Secretary of the Navy of a parcel of land under subsection (a), the parcel received by the Secretary of the Navy shall cease to be public land and shall be treated as property (as defined in section 102(9) of title 40, United States Code) under the administrative jurisdiction of the Secretary of the Navy.

(c) REIMBURSEMENT.—The Secretary of the Navy shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior for preparing a legal description of the land to be transferred under subsection (a).

SEC. 2864. LAND CONVEYANCE, CAMP NAVAJO, ARIZONA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army (in this section referred to as the ''Secretary'') may convey, without consideration, to the State of Arizona Department of Emergency and Military Affairs (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of real property (in this section referred to as the ''Property''), including any improvements thereon, consisting of not more than 3,000 acres at Camp Navajo, Arizona, for the purpose of permitting the State to use the Property for—

(1) training the Arizona Army and Air National Guard; and

(2) defense industrial base economic development purposes that are compatible with the environmental security and primary National Guard training purpose of Camp Navajo.

(b) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) USE OF REVENUES.—The State shall use all revenues generated by uses of the Property to support the training requirements of the Arizona Army and Air National Guard, to include necessary infrastructure maintenance and capital improvements.

(2) AUDIT.—The United States Property and Fiscal Office for the State of Arizona shall periodically audit all revenues generated by uses of the Property and all uses of such revenue, and shall provide the audit results to the Chief of the National Guard Bureau.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the Property is not being used in accordance with the purpose of the conveyance authorized by subsection (a), or that the State has not complied with the conditions specified in subsection (b), all right, title, and interest in and to the Property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto the Property.

(2) RECORD.—A determination by the Secretary under paragraph (1) shall be made on the record after an opportunity for a hearing.

(d) ALTERNATIVE CONSIDERATION OPTION.—

(1) CONSIDERATION OPTION.—In lieu of exercising the reversionary interest under subsection (c), the Secretary may accept an offer by the State to pay to the United States an amount equal to the fair market value of the Property, excluding the value of any improvements on the Property constructed without Federal funds after the date of the conveyance authorized by subsection (a), as determined by the Secretary.

(2) TREATMENT OF CONSIDERATION RECEIVED.—Consideration received by the Secretary under paragraph (1) shall be deposited in the special account in the Treasury established for the Secretary under subsection (e) of section 2667 of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) PAYMENT OF COST OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—

(A) IN GENERAL.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation related to the conveyance, and any other administrative costs related to the conveyance.

(B) REFUND OF EXCESS AMOUNTS.—If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1)(A) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to the appropriations or fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the Property shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(h) ENVIRONMENTAL OBLIGATIONS.—Nothing in this section shall be construed as alleviating, altering, or affecting the responsibility of the United States for cleanup and remediation of the Property in accordance with—

(1) the Defense Environmental Restoration Program under section 2701(a)(1) of title 10, United States Code; and

(2) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Subtitle E—Other Matters

SEC. 2881. MILITARY FAMILY READINESS CONSIDERATIONS IN BASING DECISIONS.

(a) TAKING OF CONSIDERATIONS INTO ACCOUNT REQUIRED.—In determining whether to proceed with any basing decision in the United States after the date of the enactment of this Act, the Secretary of the military department concerned shall take into account, among such other factors as such Secretary considers appropriate, the military family readiness considerations specified in subsection (b).

(b) MILITARY FAMILY READINESS CONSIDERATIONS.—The military family readiness considerations specified in this subsection are the following:

(1) INTERSTATE PORTABILITY OF PROFESSIONAL LICENSURE AND CERTIFICATION CREDENTIALS.—The extent to which the State in which the installation subject to the basing decision is or will be located accepts as valid professional licensure and certification credentials obtained in other States, including professional licensure and certification credentials in the following professional fields (and any subfield of such field):

(A) Accounting.

(B) Cosmetology.

(C) Emergency medical service.

(D) Engineering.

(E) Law.

(F) Nursing.

(G) Physical therapy.

(H) Psychology.

(I) Teaching.

(J) Such other professional fields (and subfields of such fields) as the Secretary of Defense shall specify for purposes of this paragraph.

(2) PUBLIC EDUCATION.—The extent to which public education is available and accessible to dependents of members of the Armed Forces in the military housing area

in which the installation subject to the basing decision is or will be located, including with respect to the following:

(A) Academic performance of schools, including student-to-teacher ratios and learning rates and graduation rates.

(B) Social climate within schools, including absenteeism rates and suspension rates.

(C) Availability, accessibility, and quality of services, including pre-kindergarten, counselors and mental health support, student-to-nurse ratios, and services for military dependents with special needs as required by law.

(3) HOUSING.—The extent to which housing (including family housing) that meets Department of Defense requirements is available and accessible to members of the Armed Forces through the private sector in the military housing area in which the installation subject to the basing decision is or will be located.

(4) HEALTH CARE.—The extent to which primary healthcare and specialty healthcare is available and accessible to dependents of members of the Armed Forces through the private sector in the local community in which the installation subject to the basing decision is or will be located, including care for military dependents with special needs.

(5) INTERGOVERNMENTAL SUPPORT.—The extent to which the State in which the installation subject to the basing decision is or will be located, and local governments in the vicinity of the installation, have or will have intergovernmental support agreements with the installation for the effective and efficient provision of public services to the installation.

(6) OTHER CONSIDERATIONS.—Such other considerations in connection with military family readiness as the Secretary of Defense shall specify for purposes of this subsection.

(c) ANALYTICAL FRAMEWORK.—The Secretary of a military department shall take into account the considerations specified in subsection (b), among such other factors as the Secretary considers appropriate, in determining whether to proceed with a basing decision under subsection (a) using an analytical framework developed by the Secretary for that purpose that uses criteria based on quantitative data available to the Department of Defense and on such reliable quantitative data from sources outside the Department as the Secretary considers appropriate.

(d) BASING DECISION SCORECARD.—

(1) IN GENERAL.—Each Secretary of a military department shall establish and maintain a scorecard on military installations under the jurisdiction of such Secretary, and on States and localities in which such installations are or may be located, relevant to the taking into account of the considerations specified in subsection (b) in determinations of such Secretary on basing decisions as required by subsection (a).

(2) UPDATE.—Each Secretary shall update the scorecard required of such Secretary by this subsection not less frequently than once each year in order to keep the information in such scorecard as current as is practicable.

(3) AVAILABILITY TO PUBLIC.—A current version of each scorecard under this subsection shall be available to the public through an Internet website of the military department concerned that is accessible to the public.

(e) BRIEFINGS.—Not later than April 1 of each of 2021, 2022, and 2023, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on actions taken pursuant to this section, including a description and assessment of the effect of the taking into account of the considerations specified in subsection (b) on particular basing decisions in the United States during the one-year period ending on the date of the briefing.

(f) BASING DECISION DEFINED.—In this section, the term ''basing decision'' means any of the following:

(1) The establishment of a new mission at a military installation.

(2) The relocation of an existing mission from a military installation to another military installation.

(3) The establishment of a new military installation.

SEC. 2882. PROHIBITION ON USE OF FUNDS TO REDUCE AIR BASE RESILIENCY OR DEMOLISH PROTECTED AIRCRAFT SHELTERS IN THE EUROPEAN THEATER WITHOUT CREATING A SIMILAR PROTECTION FROM ATTACK.

No funds authorized to be appropriated by this Act or any other Act for the Department of Defense may be obligated or expended to implement any activity that reduces air base resiliency or demolishes protected aircraft shelters in the European theater, and the Department may not otherwise implement any such activity, without creating a similar protection from attack in the European theater until such time as the Secretary of Defense certifies to the congressional defense committees that protected aircraft shelters are not required in the European theater.

SEC. 2883. PROHIBITIONS RELATING TO CLOSURE OR RETURNING TO HOST NATION OF EXISTING BASES UNDER THE EUROPEAN CONSOLIDATION INITIATIVE.

(a) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated by this Act for fiscal year 2021 for the Department of Defense may be obligated or expended to implement any activity that closes or returns to the host nation any existing base under the European Consolidation Initiative.

(b) PROHIBITION ON CLOSURE OR RETURN.—The Secretary of Defense shall not implement any activity that closes or returns to the host nation any existing base under the European Consolidation Initiative until the Secretary certifies that there is no longer a need for a rotational military presence in the European theater.

SEC. 2884. ENHANCEMENT OF AUTHORITY TO ACCEPT CONDITIONAL GIFTS OF REAL PROPERTY ON BEHALF OF MILITARY MUSEUMS.

Section 2601(e)(1) of title 10, United States Code, is amended by inserting ''a military museum,'' after ''offered to''.

SEC. 2885. EQUAL TREATMENT OF INSURED DEPOSITORY INSTITUTIONS AND CREDIT UNIONS OPERATING ON MILITARY INSTALLATIONS.

Section 2667 of title 10, United States Code, is amended by adding at the end the following:

''(1) TREATMENT OF INSURED DEPOSITORY INSTITUTIONS.—(1) Each covered insured depository institution operating on a military installation within the continental United States may be allotted space or leased land on the military installation without charge for rent or services in the same manner as a credit union organized under State law or a Federal credit union under section 124 of the Federal Credit Union Act (12 U.S.C. 1770) if space is available.

''(2) Each covered insured depository institution, credit union organized under State law, and Federal credit union operating on a military installation within the continental United States shall be treated equally with respect to policies of the Department of Defense governing the financial terms of leases, logistical support, services, and utilities.

''(3) The Secretary concerned shall not be required to provide no-cost office space or a no-cost land lease to any covered insured depository institution, credit union organized under State law, or Federal credit union.

''(4) In this subsection:

''(A) The term 'covered insured depository institution' means an insured depository institution that meets the requirements applicable to a credit union organized under State law or a Federal credit union under section 124 of the Federal Credit Union Act (12 U.S.C. 1770). The depositors of an insured depository institution shall be considered members for purposes of the application of this subparagraph to that section.

''(B) The term 'Federal credit union' has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

''(C) The term 'insured depository institution' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).''.

SEC. 2886. REPORT ON OPERATIONAL AVIATION UNITS IMPACTED BY NOISE RESTRICTIONS OR NOISE MITIGATION MEASURES.

(a) REPORT.—Not later than 90 days after the date on which the Secretary of the Air Force or the Secretary of the Navy determines that noise restrictions placed on an operational aviation unit under the jurisdiction of the Secretary concerned prohibit the unit from reaching a combat ready or deployable status or prohibit the maintaining of aircrew currency requirements or required noise mitigation measures become cost prohibitive to the Department of Defense, the Secretary concerned, in consultation with the Secretary of Defense, shall submit to the congressional defense committees a report setting forth—

(1) recommendations to preserve or restore the readiness of such unit; and

(2) appropriate steps to be taken by the Secretary concerned to lower the cost of noise mitigation measures.

(b) COST PROHIBITIVE.—A required noise mitigation measure shall be considered cost prohibitive to the Department of Defense for purposes of subsection (a) if the cost to implement the measure at an installation exceeds 10 percent of the annual budget for the installation for facilities sustainment, restoration, and modernization.

SEC. 2887. TRANSFER OF FUNDS FOR OKLAHOMA CITY NATIONAL MEMORIAL ENDOWMENT FUND.

Section 7(1) of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss–5(1)) is amended by striking ''there is hereby authorized'' and inserting ''the Secretary may provide, from the National Park Service's national recreation and preservation account, the remainder of''.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction project for the installation outside the United States, and in the amount, set forth in the following table:

NAVY: OUTSIDE THE UNITED STATES

Country	Installation	Amount
Spain	Rota	$59,230,000

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

AIR FORCE: OUTSIDE THE UNITED STATES

Country	Installation	Amount
Germany	Ramstein	$36,345,000
	Spangdahlem Air Base	$25,824,000
Romania	Campia Turzii	$130,500,000

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602.

SEC. 2904. REPLENISHMENT OF CERTAIN MILITARY CONSTRUCTIONS FUNDS.

(a) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2021 by section 2903 and available as specified in the funding table in section 4602, $3,600,000,000 shall be available for replenishment of funds that were authorized to be appropriated by military construction authorization Acts for fiscal years before fiscal year 2021 for military construction projects authorized by such Acts, but were used instead for military construction projects authorized by section 2808 of title 10, United States Code, in connection with the national emergency along the southern land border of the United States declared in 2019 pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.).

(b) REPLENISHMENT BY TRANSFER.—

(1) IN GENERAL.—Any amounts available under subsection (a) that are used for replenishment of funds as described in that subsection shall be transferred to the account that was the source of such funds.

(2) INAPPLICABILITY TOWARD TRANSFER LIMITATIONS.—Any transfer of amounts under this subsection shall not count toward any limitation on transfer of Department of Defense funds in section 1001 or 1512 or any other limitation on transfer of Department of funds in law.

(3) SUNSET OF AUTHORITY.—The authority to make transfers under this subsection shall terminate on September 30, 2021.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts transferred under subsection (b) for replenishment of funds as described in subsection (a) may be used only for military construction projects for which such funds were originally authorized in a military construction authorization Act described in subsection (a).

(2) NO INCREASE IN AUTHORIZED AMOUNT OF PROJECTS.—The total amount of funds available for a military construction project described in paragraph (1) may not exceed the current amount authorized for such project by applicable military construction authorization Acts (including this Act). A replenishment of funds under this section for a military construction project shall not operate to increase the authorized amount of the project or the amount authorized to be available for the project.

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.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 21–D–510, HE Synthesis, Formulation, and Production, Pantex Plant, Amarillo, Texas, $31,000,000.

Project 21–D–511, Savannah River Plutonium Processing Facility, Savannah River Site, Aiken, South Carolina, $241,900,000.

Project 21–D–512, Plutonium Pit Production Project, Los Alamos National Laboratory, Los Alamos, New Mexico, $226,000,000.

Project 21–D–530, KL Steam and Condensate Upgrades, Knolls Atomic Power Laboratory, Schenectady, New York, $4,000,000.

General Plant Project, U1a.03 Test Bed Facility Improvements, Nevada National Security Side, Nevada, $16,000,000.

General Plant Project, TA–15 DARHT Hydro Vessel Repair Facility, Los Alamos National Laboratory, New Mexico, $16,500,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant project:

Project 21–D–401, Hoisting Capability Project, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $10,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Budget of the National Nuclear Security Administration

SEC. 3111. REVIEW OF ADEQUACY OF NUCLEAR WEAPONS BUDGET.

(a) IN GENERAL.—Subtitle A of title XVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is amended by adding at the end the following new section:

"SEC. 4717. REVIEW OF ADEQUACY OF NUCLEAR WEAPONS BUDGET.

''(a) REVIEW OF ADEQUACY OF ADMINISTRATION BUDGET BY NUCLEAR WEAPONS COUNCIL.—

''(1) TRANSMISSION TO COUNCIL.—The Secretary of Energy shall transmit to the Nuclear Weapons Council (in this section referred to as the 'Council') a copy of the proposed budget request of the Administration for each fiscal year before that budget request is submitted to the Director of the Office of Management and Budget in relation to the preparation of the budget of the President to be submitted to Congress under section 1105(a) of title 31, United States Code.

''(2) REVIEW AND DETERMINATION OF ADEQUACY.—

''(A) REVIEW.—The Council shall review each budget request transmitted to the Council under paragraph (1).

''(B) DETERMINATION OF ADEQUACY.—

''(i) INADEQUATE REQUESTS.—If the Council determines that a budget request for a fiscal year transmitted to the Council under paragraph (1) is inadequate, in whole or in part, to implement the objectives of the Department of Defense with respect to nuclear weapons for that fiscal year, the Council shall submit to the Secretary of Energy a written description of funding levels and specific initiatives that would, in the determination of the Council, make the budget request adequate to implement those objectives.

''(ii) ADEQUATE REQUESTS.—If the Council determines that a budget request for a fiscal year transmitted to the Council under paragraph (1) is adequate to implement the objectives described in clause (i) for that fiscal year, the Council shall submit to the Secretary of Energy a written statement confirming the adequacy of the request.

''(iii) RECORDS.—The Council shall maintain a record of each description submitted under clause (i) and each statement submitted under clause (ii).

''(3) DEPARTMENT OF ENERGY RESPONSE.—

''(A) IN GENERAL.—If the Council submits to the Secretary of Energy a written description under paragraph (2)(B)(i) with respect to the budget request of the Administration for a fiscal year, the Secretary shall include as an appendix to the budget request submitted to the Director of the Office of Management and Budget—

''(i) the funding levels and initiatives identified in the description under paragraph (2)(B)(i); and

''(ii) any additional comments the Secretary considers appropriate.

''(B) TRANSMISSION TO CONGRESS.—The Secretary of Energy shall transmit to Congress, with the budget justification materials submitted in support of the Department of Energy budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a copy of the appendix described in subparagraph (A).

''(b) REVIEW AND CERTIFICATION OF DEPARTMENT OF ENERGY BUDGET BY NUCLEAR WEAPONS COUNCIL.—

''(1) IN GENERAL.—At the time the Secretary of Energy submits the budget request of the Department of Energy for that fiscal year to the Director of the Office of Management and Budget in relation to the preparation of the budget of the President, the Secretary shall transmit a copy of the budget request of the Department to the Council.

''(2) CERTIFICATION.—The Council shall—

''(A) review the budget request transmitted to the Council under paragraph (1);

''(B) based on the review under subparagraph (A), make a determination with respect to whether the budget request includes the funding levels and initiatives described in subsection (a)(2)(B)(i); and

''(C) submit to Congress—

''(i)(I) a certification that the budget request is adequate to implement the objectives described in subsection (a)(2)(B)(i); or

''(II) a statement that the budget request is not adequate to implement those objectives; and

''(ii) a copy of the written description submitted by the Council to the Secretary under subsection (a)(2)(B)(i), if any.''.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4716 the following new item:

''Sec. 4717. Review of adequacy of nuclear weapons budget.''.

Subtitle C—Personnel Matters

SEC. 3121. NATIONAL NUCLEAR SECURITY ADMINISTRATION PERSONNEL SYSTEM.

(a) IN GENERAL.—Subtitle C of the National Nuclear Security Administration Act (50 U.S.C. 2441 et seq.) is amended by adding at the end the following new section:

''SEC. 3248. ALTERNATIVE PERSONNEL SYSTEM.

''(a) IN GENERAL.—The Administrator may adapt the pay banding and performance-based pay adjustment demonstration project carried out by the Administration under the authority provided by section 4703 of title 5, United States Code, into a permanent alternative personnel system for the Administration (to be known as the 'National Nuclear Security Administration Personnel System') and implement that system with respect to employees of the Administration.

''(b) MODIFICATIONS.—In adapting the demonstration project described in subsection (a) into a permanent alternative personnel system, the Administrator—

''(1) may, subject to paragraph (2), revise the requirements and limitations of the demonstration project to the extent necessary; and

''(2) shall—

''(A) ensure that the permanent alternative personnel system is carried out in a manner consistent with the final plan for the demonstration project published in the Federal Register on December 21, 2007 (72 Fed. Reg. 72776);

''(B) ensure that significant changes in the system not take effect until revisions to the plan for the demonstration project are approved by the Office of Personnel Management and published in the Federal Register;

''(C) ensure that procedural modifications or clarifications to the final plan for the demonstration project be made through local notification processes;

''(D) authorize, and establish incentives for, employees of the Administration to have rotational assignments among different programs of the Administration, the headquarters and field offices of the Administration, and the management and operating contractors of the Administration; and

''(E) establish requirements for employees of the Administration who are in the permanent alternative personnel system described in subsection (a) to be promoted to senior-level positions in the Administration, including requirements with respect to—

''(i) professional training and continuing education; and

''(ii) a certain number and types of rotational assignments under subparagraph (D), as determined by the Administrator.

''(c) APPLICATION TO NAVAL NUCLEAR PROPULSION PROGRAM.—The Director of the Naval Nuclear Propulsion Program established pursuant to section 4101 of the Atomic Energy Defense Act (50 U.S.C. 2511) and section 3216 of this Act may, with the concurrence of the Secretary of the Navy, apply the alternative personnel system under subsection (a) to—

''(1) all employees of the Naval Nuclear Propulsion Program in the competitive service (as defined in section 2102 of title 5, United States Code); and

''(2) all employees of the Department of Navy who are assigned to the Naval Nuclear Propulsion Program and are in the excepted service (as defined in section 2103 of title 5, United States Code) (other than such employees in statutory excepted service systems).''.

(b) BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall provide a briefing to the appropriate congressional committees on the implementation of section 3248 of the National Nuclear Security Administration Act, as added by subsection (a).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(C) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(c) CONFORMING AMENDMENTS.—Section 3116 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1888; 50 U.S.C. 2441 note prec) is amended—

(1) by striking subsections (a) and (d); and

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

(d) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3247 the following new item:

''Sec. 3248. Alternative personnel system.''.

SEC. 3122. INCLUSION OF CERTAIN EMPLOYEES AND CONTRACTORS OF DEPARTMENT OF ENERGY IN DEFINITION OF PUBLIC SAFETY OFFICER FOR PURPOSES OF CERTAIN DEATH BENEFITS.

Section 1204(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284(9)) is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E)(ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(F) an employee or contractor of the Department of Energy who—

''(i) is—

''(I) a nuclear materials courier (as defined in section 8331(27) of title 5, United States Code); or

''(II) designated by the Secretary of Energy as a member of an emergency response team; and

''(ii) is performing official duties of the Department, pursuant to a deployment order issued by the Secretary, to protect the public, property, or the interests of the United States by—

''(I) assessing, locating, identifying, securing, rendering safe, or disposing of weapons of mass destruction (as defined in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302)); or

''(II) managing the immediate consequences of a radiological release or exposure.''.

SEC. 3123. REIMBURSEMENT FOR LIABILITY INSURANCE FOR NUCLEAR MATERIALS COURIERS.

Section 636(c)(2) of division A of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 5 U.S.C. prec. 5941 note) is amended by striking ''or under'' and all that follows and inserting the following: ''a special agent under section 203 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4823), or a nuclear materials courier (as defined in section 8331(27) of such title 5);''.

SEC. 3124. TRANSPORTATION AND MOVING EXPENSES FOR IMMEDIATE FAMILY OF DECEASED NUCLEAR MATERIALS COURIERS.

Section 5724d(c)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking ''; and'' and inserting a semicolon; and

(2) by adding at the end the following:

''(D) any nuclear materials courier, as defined in section 8331(27); and''.

SEC. 3125. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)) is amended by striking ''September 30, 2020'' and inserting ''September 30, 2021''.

Subtitle D—Cybersecurity

SEC. 3131. REPORTING ON PENETRATIONS OF NETWORKS OF CONTRACTORS AND SUBCONTRACTORS.

(a) IN GENERAL.—Subtitle A of title XLV of the Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

''SEC. 4511. REPORTING ON PENETRATIONS OF NETWORKS OF CONTRACTORS AND SUBCONTRACTORS.

''(a) PROCEDURES FOR REPORTING PENETRATIONS.—The Administrator shall establish procedures that require each contractor and subcontractor to report to the Chief Information Officer when a covered network of the contractor or subcontractor that meets the criteria established pursuant to subsection (b) is successfully penetrated.

''(b) ESTABLISHMENT OF CRITERIA FOR COVERED NETWORKS.—

''(1) IN GENERAL.—The Administrator shall, in consultation with the officials specified in paragraph (2), establish criteria for covered networks to be subject to the procedures for reporting penetrations under subsection (a).

''(2) OFFICIALS SPECIFIED.—The officials specified in this paragraph are the following officials of the Administration:

''(A) The Deputy Administrator for Defense Programs.

''(B) The Associate Administrator for Acquisition and Project Management.

''(C) The Chief Information Officer.

''(D) Any other official of the Administration the Administrator considers necessary.

''(c) PROCEDURE REQUIREMENTS.—

''(1) RAPID REPORTING.—

''(A) IN GENERAL.—The procedures established pursuant to subsection (a) shall require each contractor or subcontractor to submit to the Chief Information Officer a report on each successful penetration of a covered network of the contractor or subcontractor that meets the criteria established pursuant to subsection (b) not later than 60 days after the discovery of the successful penetration.

''(B) ELEMENTS.—Subject to subparagraph (C), each report required by subparagraph (A) with respect to a successful penetration of a covered network of a contractor or subcontractor shall include the following:

''(i) A description of the technique or method used in such penetration.

''(ii) A sample of the malicious software, if discovered and isolated by the contractor or subcontractor, involved in such penetration.

''(iii) A summary of information created by or for the Administration in connection with any program of the Administration that has been potentially compromised as a result of such penetration.

''(C) AVOIDANCE OF DELAYS IN REPORTING.—If a contractor or subcontractor is not able to obtain all of the information required by subparagraph (B) to be included in a report required by subparagraph (A) by the date that is 60 days after the discovery of a successful penetration of a covered network of the contractor or subcontractor, the contractor or subcontractor shall—

''(i) include in the report all information available as of that date; and

''(ii) provide to the Chief Information Officer the additional information required by subparagraph (B) as the information becomes available.

''(2) ACCESS TO EQUIPMENT AND INFORMATION BY ADMINISTRATION PERSONNEL.—Concurrent with the establishment of the procedures pursuant to subsection (a), the Administrator shall establish procedures to be used if information owned by the Administration was in use during or at risk as a result of the successful penetration of a covered network—

''(A) in order to—

''(i) in the case of a penetration of a covered network of a management and operating contractor, enhance the access of personnel of the Administration to Government-owned equipment and information; and

''(ii) in the case of a penetration of a covered network of a contractor or subcontractor that is not a management and operating contractor, facilitate the access of personnel of the Administration to the equipment and information of the contractor or subcontractor; and

''(B) which shall—

''(i) include mechanisms for personnel of the Administration to, upon request, obtain access to equipment or information of a contractor or subcontractor necessary to conduct forensic analysis in addition to any analysis conducted by the contractor or subcontractor;

''(ii) provide that a contractor or subcontractor is only required to provide access to equipment or information as described in clause (i) to determine whether information created by or for the Administration in connection with any program of the Administration was successfully exfiltrated from a network of the contractor or subcontractor and, if so, what information was exfiltrated; and

''(iii) provide for the reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person.

''(3) DISSEMINATION OF INFORMATION.—The procedures established pursuant to subsection (a) shall allow for limiting the dissemination of information obtained or derived through such procedures so that such information may be disseminated only to entities—

''(A) with missions that may be affected by such information;

''(B) that may be called upon to assist in the diagnosis, detection, or mitigation of cyber incidents;

''(C) that conduct counterintelligence or law enforcement investigations; or

''(D) for national security purposes, including cyber situational awareness and defense purposes.

''(d) DEFINITIONS.—In this section:

''(1) CHIEF INFORMATION OFFICER.—The term 'Chief Information Officer' means the Associate Administrator for Information Management and Chief Information Officer of the Administration.

''(2) CONTRACTOR.—The term 'contractor' means a private entity that has entered into a contract or contractual action of any kind with the Administration to furnish supplies, equipment, materials, or services of any kind.

''(3) COVERED NETWORK.—The term 'covered network' includes any network or information system that accesses, receives, or stores—

''(A) classified information; or

''(B) sensitive unclassified information germane to any program of the Administration, as determined by the Administrator.

''(4) SUBCONTRACTOR.—The term 'subcontractor' means a private entity that has entered into a contract or contractual action with a contractor or another subcontractor to furnish supplies, equipment, materials, or services of any kind in connection with another contract in support of any program of the Administration.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4510 the following new item:

''Sec. 4511. Reporting on penetrations of networks of contractors and subcontractors.''.

SEC. 3132. CLARIFICATION OF RESPONSIBILITY FOR CYBERSECURITY OF NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITIES.

(a) ESTABLISHMENT OF CHIEF INFORMATION OFFICER.—Subtitle B of the National Nuclear Security Administration Act (50 U.S.C. 2421 et seq.) is amended by adding at the end the following new section:

''SEC. 3237. CHIEF INFORMATION OFFICER.

''There is within the Administration a Chief Information Officer, who shall be—

''(1) appointed by the Administrator; and

''(2) responsible for the development and implementation of cybersecurity for all facilities of the Administration.''.

(b) CONFORMING AMENDMENT.—Section 3232(b)(3) of the National Nuclear Security Administration Act (50 U.S.C. 2422(b)(3)) is amended by striking ''and cyber''.

(c) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3236 the following new item:

''Sec. 3237. Chief Information Officer.''.

Subtitle E—Defense Environmental Cleanup

SEC. 3141. PUBLIC STATEMENT OF ENVIRONMENTAL LIABILITIES FOR FACILITIES UNDERGOING DEFENSE ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Subtitle A of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is amended by adding at the end the following new section:

''SEC. 4410. PUBLIC STATEMENT OF ENVIRONMENTAL LIABILITIES.

''Each year, at the same time that the Department of Energy submits its annual financial report under section 3516 of title 31, United States Code, the Secretary of Energy shall make available to the public a statement of environmental liabilities, as calculated for the most recent audited financial statement of the Department under section 3515 of that title, for each defense nuclear facility at which defense environmental cleanup activities are occurring.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4409 the following new item:

''Sec. 4410. Public statement of environmental liabilities.''.

SEC. 3142. INCLUSION OF MISSED MILESTONES IN FUTURE-YEARS DEFENSE ENVIRONMENTAL CLEANUP PLAN.

Section 4402A(b)(3) of the Atomic Energy Defense Act (50 U.S.C. 2582A(b)(3)) is amended by adding at the end the following:

''(D) For any milestone that has been missed, renegotiated, or postponed, a statement of the current milestone, the original milestone, and any interim milestones.''.

SEC. 3143. CLASSIFICATION OF DEFENSE ENVIRONMENTAL CLEANUP AS CAPITAL ASSET PROJECTS OR OPERATIONS ACTIVITIES.

(a) IN GENERAL.—The Assistant Secretary of Energy for Environmental Management, in consultation with other appropriate officials of the Department of Energy, shall establish requirements for the classification of defense environmental cleanup projects as capital asset projects or operations activities.

(b) REPORT REQUIRED.—Not later than March 1, 2021, the Assistant Secretary shall submit to the congressional defense committees a report—

(1) setting forth the requirements established under subsection (a); and

(2) assessing whether any ongoing defense environmental cleanup projects should be reclassified based on those requirements.

SEC. 3144. CONTINUED ANALYSIS OF APPROACHES FOR SUPPLEMENTAL TREATMENT OF LOW-ACTIVITY WASTE AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct a follow-on analysis to the analysis required by section 3134 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2769) with respect to approaches for treating the portion of low-activity waste at the Hanford Nuclear Reservation, Richland, Washington, intended for supplemental treatment.

(b) COMPARISON OF ALTERNATIVES TO AID DECISIONMAKING.—The analysis required by subsection (a) shall be designed, to the greatest extent possible, to provide decisionmakers with the ability to make a direct comparison between approaches for the supplemental treatment of low-activity waste

at the Hanford Nuclear Reservation based on criteria that are relevant to decisionmaking and most clearly differentiate between approaches.

(c) ELEMENTS.—The analysis required by subsection (a) shall include an assessment of the following:

(1) The most effective potential technology for supplemental treatment of low-activity waste that will produce an effective waste form, including an assessment of the following:

(A) The maturity and complexity of the technology.

(B) The extent of previous use of the technology.

(C) The life cycle costs and duration of use of the technology.

(D) The effectiveness of the technology with respect to immobilization.

(E) The performance of the technology expected under permanent disposal.

(2) The differences among approaches for the supplemental treatment of low-activity waste considered as of the date of the analysis.

(3) The compliance of such approaches with the technical standards described in section 3134(b)(2)(D) of section 3134 of the National Defense Authorization Act for Fiscal Year 2017.

(4) The differences among potential disposal sites for the waste form produced through such treatment, including mitigation of radionuclides, including technetium-99, selenium-79, and iodine-129, on a system level.

(5) Potential modifications to the design of facilities to enhance performance with respect to disposal of the waste form to account for the following:

(A) Regulatory compliance.

(B) Public acceptance.

(C) Cost.

(D) Safety.

(E) The expected radiation dose to maximally exposed individuals over time.

(F) Differences among disposal environments.

(6) Approximately how much and what type of pretreatment is needed to meet regulatory requirements regarding long-lived radionuclides and hazardous chemicals to reduce disposal costs for radionuclides described in paragraph (4).

(7) Whether the radionuclides can be left in the waste form or economically removed and bounded at a system level by the performance assessment of a potential disposal site and, if the radionuclides cannot be left in the waste form, how to account for the secondary waste stream.

(8) Other relevant factors relating to the technology described in paragraph (1), including the following:

(A) The costs and risks in delays with respect to tank performance over time.

(B) Consideration of experience with treatment methods at other sites and commercial facilities.

(C) Outcomes of the test bed initiative of the Office of Environmental Management at the Hanford Nuclear Reservation.

(d) REVIEW, CONSULTATION, SUBMISSION, AND LIMITATIONS.—The provision of subsections (c) through (f) of section 3134 of the National Defense Authorization Act for Fiscal Year 2017 shall apply with respect to the analysis required by subsection (a) to the same extent and in the same manner that such provisions applied with respect to the analysis required by subsection (a) of such section 3134, except that subsection (e) of such section shall be applied and administered by substituting ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021'' for ''the date of the enactment of this Act'' each place it appears.

Subtitle F—Other Matters

SEC. 3151. MODIFICATIONS TO ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

Section 4806 of the Atomic Energy Defense Act (50 U.S.C. 2786) is amended—

(1) in subsections (a) and (c), by inserting ''or special exclusion action'' after ''covered procurement action'' each place it appears;

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

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

''(e) DELEGATION OF AUTHORITY.—The Secretary may delegate the authority under this section to—

''(1) in the case of the Administration, the Administrator; and

''(2) in the case of any other component of the Department of Energy, the Senior Procurement Executive of the Department.''; and

(4) in subsection (f), as redesignated by paragraph (2)—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph (6):

''(6) SPECIAL EXCLUSION ACTION.—The term 'special exclusion action' means an action to prohibit, for a period not to exceed two years, the award of any contracts or subcontracts by the Administration or any other component of the Department of Energy related to any covered system to a source the Secretary determines to represent a supply chain risk.''.

SEC. 3152. PROHIBITION ON USE OF LABORATORY- OR PRODUCTION FACILITY-DIRECTED RESEARCH AND DEVELOPMENT FUNDS FOR GENERAL AND ADMINISTRATIVE OVERHEAD COSTS.

Section 4811 of the Atomic Energy Defense Act (50 U.S.C. 2791), as amended by section 3152, is further amended—

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

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

''(d) PROHIBITION ON USE OF FUNDS FOR OVERHEAD.—Funds provided to a national security laboratory or nuclear weapons production facility for laboratory- or production facility-directed research and development may not be used to cover the costs of general and administrative overhead for the laboratory or facility.''.

SEC. 3153. MONITORING OF INDUSTRIAL BASE FOR NUCLEAR WEAPONS COMPONENTS, SUBSYSTEMS, AND MATERIALS.

(a) DESIGNATION OF OFFICIAL.—Not later than March 1, 2021, the Administrator for Nuclear Security shall designate a senior official within the National Nuclear Security Administration to be responsible for monitoring the industrial base that supports the nuclear weapons components, subsystems, and materials of the Administration, including—

(1) the consistent monitoring of the current status of the industrial base;

(2) tracking of industrial base issues over time; and

(3) proactively identifying gaps or risks in specific areas relating to the industrial base.

(b) PROVISION OF RESOURCES.—The Administrator shall ensure that the official designated under subsection (a) is provided with resources sufficient to conduct the monitoring required by that subsection.

(c) CONSULTATIONS.—The Administrator, acting through the official designated under subsection (a), shall, to the extent practicable and beneficial, in conducting the monitoring required by that subsection, consult with—

(1) officials of the Department of Defense who are members of the Nuclear Weapons Council established under section 179 of title 10, United States Code;

(2) officials of the Department of Defense responsible for the defense industrial base; and

(3) other components of the Department of Energy that rely on similar components, subsystems, or materials.

(d) BRIEFINGS.—

(1) INITIAL BRIEFING.—Not later than April 1, 2021, the Administrator shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the designation of the official required by subsection (a), including on—

(A) the responsibilities assigned to that official; and

(B) the plan for providing that official with resources sufficient to conduct the monitoring required by subsection (a).

(2) SUBSEQUENT BRIEFINGS.—Not later than April 1, 2022, and annually thereafter through 2024, the Administrator shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on activities carried out under this section that includes an assessment of the progress made by the official designated under subsection (a) in conducting the monitoring required by that subsection.

SEC. 3154. PROHIBITION ON USE OF FUNDS FOR ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

(a) IN GENERAL.—None of the funds authorized to be appropriated for the National Nuclear Security Administration for fiscal year 2021 may be obligated or expended to conduct research and development of an advanced naval nuclear fuel system based on low-enriched uranium until the following certifications are submitted to the congressional defense committees:

(1) A joint certification of the Secretary of Energy and the Secretary of Defense that the determination made by the Secretary of Energy and the Secretary of the Navy pursuant to section 3118(c)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1196) and submitted to the congressional defense committees on March 25, 2018, that the United States should not pursue such research and development, no longer reflects the policy of the United States.

(2) A certification of the Secretary of the Navy that an advanced naval nuclear fuel system based on low-enriched uranium would not reduce vessel capability, increase expense, or reduce operational availability as a result of refueling requirements.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on activities conducted using amounts made available for fiscal year 2020 for nonproliferation fuels development, including a description of progress made toward technological or nonproliferation goals.

SEC. 3155. AUTHORIZATION OF APPROPRIATIONS FOR W93 NUCLEAR WARHEAD PROGRAM.

In accordance with section 4209(a)(1)(B) of the Atomic Energy Defense Act (50 U.S.C. 2529(a)(1)(B)), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for the W93 nuclear warhead program as specified in the funding table in section 4701.

SEC. 3156. REVIEW OF FUTURE OF COMPUTING BEYOND EXASCALE AT THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—The Administrator for Nuclear Security, in consultation with the

Secretary of Energy, shall enter into an agreement with the National Academy of Science to review the future of computing beyond exascale computing to meet national security needs at the National Nuclear Security Administration.

(b) ELEMENTS.—The review required by subsection (a) shall address the following:

(1) Future computing needs of the National Nuclear Security Administration that exascale computing will not accomplish during the 20 years after the date of the enactment of this Act.

(2) Computing architectures that potentially can meet those needs, including—

(A) classical computing architectures employed as of such date of enactment;

(B) quantum computing architectures and other novel computing architectures;

(C) hybrid combinations of classical and quantum computing architectures; and

(D) other architectures as necessary.

(3) The development of software for the computing architectures described in paragraph (2).

(4) The maturity of the computing architectures described in paragraph (2) and the software described in paragraph (3), with key obstacles that must be overcome for the employment of such architectures and software.

(5) The secure industrial base that exists as of the date of the enactment of this Act to meet the unique needs of computing at the National Nuclear Security Administration, including needs with respect to—

(A) personnel;

(B) microelectronics; and

(C) other appropriate matters.

(c) INFORMATION AND CLEARANCES.—The Administrator shall ensure that personnel of the National Academy of Sciences overseeing the implementation of the agreement required by subsection (a) or conducting the review required by that subsection receive, in a timely manner, access to information and necessary security clearances to enable the conduct of the review.

(d) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the National Academy of Sciences shall submit to the congressional defense committees a report on the findings of the review required by subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(e) EXASCALE COMPUTING DEFINED.—In this section, the term ''exascale computing'' means computing through the use of a computing machine that performs near or above 10 to the 18th power floating point operations per second.

SEC. 3157. APPLICATION OF REQUIREMENT FOR INDEPENDENT COST ESTIMATES AND REVIEWS TO NEW NUCLEAR WEAPON SYSTEMS.

Section 4217(b)(1) of the Atomic Energy Defense Act (50 U.S.C. 2537(b)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting '', and each new nuclear weapon system at the completion of phase 2A'' after ''phase 6.2A'';

(B) in clause (ii), by inserting '', and each new nuclear weapon system at the completion of phase 3'' after ''phase 6.3''; and

(C) in clause (iii)—

(i) by inserting '', and each new nuclear weapon system at the completion of phase 4'' after ''phase 6.4''; and

(ii) by inserting ''or 5, as applicable'' after ''phase 6.5''; and

(2) in subparagraph (B), by inserting '', and each new nuclear weapon system at the completion of phase 2'' after ''phase 6.2''.

SEC. 3159. INTEGRATION OF STOCKPILE STEWARDSHIP AND NONPROLIFERATION MISSIONS.

(a) SENSE OF SENATE.—It is the sense of the Senate that, in recognition of the close relationships between the nuclear weapons expertise and infrastructure of the national security laboratories (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)), those laboratories should continue to apply their capabilities to assessing, understanding, and countering current and emerging nuclear threats, including the nuclear capabilities of adversaries of the United States.

(b) INTEGRATION.—The Secretary of Energy shall ensure that the capabilities of the stockpile stewardship program under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) are available to assess proliferation challenges, nuclear capabilities of adversaries of the United States, and related safeguards.

SEC. 3160. TECHNOLOGY DEVELOPMENT AND INTEGRATION PROGRAM.

The Administrator for Nuclear Security shall establish a technology development and integration program to improve the safety and security of the nuclear weapons stockpile, and to prevent proliferation, through research and development, engineering, and integration of technologies applicable to multiple weapons systems in the stockpile.

SEC. 3161. ADVANCED MANUFACTURING DEVELOPMENT PROGRAM.

The Administrator for Nuclear Security shall establish an advanced manufacturing development program to focus on the development, demonstration, and deployment of next-generation processes and manufacturing tools to ensure that the nuclear weapons stockpile is safe and secure.

SEC. 3162. MATERIALS SCIENCE PROGRAM.

The Administrator for Nuclear Security shall establish a materials science program to develop new materials to replace materials that are no longer available for weapons sustainment.

SEC. 3163. MODIFICATIONS TO INERTIAL CONFINEMENT FUSION IGNITION AND HIGH YIELD PROGRAM.

(a) IN GENERAL.—The Inertial Confinement Fusion Ignition and High Yield Program of the National Nuclear Security Administration (in this section referred to as the ''Program'') shall provide the scientific understanding and experimental capabilities required to validate the safety and effectiveness of the nuclear weapons stockpile.

(b) RECOMMENDATIONS RELATING TO HIGH ENERGY DENSITY PHYSICS.—

(1) ESTABLISHMENT OF WORKING GROUP.—The Administrator for Nuclear Security shall establish a working group to identify and implement any recommendations issued by the National Academies of Sciences, Engineering, and Medicine as required by section 3137 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) REPORT REQUIRED.—Not later than March 31, 2021, the Administrator shall submit to the congressional defense committees a report on the timelines for completing implementation of the recommendations described in paragraph (1).

SEC. 3164. EARNED VALUE MANAGEMENT PROGRAM FOR LIFE EXTENSION PROGRAMS.

(a) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

''SEC. 4223. EARNED VALUE MANAGEMENT PROGRAM FOR LIFE EXTENSION PROGRAMS.

''(a) IN GENERAL.—The Administrator shall establish an earned value management program to establish earned value management standards—

''(1) to ensure specific benchmarks are set for technology readiness for life extension programs; and

''(2) to ensure that appropriate risk mitigation measures are taken to meet the cost and schedule requirements of such programs.

''(b) REVIEW OF CONTRACTOR EARNED VALUE MANAGEMENT SYSTEMS.—The Administrator shall enter into an arrangement with an independent entity under which that entity shall review and determine whether the earned value management standards of contractors of the Administration for life extension programs are consistent with the standards established under subsection (a).

''(c) RECONCILIATION OF COST ESTIMATES.—The Administrator shall ensure that key decisions of the Administration concerning project milestones in life extension programs are based on a reconciliation of cost estimates of the Administration with any independent cost estimates conducted by the Director of Cost Estimating and Program Evaluation.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4222 the following new item:

''Sec. 4223. Earned value management program for life extension programs.''.

SEC. 3165. USE OF HIGH PERFORMANCE COMPUTING CAPABILITIES FOR COVID–19 RESEARCH.

The Secretary of Energy shall make the unclassified high performance computing capabilities of the Department of Energy available for research relating to the coronavirus disease 2019 (commonly known as ''COVID–19'') so long as and to the extent that doing so does not negatively affect the stockpile stewardship mission of the National Nuclear Security Administration.

SEC. 3166. AVAILABILITY OF STOCKPILE RESPONSIVENESS FUNDS FOR PROJECTS TO REDUCE TIME NECESSARY TO EXECUTE A NUCLEAR TEST.

From amounts authorized to be appropriated by section 3101 and available, as specified in the funding table in section 4701, for the Stockpile Responsiveness Program under section 4220 of the Atomic Energy Defense Act (50 U.S.C. 2538b), not less than $10,000,000 shall be made available to carry out projects related to reducing the time required to execute a nuclear test if necessary.

SEC. 3167. SENSE OF THE SENATE ON EXTENSION OF LIMITATIONS ON IMPORTATION OF URANIUM FROM RUSSIAN FEDERATION.

It is the sense of the Senate that—

(1) a secure nuclear fuel supply chain is essential to the economic and national security of the United States;

(2) the United States should—

(A) expeditiously complete negotiation of an extension of the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation (commonly referred to as the ''Russian Suspension Agreement''); or

(B) if an agreement to extend the Russian Suspension Agreement cannot be reached, complete the antidumping investigation under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) with respect to imports of uranium from the Russian Federation—

(i) to avoid unfair trade in uranium and maintain a nuclear fuel supply chain in the United States, consistent with the national security and nonproliferation goals of the United States; and

(ii) to protect the United States nuclear fuel supply chain from the continued manipulation of the global and United States uranium markets by the Russian Federation and Russian-influenced competitors;

(3) a renegotiated, long-term extension of the Russian Suspension Agreement can prevent adversaries of the United States from monopolizing the nuclear fuel supply chain;

(4) as was done in 2008, upon completion of a new negotiated long-term extension of the Russian Suspension Agreement, Congress should enact legislation to codify the terms of extension into law to ensure long-term stability for the domestic nuclear fuel supply chain; and

(5) if the negotiations to extend the Russian Suspension Agreement prove unsuccessful, Congress should be prepared to enact legislation to prevent the manipulation by the Russian Federation of global uranium markets and potential domination by the Russian Federation of the United States uranium market.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2021, $28,836,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. NONPUBLIC COLLABORATIVE DISCUSSIONS BY DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

Section 313 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended by adding at the end the following new subsection:

''(k) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

''(1) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a quorum of the members of the Board may hold a meeting that is not open to public observation to discuss official business of the Board if—

''(A) no formal or informal vote or other official action is taken at the meeting;

''(B) each individual present at the meeting is a member or an employee of the Board;

''(C) at least one member of the Board from each political party is present at the meeting, unless all members of the Board are of the same political party at the time of the meeting; and

''(D) the general counsel of the Board, or a designee of the general counsel, is present at the meeting.

''(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), not later than two business days after the conclusion of a meeting described in paragraph (1), the Board shall make available to the public, in a place easily accessible to the public—

''(i) a list of the individuals present at the meeting; and

''(ii) a summary of the matters, including key issues, discussed at the meeting, except for any matter the Board properly determines may be withheld from the public under section 552b(c) of title 5, United States Code.

''(B) INFORMATION ABOUT MATTERS WITHHELD FROM PUBLIC.—If the Board properly determines under subparagraph (A)(ii) that a matter may be withheld from the public under section 552b(c) of title 5, United States Code, the Board shall include in the summary required by that subparagraph as much general information as possible with respect to the matter.

''(3) RULES OF CONSTRUCTION.—Nothing in this subsection may be construed—

''(A) to limit the applicability of section 552b of title 5, United States Code, with respect to—

''(i) a meeting of the members of the Board other than a meeting described in paragraph (1); or

''(ii) any information that is proposed to be withheld from the public under paragraph (2)(A)(ii); or

''(B) to authorize the Board to withhold from any individual any record that is accessible to that individual under section 552a of title 5, United States Code.''.

SEC. 3203. IMPROVEMENTS TO OPERATIONS OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) MISSION OF BOARD.—Section 312(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2286a(a)) is amended by striking ''employees and contractors at such facilities'' and inserting ''workers at such facilities conducting activities covered by part 830 of title 10, Code of Federal Regulations (or any successor regulation)''.

(b) COOPERATION.—Section 314(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2286c(a)) is amended—

(1) by inserting ''(1)'' before ''Except''; and

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

''(2) For purposes of this subsection, the term 'unfettered access', with respect to a facility or personnel of or information related to a facility, means access equivalent to the access to the facility, personnel, or information provided to a regular employee of the facility, after proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.''.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

''§ 109. Maritime Administration

''(a) ORGANIZATION AND MISSION.—The Maritime Administration is an administration in the Department of Transportation. The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.

''(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

''(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

''(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

''(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

''(f) INTERAGENCY AND INDUSTRY RELATIONS.—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

''(g) DETAILING OFFICERS FROM ARMED FORCES.—To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the Armed Forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer's pay and allowances as an officer in the Armed Forces, makes the officer's total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

''(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—

''(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

''(A) carry out the Secretary's duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

''(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

''(2) AUDITS.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

''(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

''(2) LIMITATIONS.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

''(A) acquisition, construction, or reconstruction of vessels;

''(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

''(C) costs of national defense features;

''(D) payments of obligations incurred for operating-differential subsidies;

''(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

''(F) the Vessel Operations Revolving Fund;

''(G) National Defense Reserve Fleet expenses;

''(H) expenses necessary to carry out part B of subtitle V of title 46; and

''(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.''.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 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 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 2021 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
2	MQ–1 UAV	0	165,000
	Reverse planned temporary procurement pause		[165,000]
3	FUTURE UAS FAMILY	1,100	1,100
4	RQ–11 (RAVEN)	20,851	20,851
	ROTARY		
7	AH–64 APACHE BLOCK IIIA REMAN	792,027	792,027
8	AH–64 APACHE BLOCK IIIA REMAN AP	169,460	169,460
11	UH–60 BLACKHAWK M MODEL (MYP)	742,998	742,998
12	UH–60 BLACKHAWK M MODEL (MYP) AP	87,427	87,427
13	UH–60 BLACK HAWK L AND V MODELS	172,797	172,797
14	CH–47 HELICOPTER	160,750	160,750
15	CH–47 HELICOPTER AP	18,372	18,372
	MODIFICATION OF AIRCRAFT		
18	UNIVERSAL GROUND CONTROL EQUIPMENT (UAS)	7,509	7,509
19	GRAY EAGLE MODS2	16,280	16,280
20	MULTI SENSOR ABN RECON (MIP)	35,864	35,864
21	AH–64 MODS	118,316	118,316
22	CH–47 CARGO HELICOPTER MODS (MYP)	15,548	35,548
	IVCS		[20,000]
23	GRCS SEMA MODS (MIP)	2,947	2,947
24	ARL SEMA MODS (MIP)	9,598	9,598
25	EMARSS SEMA MODS (MIP)	2,452	2,452
26	UTILITY/CARGO AIRPLANE MODS	13,868	13,868
27	UTILITY HELICOPTER MODS	25,842	25,842
28	NETWORK AND MISSION PLAN	77,432	77,432
29	COMMS, NAV SURVEILLANCE	101,355	101,355
31	AVIATION ASSURED PNT	54,609	54,609
32	GATM ROLLUP	12,180	12,180
34	UAS MODS	4,204	4,204
	GROUND SUPPORT AVIONICS		
35	AIRCRAFT SURVIVABILITY EQUIPMENT	49,455	49,455
36	SURVIVABILITY CM	8,035	8,035
37	CMWS	10,567	10,567
38	COMMON INFRARED COUNTERMEASURES (CIRCM)	237,467	237,467
	OTHER SUPPORT		
39	AVIONICS SUPPORT EQUIPMENT	1,789	1,789
40	COMMON GROUND EQUIPMENT	17,584	17,584
41	AIRCREW INTEGRATED SYSTEMS	48,265	48,265
42	AIR TRAFFIC CONTROL	26,408	26,408
44	LAUNCHER, 2.75 ROCKET	2,256	2,256
45	LAUNCHER GUIDED MISSILE: LONGBOW HELLFIRE XM2	8,982	8,982
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**3,074,594**	**3,259,594**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
2	M-SHORAD—PROCUREMENT	378,654	378,654
3	MSE MISSILE	603,188	779,773
	Transfer missiles from EDI OCO		[176,585]
4	PRECISION STRIKE MISSILE (PRSM)	49,941	49,941
5	INDIRECT FIRE PROTECTION CAPABILITY INC 2–I	106,261	65,761
	Army-identified funding early to need		[–40,500]
	AIR-TO-SURFACE MISSILE SYSTEM		
6	HELLFIRE SYS SUMMARY	91,225	91,225
7	JOINT AIR-TO-GROUND MSLS (JAGM)	213,397	213,397
8	LONG RANGE PRECISION MUNITION	45,307	45,307
	ANTI-TANK/ASSAULT MISSILE SYS		
9	JAVELIN (AAWS-M) SYSTEM SUMMARY	190,325	190,325
10	TOW 2 SYSTEM SUMMARY	121,074	121,074
11	GUIDED MLRS ROCKET (GMLRS)	850,157	850,157
12	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	30,836	30,836
13	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS	41,226	41,226
	MODIFICATIONS		
16	PATRIOT MODS	278,050	278,050
17	ATACMS MODS	141,690	141,690

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
20	AVENGER MODS	13,942	13,942
21	ITAS/TOW MODS	5,666	5,666
22	MLRS MODS	310,419	310,419
23	HIMARS MODIFICATIONS	6,081	6,081
	SPARES AND REPAIR PARTS		
24	SPARES AND REPAIR PARTS	5,090	5,090
	SUPPORT EQUIPMENT & FACILITIES		
25	AIR DEFENSE TARGETS	8,978	8,978
	TOTAL MISSILE PROCUREMENT, ARMY	**3,491,507**	**3,627,592**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
2	ARMORED MULTI PURPOSE VEHICLE (AMPV)	192,971	172,971
	Program decrease		[–20,000]
	MODIFICATION OF TRACKED COMBAT VEHICLES		
4	STRYKER UPGRADE	847,212	847,212
5	BRADLEY PROGRAM (MOD)	493,109	473,109
	UBIS slip		[–20,000]
6	M109 FOV MODIFICATIONS	26,893	26,893
7	PALADIN INTEGRATED MANAGEMENT (PIM)	435,825	435,825
9	ASSAULT BRIDGE (MOD)	5,074	5,074
10	ASSAULT BREACHER VEHICLE	19,500	19,500
11	M88 FOV MODS	18,382	13,382
	Unjustified growth		[–5,000]
12	JOINT ASSAULT BRIDGE	72,178	61,678
	IOTE and testing delay		[–10,500]
13	M1 ABRAMS TANK (MOD)	392,013	392,013
14	ABRAMS UPGRADE PROGRAM	1,033,253	1,033,253
	WEAPONS & OTHER COMBAT VEHICLES		
16	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	17,864	17,864
18	MORTAR SYSTEMS	10,288	10,288
19	XM320 GRENADE LAUNCHER MODULE (GLM)	5,969	5,969
20	PRECISION SNIPER RIFLE	10,137	10,137
21	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	999	999
22	CARBINE	7,411	7,411
23	NEXT GENERATION SQUAD WEAPON	35,822	35,822
24	COMMON REMOTELY OPERATED WEAPONS STATION	24,534	24,534
25	HANDGUN	4,662	4,662
	MOD OF WEAPONS AND OTHER COMBAT VEH		
26	MK–19 GRENADE MACHINE GUN MODS	6,444	6,444
27	M777 MODS	10,983	10,983
28	M4 CARBINE MODS	4,824	4,824
31	M240 MEDIUM MACHINE GUN MODS	6,385	6,385
32	SNIPER RIFLES MODIFICATIONS	1,898	1,898
33	M119 MODIFICATIONS	2,009	2,009
34	MORTAR MODIFICATION	1,689	1,689
35	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	2,604	2,604
	SUPPORT EQUIPMENT & FACILITIES		
36	ITEMS LESS THAN $5.0M (WOCV-WTCV)	2,763	2,763
37	PRODUCTION BASE SUPPORT (WOCV-WTCV)	3,045	3,045
	TOTAL PROCUREMENT OF W&TCV, ARMY	**3,696,740**	**3,641,240**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
1	CTG, 5.56MM, ALL TYPES	68,472	68,472
2	CTG, 7.62MM, ALL TYPES	109,933	109,933
3	NEXT GENERATION SQUAD WEAPON AMMUNITION	11,988	11,988
4	CTG, HANDGUN, ALL TYPES	853	853
5	CTG, .50 CAL, ALL TYPES	58,280	58,280
6	CTG, 20MM, ALL TYPES	31,708	31,708
7	CTG, 25MM, ALL TYPES	9,111	9,111
8	CTG, 30MM, ALL TYPES	58,172	58,172
9	CTG, 40MM, ALL TYPES	114,638	114,638
	MORTAR AMMUNITION		
10	60MM MORTAR, ALL TYPES	31,222	31,222
11	81MM MORTAR, ALL TYPES	42,857	42,857
12	120MM MORTAR, ALL TYPES	107,762	107,762
	TANK AMMUNITION		
13	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	233,444	233,444
	ARTILLERY AMMUNITION		
14	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	35,963	35,963
15	ARTILLERY PROJECTILE, 155MM, ALL TYPES	293,692	293,692
16	PROJ 155MM EXTENDED RANGE M982	69,159	69,159
17	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	232,913	232,913
	MINES		
18	MINES & CLEARING CHARGES, ALL TYPES	65,278	65,278
19	CLOSE TERRAIN SHAPING OBSTACLE	4,995	4,995
	ROCKETS		
20	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	69,112	69,112
21	ROCKET, HYDRA 70, ALL TYPES	125,915	125,915
	OTHER AMMUNITION		
22	CAD/PAD, ALL TYPES	8,891	8,891

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
23	DEMOLITION MUNITIONS, ALL TYPES	54,043	54,043
24	GRENADES, ALL TYPES	28,931	28,931
25	SIGNALS, ALL TYPES	27,036	27,036
26	SIMULATORS, ALL TYPES	10,253	10,253
	MISCELLANEOUS		
27	AMMO COMPONENTS, ALL TYPES	3,476	3,476
29	ITEMS LESS THAN $5 MILLION (AMMO)	10,569	10,569
30	AMMUNITION PECULIAR EQUIPMENT	12,338	12,338
31	FIRST DESTINATION TRANSPORTATION (AMMO)	15,908	15,908
32	CLOSEOUT LIABILITIES	99	99
	PRODUCTION BASE SUPPORT		
33	INDUSTRIAL FACILITIES	592,224	592,224
34	CONVENTIONAL MUNITIONS DEMILITARIZATION	235,112	235,112
35	ARMS INITIATIVE	3,369	3,369
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**2,777,716**	**2,777,716**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
1	TACTICAL TRAILERS/DOLLY SETS	12,986	12,986
2	SEMITRAILERS, FLATBED:	31,443	31,443
3	SEMITRAILERS, TANKERS	17,082	17,082
4	HI MOB MULTI-PURP WHLD VEH (HMMWV)	44,795	44,795
5	GROUND MOBILITY VEHICLES (GMV)	37,932	37,932
8	JOINT LIGHT TACTICAL VEHICLE FAMILY OF VEHICL	894,414	894,414
9	TRUCK, DUMP, 20T (CCE)	29,368	29,368
10	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	95,092	95,092
11	FAMILY OF COLD WEATHER ALL-TERRAIN VEHICLE (C	999	999
12	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	27,687	27,687
14	PLS ESP	21,969	21,969
15	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	65,635	65,635
16	HMMWV RECAPITALIZATION PROGRAM	5,927	5,927
17	TACTICAL WHEELED VEHICLE PROTECTION KITS	36,497	36,497
18	MODIFICATION OF IN SVC EQUIP	114,977	114,977
	NON-TACTICAL VEHICLES		
20	PASSENGER CARRYING VEHICLES	1,246	1,246
21	NONTACTICAL VEHICLES, OTHER	19,870	19,870
	COMM—JOINT COMMUNICATIONS		
22	SIGNAL MODERNIZATION PROGRAM	160,469	160,469
23	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	360,379	365,379
	MDTF scalable node equipment		[5,000]
24	SITUATION INFORMATION TRANSPORT	63,396	63,396
26	JCSE EQUIPMENT (USRDECOM)	5,170	5,170
	COMM—SATELLITE COMMUNICATIONS		
29	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	101,498	101,498
30	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	72,450	74,850
	AFRICOM force protection upgrades		[1,000]
	MDTF support requirements		[1,400]
31	SHF TERM	13,173	13,173
32	ASSURED POSITIONING, NAVIGATION AND TIMING	134,928	134,928
33	SMART-T (SPACE)	8,611	8,611
34	GLOBAL BRDCST SVC—GBS	8,191	8,191
	COMM—C3 SYSTEM		
36	COE TACTICAL SERVER INFRASTRUCTURE (TSI)	94,871	94,871
	COMM—COMBAT COMMUNICATIONS		
37	HANDHELD MANPACK SMALL FORM FIT (HMS)	550,848	552,348
	AFRICOM force protection upgrades		[1,500]
38	RADIO TERMINAL SET, MIDS LVT(2)	8,237	8,237
41	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	13,967	0
	Program cancelation		[–13,967]
43	UNIFIED COMMAND SUITE	19,579	19,579
44	COTS COMMUNICATIONS EQUIPMENT	94,156	94,156
45	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	18,313	18,313
46	ARMY COMMUNICATIONS & ELECTRONICS	51,480	51,480
	COMM—INTELLIGENCE COMM		
48	CI AUTOMATION ARCHITECTURE (MIP)	13,146	13,146
49	DEFENSE MILITARY DECEPTION INITIATIVE	5,624	5,624
	INFORMATION SECURITY		
51	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	4,596	4,596
52	COMMUNICATIONS SECURITY (COMSEC)	159,272	159,272
53	DEFENSIVE CYBER OPERATIONS	54,753	55,653
	MDTF cyber defense and EW tools		[900]
54	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO	1,760	1,760
56	ITEMS LESS THAN $5M (INFO SECURITY)	260	260
	COMM—LONG HAUL COMMUNICATIONS		
57	BASE SUPPORT COMMUNICATIONS	29,761	30,761
	AFRICOM UFR force protection upgrades		[1,000]
	COMM—BASE COMMUNICATIONS		
58	INFORMATION SYSTEMS	147,696	147,696
59	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,900	4,900
60	HOME STATION MISSION COMMAND CENTERS (HSMCC)	15,227	15,227
61	JOINT INFORMATION ENVIRONMENT (JIE)	3,177	3,177
62	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	300,035	300,035

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
65	JTT/CIBS-M (MIP)	5,304	5,304
66	TERRESTRIAL LAYER SYSTEMS (TLS) (MIP)	8,081	8,081
68	DCGS-A (MIP)	151,886	151,886
70	TROJAN (MIP)	17,593	17,593
71	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	28,558	28,558
73	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	999	999
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
75	LIGHTWEIGHT COUNTER MORTAR RADAR	5,332	5,332
76	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	7,849	7,849
77	AIR VIGILANCE (AV) (MIP)	8,160	8,160
79	MULTI-FUNCTION ELECTRONIC WARFARE (MFEW) SYST	8,669	8,669
81	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	0	13,400
	MDTF advanced intel systems remote collection		[13,400]
82	CI MODERNIZATION (MIP)	300	300
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
83	SENTINEL MODS	58,884	58,884
84	NIGHT VISION DEVICES	1,127,375	1,127,375
86	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	13,954	13,954
88	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	10,069	14,069
	AFRICOM UFR force protection upgrades		[4,000]
89	FAMILY OF WEAPON SIGHTS (FWS)	133,590	133,590
91	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	243,850	243,850
92	JOINT EFFECTS TARGETING SYSTEM (JETS)	69,641	69,641
94	COMPUTER BALLISTICS: LHMBC XM32	7,509	7,509
95	MORTAR FIRE CONTROL SYSTEM	3,800	3,800
96	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS	7,292	7,292
97	COUNTERFIRE RADARS	72,421	72,421
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
98	ARMY COMMAND POST INTEGRATED INFRASTRUCTURE (	49,947	49,947
99	FIRE SUPPORT C2 FAMILY	9,390	9,390
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS	47,374	47,374
101	IAMD BATTLE COMMAND SYSTEM	201,587	201,587
102	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,495	4,495
103	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	18,651	18,651
105	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	2,792	2,792
106	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP	9,071	9,071
107	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	12,117	12,117
108	MOD OF IN-SVC EQUIPMENT (ENFIRE)	3,004	3,004
	ELECT EQUIP—AUTOMATION		
109	ARMY TRAINING MODERNIZATION	14,574	14,574
110	AUTOMATED DATA PROCESSING EQUIP	140,619	140,619
111	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	4,448	4,448
112	HIGH PERF COMPUTING MOD PGM (HPCMP)	68,405	68,405
113	CONTRACT WRITING SYSTEM	8,459	8,459
114	CSS COMMUNICATIONS	57,651	57,651
115	RESERVE COMPONENT AUTOMATION SYS (RCAS)	14,848	14,848
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
117	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	4,995	4,995
	ELECT EQUIP—SUPPORT		
119	BCT EMERGING TECHNOLOGIES	16,983	20,883
	MDTF advanced intel systems remote collection		[3,900]
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	1,582	1,582
	CHEMICAL DEFENSIVE EQUIPMENT		
123	CBRN DEFENSE	28,456	42,456
	WMD CST equipment		[14,000]
124	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	13,995	13,995
	BRIDGING EQUIPMENT		
125	TACTICAL BRIDGING	10,545	10,545
126	TACTICAL BRIDGE, FLOAT-RIBBON	72,074	72,074
127	BRIDGE SUPPLEMENTAL SET	32,493	32,493
128	COMMON BRIDGE TRANSPORTER (CBT) RECAP	62,978	62,978
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
129	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	5,570	5,570
130	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	2,497	2,497
132	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	109,069	109,069
134	EOD ROBOTICS SYSTEMS RECAPITALIZATION	36,584	36,584
135	ROBOTICS AND APPLIQUE SYSTEMS	179,544	179,544
137	RENDER SAFE SETS KITS OUTFITS	64,583	64,583
139	FAMILY OF BOATS AND MOTORS	5,289	5,289
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	HEATERS AND ECU'S	8,200	8,200
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	4,625	4,625
143	GROUND SOLDIER SYSTEM	154,937	154,937
144	MOBILE SOLDIER POWER	34,297	34,297
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	53,021	53,021
148	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	23,324	23,324
149	ITEMS LESS THAN $5M (ENG SPT)	8,014	8,014
	PETROLEUM EQUIPMENT		
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,448	78,448
	MEDICAL EQUIPMENT		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
151	COMBAT SUPPORT MEDICAL	59,485	59,485
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	40,337	40,337
153	ITEMS LESS THAN $5.0M (MAINT EQ)	5,386	5,386
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	5,406	5,406
155	SCRAPERS, EARTHMOVING	4,188	4,188
156	LOADERS	4,521	4,521
157	HYDRAULIC EXCAVATOR	5,186	5,186
158	TRACTOR, FULL TRACKED	4,715	4,715
159	ALL TERRAIN CRANES	70,560	70,560
162	CONST EQUIP ESP	8,925	8,925
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
164	ARMY WATERCRAFT ESP	40,910	40,910
165	MANEUVER SUPPORT VESSEL (MSV)	76,576	76,576
166	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	1,844	1,844
	GENERATORS		
167	GENERATORS AND ASSOCIATED EQUIP	53,433	53,433
168	TACTICAL ELECTRIC POWER RECAPITALIZATION	22,216	22,216
	MATERIAL HANDLING EQUIPMENT		
169	FAMILY OF FORKLIFTS	16,145	16,145
	TRAINING EQUIPMENT		
170	COMBAT TRAINING CENTERS SUPPORT	90,580	90,580
171	TRAINING DEVICES, NONSYSTEM	161,814	161,814
172	SYNTHETIC TRAINING ENVIRONMENT (STE)	13,063	13,063
175	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	1,950	1,950
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
176	CALIBRATION SETS EQUIPMENT	2,511	2,511
177	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	78,578	78,578
178	TEST EQUIPMENT MODERNIZATION (TEMOD)	14,941	14,941
	OTHER SUPPORT EQUIPMENT		
180	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,629	8,629
181	PHYSICAL SECURITY SYSTEMS (OPA3)	75,499	87,499
	AFRICOM UFR force protection upgrades		[12,000]
182	BASE LEVEL COMMON EQUIPMENT	27,444	27,444
183	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	32,485	48,385
	Expeditionary Solid Waste Disposal System		[15,900]
187	SPECIAL EQUIPMENT FOR TEST AND EVALUATION	39,436	39,436
	OPA2		
189	INITIAL SPARES—C&E	9,950	9,950
	TOTAL OTHER PROCUREMENT, ARMY	**8,625,206**	**8,685,239**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
1	F/A–18E/F (FIGHTER) HORNET	1,761,146	1,761,146
3	JOINT STRIKE FIGHTER CV	2,181,780	2,381,780
	Additional aircraft		[200,000]
4	JOINT STRIKE FIGHTER CV AP	330,386	330,386
5	JSF STOVL	1,109,393	1,234,893
	Additional 2 F–35B aircraft		[125,500]
6	JSF STOVL AP	303,035	303,035
7	CH–53K (HEAVY LIFT)	813,324	793,324
	Force Design 2030 realignment NRE excess		[–20,000]
8	CH–53K (HEAVY LIFT) AP	201,188	191,188
	Force Design 2030 realignment		[–10,000]
9	V–22 (MEDIUM LIFT)	934,793	934,793
10	V–22 (MEDIUM LIFT) AP	39,547	39,547
11	H–1 UPGRADES (UH–1Y/AH–1Z)	7,267	7,267
13	P–8A POSEIDON	80,134	80,134
15	E–2D ADV HAWKEYE	626,109	626,109
16	E–2D ADV HAWKEYE AP	123,166	123,166
	TRAINER AIRCRAFT		
17	ADVANCED HELICOPTER TRAINING SYSTEM	269,867	269,867
	OTHER AIRCRAFT		
18	KC–130J	380,984	380,984
19	KC–130J AP	67,022	67,022
21	MQ–4 TRITON	150,570	100,570
	Excess funding given procurement pause until FY23		[–50,000]
23	MQ–8 UAV	40,375	40,375
24	STUASL0 UAV	30,930	30,930
26	VH–92A EXECUTIVE HELO	610,231	610,231
	MODIFICATION OF AIRCRAFT		
28	F–18 A-D UNIQUE	208,261	208,261
29	F–18E/F AND EA–18G MODERNIZATION AND SUSTAINM	468,954	468,954
30	AEA SYSTEMS	21,061	21,061
31	AV–8 SERIES	34,082	34,082
32	INFRARED SEARCH AND TRACK (IRST)	158,055	158,055
33	ADVERSARY	42,946	42,946
34	F–18 SERIES	379,351	379,351
35	H–53 SERIES	74,771	74,771
36	MH–60 SERIES	131,584	131,584
37	H–1 SERIES	185,140	185,140

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Line	Item	FY 2021 Request	Senate Authorized
38	EP–3 SERIES	26,602	26,602
40	E–2 SERIES	175,540	175,540
41	TRAINER A/C SERIES	7,085	7,085
42	C–2A	9,525	9,525
43	C–130 SERIES	141,705	141,705
44	FEWSG	684	684
45	CARGO/TRANSPORT A/C SERIES	8,911	8,911
46	E–6 SERIES	197,206	197,206
47	EXECUTIVE HELICOPTERS SERIES	29,086	29,086
49	T–45 SERIES	155,745	155,745
50	POWER PLANT CHANGES	24,633	24,633
51	JPATS SERIES	22,682	22,682
52	AVIATION LIFE SUPPORT MODS	40,401	45,401
	Aviation body armor vest		[5,000]
53	COMMON ECM EQUIPMENT	138,480	138,480
54	COMMON AVIONICS CHANGES	143,322	143,322
55	COMMON DEFENSIVE WEAPON SYSTEM	2,142	2,142
56	ID SYSTEMS	35,999	35,999
57	P–8 SERIES	180,530	180,530
58	MAGTF EW FOR AVIATION	27,794	27,794
59	MQ–8 SERIES	28,774	28,774
60	V–22 (TILT/ROTOR ACFT) OSPREY	334,405	334,405
61	NEXT GENERATION JAMMER (NGJ)	176,638	176,638
62	F–35 STOVL SERIES	153,588	153,588
63	F–35 CV SERIES	105,452	105,452
64	QRC	126,618	126,618
65	MQ–4 SERIES	12,998	12,998
66	RQ–21 SERIES	18,550	18,550
	AIRCRAFT SPARES AND REPAIR PARTS		
70	SPARES AND REPAIR PARTS	2,198,460	2,228,460
	Additional F–35B/C spares		[30,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
71	COMMON GROUND EQUIPMENT	543,559	543,559
72	AIRCRAFT INDUSTRIAL FACILITIES	75,685	75,685
73	WAR CONSUMABLES	40,633	40,633
74	OTHER PRODUCTION CHARGES	21,194	21,194
75	SPECIAL SUPPORT EQUIPMENT	155,179	155,179
76	FIRST DESTINATION TRANSPORTATION	2,121	2,121
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**17,127,378**	**17,407,878**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
1	TRIDENT II MODS	1,173,837	1,173,837
	SUPPORT EQUIPMENT & FACILITIES		
2	MISSILE INDUSTRIAL FACILITIES	7,275	7,275
	STRATEGIC MISSILES		
3	TOMAHAWK	277,694	303,694
	Program increase for USMC Tomahawk		[26,000]
	TACTICAL MISSILES		
4	AMRAAM	326,952	326,952
5	SIDEWINDER	126,485	126,485
7	STANDARD MISSILE	456,206	456,206
8	STANDARD MISSILE AP	66,716	66,716
9	SMALL DIAMETER BOMB II	78,867	78,867
10	RAM	90,533	90,533
11	JOINT AIR GROUND MISSILE (JAGM)	49,386	49,386
14	AERIAL TARGETS	174,336	174,336
15	DRONES AND DECOYS	41,256	41,256
16	OTHER MISSILE SUPPORT	3,501	3,501
17	LRASM	168,845	203,845
	Additional Navy LRASM missiles		[35,000]
18	LCS OTH MISSILE	32,910	32,910
	MODIFICATION OF MISSILES		
19	TOMAHAWK MODS	164,915	164,915
20	ESSM	215,375	215,375
22	HARM MODS	147,572	147,572
23	STANDARD MISSILES MODS	83,654	83,654
	SUPPORT EQUIPMENT & FACILITIES		
24	WEAPONS INDUSTRIAL FACILITIES	1,996	1,996
25	FLEET SATELLITE COMM FOLLOW-ON	53,401	53,401
	ORDNANCE SUPPORT EQUIPMENT		
27	ORDNANCE SUPPORT EQUIPMENT	215,659	215,659
	TORPEDOES AND RELATED EQUIP		
28	SSTD	5,811	3,611
	Insufficient justification for ADC non-recurring costs		[–2,200]
29	MK–48 TORPEDO	284,901	284,901
30	ASW TARGETS	13,833	13,833
	MOD OF TORPEDOES AND RELATED EQUIP		
31	MK–54 TORPEDO MODS	110,286	100,286
	Mk 54 Mod 0 production delays		[–10,000]
32	MK–48 TORPEDO ADCAP MODS	57,214	57,214
33	MARITIME MINES	5,832	5,832

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Line	Item	FY 2021 Request	Senate Authorized
	SUPPORT EQUIPMENT		
34	TORPEDO SUPPORT EQUIPMENT	97,581	97,581
35	ASW RANGE SUPPORT	4,159	4,159
	DESTINATION TRANSPORTATION		
36	FIRST DESTINATION TRANSPORTATION	4,106	4,106
	GUNS AND GUN MOUNTS		
37	SMALL ARMS AND WEAPONS	16,030	16,030
	MODIFICATION OF GUNS AND GUN MOUNTS		
38	CIWS MODS	37,147	37,147
39	COAST GUARD WEAPONS	45,804	45,804
40	GUN MOUNT MODS	74,427	74,427
41	LCS MODULE WEAPONS	4,253	4,253
42	AIRBORNE MINE NEUTRALIZATION SYSTEMS	6,662	6,662
	SPARES AND REPAIR PARTS		
45	SPARES AND REPAIR PARTS	159,578	159,578
	TOTAL WEAPONS PROCUREMENT, NAVY	**4,884,995**	**4,933,795**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS	41,496	41,496
2	JDAM	64,631	64,631
3	AIRBORNE ROCKETS, ALL TYPES	60,719	60,719
4	MACHINE GUN AMMUNITION	11,158	11,158
5	PRACTICE BOMBS	51,409	51,409
6	CARTRIDGES & CART ACTUATED DEVICES	64,694	64,694
7	AIR EXPENDABLE COUNTERMEASURES	51,523	51,523
8	JATOS	6,761	6,761
9	5 INCH/54 GUN AMMUNITION	31,517	31,517
10	INTERMEDIATE CALIBER GUN AMMUNITION	38,005	38,005
11	OTHER SHIP GUN AMMUNITION	40,626	40,626
12	SMALL ARMS & LANDING PARTY AMMO	48,202	48,202
13	PYROTECHNIC AND DEMOLITION	9,766	9,766
15	AMMUNITION LESS THAN $5 MILLION	2,115	2,115
	MARINE CORPS AMMUNITION		
16	MORTARS	46,781	46,781
17	DIRECT SUPPORT MUNITIONS	119,504	119,504
18	INFANTRY WEAPONS AMMUNITION	83,220	83,220
19	COMBAT SUPPORT MUNITIONS	32,650	32,650
20	AMMO MODERNIZATION	15,144	15,144
21	ARTILLERY MUNITIONS	59,539	59,539
22	ITEMS LESS THAN $5 MILLION	4,142	4,142
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**883,602**	**883,602**
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
1	OHIO REPLACEMENT SUBMARINE	2,891,475	2,891,475
2	OHIO REPLACEMENT SUBMARINE AP	1,123,175	1,298,175
	Submarine supplier stability		[175,000]
	OTHER WARSHIPS		
3	CARRIER REPLACEMENT PROGRAM	997,544	997,544
4	CVN–81	1,645,606	1,645,606
5	VIRGINIA CLASS SUBMARINE	2,334,693	2,260,293
	Unjustified cost growth		[–74,400]
6	VIRGINIA CLASS SUBMARINE AP	1,901,187	2,373,187
	Long lead material for option ship		[472,000]
7	CVN REFUELING OVERHAULS	1,878,453	1,878,453
8	CVN REFUELING OVERHAULS AP	17,384	17,384
9	DDG 1000	78,205	78,205
10	DDG–51	3,040,270	3,010,270
	Available prior-year funds		[–30,000]
11	DDG–51 AP	29,297	464,297
	LLTM for FY22 DDG–51s		[260,000]
	Surface ship supplier stability		[175,000]
13	FFG-FRIGATE	1,053,123	1,053,123
	AMPHIBIOUS SHIPS		
14	LPD FLIGHT II	1,155,801	905,801
	Transfer to Line 15		[–250,000]
15	LPD FLIGHT II AP	0	500,000
	LPD–32 and LPD–33 program increase		[250,000]
	Transfer from Line 14 for LPD–32 and LPD–33		[250,000]
17	LHA REPLACEMENT	0	250,000
	LHA–9 program increase		[250,000]
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
22	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	168,209	168,209
23	LCU 1700	87,395	70,395
	Insufficient justification		[–17,000]
24	OUTFITTING	825,586	747,286
	Unjustified cost growth		[–78,300]
26	SERVICE CRAFT	249,781	275,281
	Accelerate YP–703 Flight II		[25,500]
27	LCAC SLEP	56,461	0
	Insufficient justification		[–56,461]

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Line	Item	FY 2021 Request	Senate Authorized
28	COMPLETION OF PY SHIPBUILDING PROGRAMS	369,112	369,112
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	**19,902,757**	**21,254,096**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
1	SURFACE POWER EQUIPMENT	11,738	11,738
	GENERATORS		
2	SURFACE COMBATANT HM&E	58,497	38,497
	Hardware and software upgrades for 5 previously procured HED ship sets		[15,000]
	HED installation early to need		[–35,000]
	NAVIGATION EQUIPMENT		
3	OTHER NAVIGATION EQUIPMENT	74,084	74,084
	OTHER SHIPBOARD EQUIPMENT		
4	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	204,806	204,806
5	DDG MOD	547,569	497,569
	Installation excess unit cost growth		[–50,000]
6	FIREFIGHTING EQUIPMENT	18,394	18,394
7	COMMAND AND CONTROL SWITCHBOARD	2,374	2,374
8	LHA/LHD MIDLIFE	78,265	78,265
9	POLLUTION CONTROL EQUIPMENT	23,035	23,035
10	SUBMARINE SUPPORT EQUIPMENT	64,632	64,632
11	VIRGINIA CLASS SUPPORT EQUIPMENT	22,868	22,868
12	LCS CLASS SUPPORT EQUIPMENT	3,976	3,976
13	SUBMARINE BATTERIES	31,322	31,322
14	LPD CLASS SUPPORT EQUIPMENT	50,475	50,475
15	DDG 1000 CLASS SUPPORT EQUIPMENT	42,279	42,279
16	STRATEGIC PLATFORM SUPPORT EQUIP	15,429	15,429
17	DSSP EQUIPMENT	2,918	2,918
18	CG MODERNIZATION	87,978	87,978
19	LCAC	9,366	9,366
20	UNDERWATER EOD EQUIPMENT	16,842	16,842
21	ITEMS LESS THAN $5 MILLION	105,715	105,715
22	CHEMICAL WARFARE DETECTORS	3,044	3,044
23	SUBMARINE LIFE SUPPORT SYSTEM	5,885	5,885
	REACTOR PLANT EQUIPMENT		
24	SHIP MAINTENANCE, REPAIR AND MODERNIZATION	1,260,721	1,260,721
25	REACTOR POWER UNITS	5,305	5,305
26	REACTOR COMPONENTS	415,404	415,404
	OCEAN ENGINEERING		
27	DIVING AND SALVAGE EQUIPMENT	11,143	11,143
	SMALL BOATS		
28	STANDARD BOATS	52,371	52,371
	PRODUCTION FACILITIES EQUIPMENT		
29	OPERATING FORCES IPE	233,667	233,667
	OTHER SHIP SUPPORT		
30	LCS COMMON MISSION MODULES EQUIPMENT	39,714	17,414
	MCM containers and MPCE sonar processing insufficient justification		[–22,300]
31	LCS MCM MISSION MODULES	218,822	95,322
	Excess procurement ahead of satisfactory testing		[–123,500]
32	LCS ASW MISSION MODULES	61,759	4,759
	Excess procurement ahead of satisfactory testing		[–57,000]
33	LCS SUW MISSION MODULES	24,412	24,412
34	LCS IN-SERVICE MODERNIZATION	121,848	121,848
35	SMALL & MEDIUM UUV	67,709	37,609
	SMCM UUV excess procurement ahead of satisfactory testing		[–30,100]
	SHIP SONARS		
37	SPQ–9B RADAR	27,517	27,517
38	AN/SQQ–89 SURF ASW COMBAT SYSTEM	128,664	128,664
39	SSN ACOUSTIC EQUIPMENT	374,737	374,737
40	UNDERSEA WARFARE SUPPORT EQUIPMENT	9,286	9,286
	ASW ELECTRONIC EQUIPMENT		
41	SUBMARINE ACOUSTIC WARFARE SYSTEM	26,066	26,066
42	SSTD	13,241	13,241
43	FIXED SURVEILLANCE SYSTEM	193,446	193,446
44	SURTASS	63,838	63,838
	ELECTRONIC WARFARE EQUIPMENT		
45	AN/SLQ–32	387,195	330,795
	Early to need		[–56,400]
	RECONNAISSANCE EQUIPMENT		
46	SHIPBOARD IW EXPLOIT	235,744	235,744
47	AUTOMATED IDENTIFICATION SYSTEM (AIS)	3,862	3,862
	OTHER SHIP ELECTRONIC EQUIPMENT		
48	COOPERATIVE ENGAGEMENT CAPABILITY	26,006	18,706
	Common Array Block antenna program delays		[–7,300]
49	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	15,385	15,385
50	ATDLS	103,835	103,835
51	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,594	3,594
52	MINESWEEPING SYSTEM REPLACEMENT	15,744	15,744
53	SHALLOW WATER MCM	5,493	5,493
54	NAVSTAR GPS RECEIVERS (SPACE)	38,043	38,043
55	AMERICAN FORCES RADIO AND TV SERVICE	2,592	2,592
56	STRATEGIC PLATFORM SUPPORT EQUIP	7,985	7,985

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Line	Item	FY 2021 Request	Senate Authorized
	AVIATION ELECTRONIC EQUIPMENT		
57	ASHORE ATC EQUIPMENT	83,475	83,475
58	AFLOAT ATC EQUIPMENT	65,113	65,113
59	ID SYSTEMS	23,815	23,815
60	JOINT PRECISION APPROACH AND LANDING SYSTEM (	100,751	100,751
61	NAVAL MISSION PLANNING SYSTEMS	13,947	13,947
	OTHER SHORE ELECTRONIC EQUIPMENT		
62	MARITIME INTEGRATED BROADCAST SYSTEM	1,375	1,375
63	TACTICAL/MOBILE C4I SYSTEMS	22,771	22,771
64	DCGS-N	18,872	18,872
65	CANES	389,585	389,585
66	RADIAC	10,335	10,335
67	CANES-INTELL	48,654	48,654
68	GPETE	8,133	8,133
69	MASF	4,150	4,150
70	INTEG COMBAT SYSTEM TEST FACILITY	5,934	5,934
71	EMI CONTROL INSTRUMENTATION	4,334	4,334
72	ITEMS LESS THAN $5 MILLION	159,815	105,015
	NGSSR available prior year funds		[–54,800]
	SHIPBOARD COMMUNICATIONS		
73	SHIPBOARD TACTICAL COMMUNICATIONS	56,106	56,106
74	SHIP COMMUNICATIONS AUTOMATION	124,288	124,288
75	COMMUNICATIONS ITEMS UNDER $5M	45,120	45,120
	SUBMARINE COMMUNICATIONS		
76	SUBMARINE BROADCAST SUPPORT	31,133	31,133
77	SUBMARINE COMMUNICATION EQUIPMENT	62,214	62,214
	SATELLITE COMMUNICATIONS		
78	SATELLITE COMMUNICATIONS SYSTEMS	47,421	47,421
79	NAVY MULTIBAND TERMINAL (NMT)	64,552	64,552
	SHORE COMMUNICATIONS		
80	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,398	4,398
	CRYPTOGRAPHIC EQUIPMENT		
81	INFO SYSTEMS SECURITY PROGRAM (ISSP)	157,551	157,551
82	MIO INTEL EXPLOITATION TEAM	985	985
	CRYPTOLOGIC EQUIPMENT		
83	CRYPTOLOGIC COMMUNICATIONS EQUIP	15,906	15,906
	OTHER ELECTRONIC SUPPORT		
90	COAST GUARD EQUIPMENT	70,689	70,689
	SONOBUOYS		
92	SONOBUOYS—ALL TYPES	237,639	286,739
	Program increase for sonobuoys		[49,100]
	AIRCRAFT SUPPORT EQUIPMENT		
93	MINOTAUR	5,077	5,077
94	WEAPONS RANGE SUPPORT EQUIPMENT	83,969	83,969
95	AIRCRAFT SUPPORT EQUIPMENT	187,758	187,758
96	ADVANCED ARRESTING GEAR (AAG)	16,059	16,059
97	METEOROLOGICAL EQUIPMENT	15,192	15,192
99	LEGACY AIRBORNE MCM	6,674	6,674
100	LAMPS EQUIPMENT	1,189	1,189
101	AVIATION SUPPORT EQUIPMENT	58,873	58,873
102	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL	60,937	60,937
	SHIP GUN SYSTEM EQUIPMENT		
103	SHIP GUN SYSTEMS EQUIPMENT	5,540	5,540
	SHIP MISSILE SYSTEMS EQUIPMENT		
104	HARPOON SUPPORT EQUIPMENT	208	208
105	SHIP MISSILE SUPPORT EQUIPMENT	262,077	262,077
106	TOMAHAWK SUPPORT EQUIPMENT	84,087	84,087
	FBM SUPPORT EQUIPMENT		
107	STRATEGIC MISSILE SYSTEMS EQUIP	258,910	258,910
	ASW SUPPORT EQUIPMENT		
108	SSN COMBAT CONTROL SYSTEMS	173,770	173,770
109	ASW SUPPORT EQUIPMENT	26,584	26,584
	OTHER ORDNANCE SUPPORT EQUIPMENT		
110	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	7,470	7,470
111	ITEMS LESS THAN $5 MILLION	6,356	6,356
	OTHER EXPENDABLE ORDNANCE		
112	ANTI-SHIP MISSILE DECOY SYSTEM	86,356	86,356
113	SUBMARINE TRAINING DEVICE MODS	69,240	69,240
114	SURFACE TRAINING EQUIPMENT	192,245	192,245
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
115	PASSENGER CARRYING VEHICLES	6,123	6,123
116	GENERAL PURPOSE TRUCKS	2,693	2,693
117	CONSTRUCTION & MAINTENANCE EQUIP	47,301	47,301
118	FIRE FIGHTING EQUIPMENT	10,352	10,352
119	TACTICAL VEHICLES	31,475	31,475
121	POLLUTION CONTROL EQUIPMENT	2,630	2,630
122	ITEMS LESS THAN $5 MILLION	47,972	47,972
123	PHYSICAL SECURITY VEHICLES	1,171	1,171
	SUPPLY SUPPORT EQUIPMENT		
124	SUPPLY EQUIPMENT	19,693	19,693
125	FIRST DESTINATION TRANSPORTATION	4,956	4,956
126	SPECIAL PURPOSE SUPPLY SYSTEMS	668,639	668,639

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Line	Item	FY 2021 Request	Senate Authorized
	TRAINING DEVICES		
127	TRAINING SUPPORT EQUIPMENT	4,026	4,026
128	TRAINING AND EDUCATION EQUIPMENT	73,454	73,454
	COMMAND SUPPORT EQUIPMENT		
129	COMMAND SUPPORT EQUIPMENT	32,390	32,390
130	MEDICAL SUPPORT EQUIPMENT	974	974
132	NAVAL MIP SUPPORT EQUIPMENT	5,606	5,606
133	OPERATING FORCES SUPPORT EQUIPMENT	16,024	16,024
134	C4ISR EQUIPMENT	6,697	6,697
135	ENVIRONMENTAL SUPPORT EQUIPMENT	27,503	27,503
136	PHYSICAL SECURITY EQUIPMENT	138,281	138,281
137	ENTERPRISE INFORMATION TECHNOLOGY	42,680	42,680
	OTHER		
140	NEXT GENERATION ENTERPRISE SERVICE	184,443	184,443
141	CYBERSPACE ACTIVITIES	16,523	16,523
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	18,446	18,446
	SPARES AND REPAIR PARTS		
142	SPARES AND REPAIR PARTS	374,195	374,195
	TOTAL OTHER PROCUREMENT, NAVY	**10,948,518**	**10,576,218**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
1	AAV7A1 PIP	87,476	87,476
2	AMPHIBIOUS COMBAT VEHICLE FAMILY OF VEHICLES	478,874	478,874
3	LAV PIP	41,988	41,988
	ARTILLERY AND OTHER WEAPONS		
4	155MM LIGHTWEIGHT TOWED HOWITZER	59	59
5	ARTILLERY WEAPONS SYSTEM	174,687	234,287
	Ground-Based Anti-Ship Missile NSM		[59,600]
6	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	24,867	24,867
	OTHER SUPPORT		
7	MODIFICATION KITS	3,067	3,067
	GUIDED MISSILES		
8	GROUND BASED AIR DEFENSE	18,920	18,920
9	ANTI-ARMOR MISSILE-JAVELIN	19,888	19,888
10	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	21,891	21,891
11	ANTI-ARMOR MISSILE-TOW	34,985	34,985
12	GUIDED MLRS ROCKET (GMLRS)	133,689	133,689
	COMMAND AND CONTROL SYSTEMS		
13	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	35,057	35,057
	REPAIR AND TEST EQUIPMENT		
14	REPAIR AND TEST EQUIPMENT	24,405	24,405
	OTHER SUPPORT (TEL)		
15	MODIFICATION KITS	1,006	1,006
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
16	ITEMS UNDER $5 MILLION (COMM & ELEC)	69,725	69,725
17	AIR OPERATIONS C2 SYSTEMS	15,611	15,611
	RADAR + EQUIPMENT (NON-TEL)		
19	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	284,283	284,283
	INTELL/COMM EQUIPMENT (NON-TEL)		
20	GCSS-MC	1,587	1,587
21	FIRE SUPPORT SYSTEM	24,934	24,934
22	INTELLIGENCE SUPPORT EQUIPMENT	50,728	50,728
24	UNMANNED AIR SYSTEMS (INTEL)	24,853	24,853
25	DCGS-MC	38,260	38,260
26	UAS PAYLOADS	5,489	5,489
	OTHER SUPPORT (NON-TEL)		
29	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	78,922	78,922
30	COMMON COMPUTER RESOURCES	35,349	35,349
31	COMMAND POST SYSTEMS	33,713	33,713
32	RADIO SYSTEMS	343,250	343,250
33	COMM SWITCHING & CONTROL SYSTEMS	40,627	40,627
34	COMM & ELEC INFRASTRUCTURE SUPPORT	43,782	43,782
35	CYBERSPACE ACTIVITIES	53,896	53,896
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	3,797	3,797
	ADMINISTRATIVE VEHICLES		
37	COMMERCIAL CARGO VEHICLES	22,460	22,460
	TACTICAL VEHICLES		
38	MOTOR TRANSPORT MODIFICATIONS	10,739	10,739
39	JOINT LIGHT TACTICAL VEHICLE	381,675	381,675
40	FAMILY OF TACTICAL TRAILERS	2,963	2,963
	ENGINEER AND OTHER EQUIPMENT		
42	ENVIRONMENTAL CONTROL EQUIP ASSORT	385	385
43	TACTICAL FUEL SYSTEMS	501	501
44	POWER EQUIPMENT ASSORTED	23,430	23,430
45	AMPHIBIOUS SUPPORT EQUIPMENT	5,752	5,752
46	EOD SYSTEMS	20,939	20,939
	MATERIALS HANDLING EQUIPMENT		
47	PHYSICAL SECURITY EQUIPMENT	23,063	23,063
	GENERAL PROPERTY		

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Line	Item	FY 2021 Request	Senate Authorized
48	FIELD MEDICAL EQUIPMENT	4,187	4,187
49	TRAINING DEVICES	101,765	101,765
50	FAMILY OF CONSTRUCTION EQUIPMENT	19,305	19,305
51	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)	678	678
	OTHER SUPPORT		
52	ITEMS LESS THAN $5 MILLION	9,174	9,174
	SPARES AND REPAIR PARTS		
53	SPARES AND REPAIR PARTS	27,295	27,295
	TOTAL PROCUREMENT, MARINE CORPS	**2,903,976**	**2,963,576**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
1	F–35	4,567,018	5,543,685
	Additional 12 F–35As		[976,667]
2	F–35	610,800	610,800
4	F–15EX	1,269,847	1,269,847
5	F–15EX	133,500	133,500
	TACTICAL AIRLIFT		
7	KC–46A MDAP	2,850,151	2,850,151
	OTHER AIRLIFT		
8	C–130J	37,131	37,131
10	MC–130J	362,807	362,807
11	MC–130J	39,987	39,987
	HELICOPTERS		
12	UH–1N REPLACEMENT	194,016	194,016
13	COMBAT RESCUE HELICOPTER	973,473	973,473
	MISSION SUPPORT AIRCRAFT		
15	CIVIL AIR PATROL A/C	2,811	2,811
	OTHER AIRCRAFT		
16	TARGET DRONES	133,273	133,273
18	COMPASS CALL	161,117	161,117
20	MQ–9	29,409	79,409
	Program increase		[50,000]
	STRATEGIC AIRCRAFT		
22	B–1	3,853	0
	USAF-requested transfer to RDAF Line 174		[–3,853]
23	B–2A	31,476	31,476
24	B–1B	21,808	21,315
	USAF-requested transfer to RDAF Line 174		[–493]
25	B–52	53,949	53,949
26	LARGE AIRCRAFT INFRARED COUNTERMEASURES	9,999	9,999
	TACTICAL AIRCRAFT		
27	A–10	135,793	135,793
28	E–11 BACN/HAG	33,645	33,645
29	F–15	349,304	349,304
30	F–16	615,760	640,760
	Additional radars		[25,000]
32	F–22A	387,905	387,905
33	F–35 MODIFICATIONS	322,185	322,185
34	F–15 EPAW	31,995	31,995
35	INCREMENT 3.2B	5,889	5,889
36	KC–46A MDAP	24,085	24,085
	AIRLIFT AIRCRAFT		
37	C–5	62,108	62,108
38	C–17A	66,798	66,798
40	C–32A	2,947	2,947
41	C–37A	12,985	12,985
	TRAINER AIRCRAFT		
42	GLIDER MODS	977	977
43	T–6	26,829	26,829
44	T–1	4,465	4,465
45	T–38	36,806	44,506
	T–38 ejection seats		[7,700]
	OTHER AIRCRAFT		
46	U–2 MODS	110,618	110,618
47	KC–10A (ATCA)	117	117
49	VC–25A MOD	1,983	1,983
50	C–40	9,252	9,252
51	C–130	5,871	5,871
52	C–130J MODS	140,032	140,032
53	C–135	88,250	88,250
55	COMPASS CALL	193,389	193,389
57	RC–135	191,332	191,332
58	E–3	172,141	172,141
59	E–4	58,803	44,103
	Funds rephased to future fiscal years		[–14,700]
60	E–8	11,037	21,037
	Secure information transmission capability		[10,000]
61	AIRBORNE WARNING AND CNTRL SYS (AWACS) 40/45	53,343	53,343
62	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	1,573	1,573
63	H–1	4,410	4,410
64	H–60	44,538	44,538

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Line	Item	FY 2021 Request	Senate Authorized
65	RQ–4 MODS	40,468	40,468
66	HC/MC–130 MODIFICATIONS	20,780	20,780
67	OTHER AIRCRAFT	100,774	100,774
68	MQ–9 MODS	188,387	188,387
70	CV–22 MODS	122,306	127,306
	CV–22 ABSS		[5,000]
	AIRCRAFT SPARES AND REPAIR PARTS		
71	INITIAL SPARES/REPAIR PARTS	926,683	956,683
	F–35A initial spares increase		[30,000]
	COMMON SUPPORT EQUIPMENT		
73	AIRCRAFT REPLACEMENT SUPPORT EQUIP	132,719	132,719
	POST PRODUCTION SUPPORT		
74	B–2A	1,683	1,683
75	B–2B	46,734	46,734
76	B–52	1,034	1,034
79	E–11 BACN/HAG	63,419	63,419
80	F–15	2,632	2,632
81	F–16	14,163	14,163
83	OTHER AIRCRAFT	4,595	4,595
84	RQ–4 POST PRODUCTION CHARGES	32,585	32,585
	INDUSTRIAL PREPAREDNESS		
85	INDUSTRIAL RESPONSIVENESS	18,215	18,215
	WAR CONSUMABLES		
86	WAR CONSUMABLES	36,046	36,046
	OTHER PRODUCTION CHARGES		
87	OTHER PRODUCTION CHARGES	1,439,640	1,514,640
	Classified increase		[75,000]
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	21,692	21,692
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**17,908,145**	**19,068,466**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
1	MISSILE REPLACEMENT EQ-BALLISTIC	75,012	75,012
	TACTICAL		
2	REPLAC EQUIP & WAR CONSUMABLES	4,495	4,495
4	JOINT AIR-SURFACE STANDOFF MISSILE	475,949	400,949
	Realignment to support NDS requirements in Pacific		[–75,000]
5	LRASM0	19,800	94,800
	Additional Air Force LRASM missiles		[75,000]
6	SIDEWINDER (AIM–9X)	164,769	164,769
7	AMRAAM	453,223	453,223
8	PREDATOR HELLFIRE MISSILE	40,129	40,129
9	SMALL DIAMETER BOMB	45,475	45,475
10	SMALL DIAMETER BOMB II	273,272	273,272
	INDUSTRIAL FACILITIES		
11	INDUSTR'L PREPAREDNS/POL PREVENTION	814	814
	CLASS IV		
13	ICBM FUZE MOD	3,458	3,458
14	ICBM FUZE MOD AP	43,450	43,450
15	MM III MODIFICATIONS	85,310	85,310
16	AGM–65D MAVERICK	298	298
17	AIR LAUNCH CRUISE MISSILE (ALCM)	52,924	52,924
	MISSILE SPARES AND REPAIR PARTS		
18	MSL SPRS/REPAIR PARTS (INITIAL)	9,402	9,402
19	MSL SPRS/REPAIR PARTS (REPLEN)	84,671	84,671
	SPECIAL PROGRAMS		
25	SPECIAL UPDATE PROGRAMS	23,501	23,501
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	540,465	540,465
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**2,396,417**	**2,396,417**
	PROCUREMENT, SPACE FORCE		
	SPACE PROCUREMENT, SF		
1	ADVANCED EHF	14,823	14,823
2	AF SATELLITE COMM SYSTEM	48,326	48,326
3	COUNTERSPACE SYSTEMS	65,540	65,540
4	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	66,190	66,190
5	GENERAL INFORMATION TECH—SPACE	3,299	3,299
6	GPSIII FOLLOW ON	627,796	627,796
7	GPS III SPACE SEGMENT	20,122	20,122
8	GLOBAL POSTIONING (SPACE)	2,256	2,256
9	SPACEBORNE EQUIP (COMSEC)	35,495	35,495
10	MILSATCOM	15,795	15,795
11	SBIR HIGH (SPACE)	160,891	160,891
12	SPECIAL SPACE ACTIVITIES	78,387	78,387
13	NATIONAL SECURITY SPACE LAUNCH	1,043,171	1,043,171
14	NUDET DETECTION SYSTEM	6,638	6,638
15	ROCKET SYSTEMS LAUNCH PROGRAM	47,741	47,741
16	SPACE FENCE	11,279	11,279
17	SPACE MODS	96,551	109,051
	Cobra Dane service life extension		[12,500]

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(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
18	SPACELIFT RANGE SYSTEM SPACE	100,492	100,492
	SPARES		
19	SPARES AND REPAIR PARTS	1,272	1,272
	TOTAL PROCUREMENT, SPACE FORCE	**2,446,064**	**2,458,564**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
1	ROCKETS	14,962	14,962
	CARTRIDGES		
2	CARTRIDGES	123,365	123,365
	BOMBS		
3	PRACTICE BOMBS	59,725	59,725
6	JOINT DIRECT ATTACK MUNITION	206,989	206,989
7	B61	35,634	35,634
	OTHER ITEMS		
9	CAD/PAD	47,830	47,830
10	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,232	6,232
11	SPARES AND REPAIR PARTS	542	542
12	MODIFICATIONS	1,310	1,310
13	ITEMS LESS THAN $5,000,000	4,753	4,753
	FLARES		
15	FLARES	40,088	40,088
	FUZES		
16	FUZES	40,983	40,983
	SMALL ARMS		
17	SMALL ARMS	13,925	13,925
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**596,338**	**596,338**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
1	PASSENGER CARRYING VEHICLES	9,016	9,016
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	15,058	15,058
3	CAP VEHICLES	1,059	1,059
4	CARGO AND UTILITY VEHICLES	38,920	38,920
	SPECIAL PURPOSE VEHICLES		
5	JOINT LIGHT TACTICAL VEHICLE	30,544	30,544
6	SECURITY AND TACTICAL VEHICLES	319	319
7	SPECIAL PURPOSE VEHICLES	43,157	43,157
	FIRE FIGHTING EQUIPMENT		
8	FIRE FIGHTING/CRASH RESCUE VEHICLES	8,621	8,621
	MATERIALS HANDLING EQUIPMENT		
9	MATERIALS HANDLING VEHICLES	12,897	12,897
	BASE MAINTENANCE SUPPORT		
10	RUNWAY SNOW REMOV AND CLEANING EQU	3,577	3,577
11	BASE MAINTENANCE SUPPORT VEHICLES	43,095	43,095
	COMM SECURITY EQUIPMENT(COMSEC)		
13	COMSEC EQUIPMENT	54,864	54,864
	INTELLIGENCE PROGRAMS		
14	INTERNATIONAL INTEL TECH & ARCHITECTURES	9,283	10,783
	PDI: Mission Partner Environment BICES-X local upgrades		[1,500]
15	INTELLIGENCE TRAINING EQUIPMENT	6,849	6,849
16	INTELLIGENCE COMM EQUIPMENT	33,471	33,471
	ELECTRONICS PROGRAMS		
17	AIR TRAFFIC CONTROL & LANDING SYS	29,409	29,409
18	BATTLE CONTROL SYSTEM—FIXED	7,909	7,909
19	THEATER AIR CONTROL SYS IMPROVEMEN	32,632	32,632
20	WEATHER OBSERVATION FORECAST	33,021	33,021
21	STRATEGIC COMMAND AND CONTROL	31,353	31,353
22	CHEYENNE MOUNTAIN COMPLEX	10,314	10,314
23	MISSION PLANNING SYSTEMS	15,132	15,132
25	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,806	9,806
	SPCL COMM-ELECTRONICS PROJECTS		
26	GENERAL INFORMATION TECHNOLOGY	39,887	39,887
27	AF GLOBAL COMMAND & CONTROL SYS	2,602	2,602
29	MOBILITY COMMAND AND CONTROL	10,541	10,541
30	AIR FORCE PHYSICAL SECURITY SYSTEM	96,277	96,277
31	COMBAT TRAINING RANGES	195,185	195,185
32	MINIMUM ESSENTIAL EMERGENCY COMM N	29,664	29,664
33	WIDE AREA SURVEILLANCE (WAS)	59,633	59,633
34	C3 COUNTERMEASURES	105,584	105,584
36	DEFENSE ENTERPRISE ACCOUNTING & MGT SYS	899	899
38	THEATER BATTLE MGT C2 SYSTEM	3,392	3,392
39	AIR & SPACE OPERATIONS CENTER (AOC)	24,983	24,983
	AIR FORCE COMMUNICATIONS		
41	BASE INFORMATION TRANSPT INFRAST (BITI) WIRED	19,147	19,147
42	AFNET	84,515	84,515
43	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	6,185	6,185
44	USCENTCOM	19,649	19,649
45	USSTRATCOM	4,337	4,337
	ORGANIZATION AND BASE		
46	TACTICAL C-E EQUIPMENT	137,033	137,033

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Line	Item	FY 2021 Request	Senate Authorized
47	RADIO EQUIPMENT	15,264	15,264
49	BASE COMM INFRASTRUCTURE	132,281	146,281
	PDI: Mission Partner Environment PACNET		[14,000]
	MODIFICATIONS		
50	COMM ELECT MODS	21,471	21,471
	PERSONAL SAFETY & RESCUE EQUIP		
51	PERSONAL SAFETY AND RESCUE EQUIPMENT	49,578	49,578
	DEPOT PLANT+MTRLS HANDLING EQ		
52	POWER CONDITIONING EQUIPMENT	11,454	11,454
53	MECHANIZED MATERIAL HANDLING EQUIP	12,110	12,110
	BASE SUPPORT EQUIPMENT		
54	BASE PROCURED EQUIPMENT	21,142	21,142
55	ENGINEERING AND EOD EQUIPMENT	7,700	7,700
56	MOBILITY EQUIPMENT	18,266	22,966
	Insulation system for Air Force shelters		[4,700]
57	FUELS SUPPORT EQUIPMENT (FSE)	9,601	9,601
58	BASE MAINTENANCE AND SUPPORT EQUIPMENT	42,078	42,078
	SPECIAL SUPPORT PROJECTS		
60	DARP RC135	27,164	27,164
61	DCGS-AF	121,528	121,528
63	SPECIAL UPDATE PROGRAM	782,641	782,641
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	21,086,112	21,086,112
	SPARES AND REPAIR PARTS		
64	SPARES AND REPAIR PARTS (CYBER)	1,664	1,664
65	SPARES AND REPAIR PARTS	15,847	15,847
	TOTAL OTHER PROCUREMENT, AIR FORCE	**23,695,720**	**23,715,920**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DCMA		
2	MAJOR EQUIPMENT	1,398	1,398
	MAJOR EQUIPMENT, DCSA		
3	MAJOR EQUIPMENT	2,212	2,212
	MAJOR EQUIPMENT, DHRA		
5	PERSONNEL ADMINISTRATION	4,213	4,213
	MAJOR EQUIPMENT, DISA		
11	INFORMATION SYSTEMS SECURITY	17,211	17,211
12	TELEPORT PROGRAM	29,841	29,841
13	JOINT FORCES HEADQUARTERS—DODIN	3,091	3,091
14	ITEMS LESS THAN $5 MILLION	41,569	41,569
16	DEFENSE INFORMATION SYSTEM NETWORK	26,978	26,978
17	WHITE HOUSE COMMUNICATION AGENCY	44,161	44,161
18	SENIOR LEADERSHIP ENTERPRISE	35,935	35,935
19	JOINT REGIONAL SECURITY STACKS (JRSS)	88,741	77,641
	JRSS SIPR funding		[–11,100]
20	JOINT SERVICE PROVIDER	157,538	157,538
21	FOURTH ESTATE NETWORK OPTIMIZATION (4ENO)	42,084	42,084
	MAJOR EQUIPMENT, DLA		
23	MAJOR EQUIPMENT	417,459	417,459
	MAJOR EQUIPMENT, DMACT		
24	MAJOR EQUIPMENT	7,993	7,993
	MAJOR EQUIPMENT, DODEA		
25	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,319	1,319
	MAJOR EQUIPMENT, DPAA		
26	MAJOR EQUIPMENT, DPAA	500	500
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY		
27	REGIONAL CENTER PROCUREMENT	1,598	1,598
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
28	VEHICLES	215	215
29	OTHER MAJOR EQUIPMENT	9,994	9,994
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
31	THAAD	495,396	601,796
	8th THAAD battery components		[76,300]
	HEMTT life-of-type buy		[30,100]
34	AEGIS BMD	356,195	356,195
35	AEGIS BMD AP	44,901	44,901
36	BMDS AN/TPY–2 RADARS	0	243,300
	8th THAAD battery radar equipment		[243,300]
37	SM–3 IIAS	218,322	346,322
	Additional SM–3 Block IIA interceptors		[128,000]
38	ARROW 3 UPPER TIER SYSTEMS	77,000	77,000
39	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	50,000	50,000
40	AEGIS ASHORE PHASE III	39,114	39,114
41	IRON DOME	73,000	73,000
42	AEGIS BMD HARDWARE AND SOFTWARE	104,241	104,241
	MAJOR EQUIPMENT, NSA		
48	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	101	101
	MAJOR EQUIPMENT, OSD		
49	MAJOR EQUIPMENT, OSD	3,099	3,099
	MAJOR EQUIPMENT, TJS		
50	MAJOR EQUIPMENT, TJS	8,329	8,329
51	MAJOR EQUIPMENT—TJS CYBER	1,247	1,247

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Line	Item	FY 2021 Request	Senate Authorized
	MAJOR EQUIPMENT, WHS		
53	MAJOR EQUIPMENT, WHS	515	515
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	554,264	554,264
	AVIATION PROGRAMS		
55	ARMED OVERWATCH/TARGETING	101,000	0
	Lack of validated requirement and analysis		[–101,000]
56	MANNED ISR	0	40,100
	SOCOM DHC–8 combat loss replacement		[40,100]
59	ROTARY WING UPGRADES AND SUSTAINMENT	211,041	211,041
60	UNMANNED ISR	25,488	25,488
61	NON-STANDARD AVIATION	61,874	61,874
62	U–28	3,825	28,525
	SOCOM aircraft maintenance support combat loss replacement		[24,700]
63	MH–47 CHINOOK	135,482	135,482
64	CV–22 MODIFICATION	14,829	14,829
65	MQ–9 UNMANNED AERIAL VEHICLE	6,746	6,746
66	PRECISION STRIKE PACKAGE	243,111	243,111
67	AC/MC–130J	163,914	163,914
68	C–130 MODIFICATIONS	20,414	20,414
	SHIPBUILDING		
69	UNDERWATER SYSTEMS	20,556	20,556
	AMMUNITION PROGRAMS		
70	ORDNANCE ITEMS <$5M	186,197	186,197
	OTHER PROCUREMENT PROGRAMS		
71	INTELLIGENCE SYSTEMS	94,982	108,382
	Transfer from MMP-Light to man-pack		[13,400]
72	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	11,645	11,645
73	OTHER ITEMS <$5M	96,333	96,333
74	COMBATANT CRAFT SYSTEMS	17,278	17,278
75	SPECIAL PROGRAMS	78,865	78,865
76	TACTICAL VEHICLES	30,158	30,158
77	WARRIOR SYSTEMS <$5M	260,733	248,533
	MMP-Light unexecutable, transfer to man-pack		[–12,200]
78	COMBAT MISSION REQUIREMENTS	19,848	19,848
79	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	2,401	2,401
80	OPERATIONAL ENHANCEMENTS INTELLIGENCE	13,861	13,861
81	OPERATIONAL ENHANCEMENTS	247,038	259,538
	SOCOM Syria exfiltration reconsitution		[12,500]
	CBDP		
82	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	147,150	147,150
83	CB PROTECTION & HAZARD MITIGATION	149,944	149,944
	TOTAL PROCUREMENT, DEFENSE-WIDE	**5,324,487**	**5,768,587**
	TOTAL PROCUREMENT	**130,684,160**	**134,014,838**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	ROTARY		
9	AH–64 APACHE BLOCK IIIB NEW BUILD	69,154	69,154
14	CH–47 HELICOPTER	50,472	50,472
	MODIFICATION OF AIRCRAFT		
17	MQ–1 PAYLOAD (MIP)	5,968	5,968
20	MULTI SENSOR ABN RECON (MIP)	122,520	122,520
25	EMARSS SEMA MODS (MIP)	26,460	26,460
30	DEGRADED VISUAL ENVIRONMENT	1,916	1,916
	GROUND SUPPORT AVIONICS		
37	CMWS	149,162	149,162
38	COMMON INFRARED COUNTERMEASURES (CIRCM)	32,400	32,400
	OTHER SUPPORT		
41	AIRCREW INTEGRATED SYSTEMS	3,028	3,028
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**461,080**	**461,080**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
2	M-SHORAD—PROCUREMENT	158,300	158,300
3	MSE MISSILE	176,585	0
	Inappropriate for EDI, transfer to base		[–176,585]
	AIR-TO-SURFACE MISSILE SYSTEM		
6	HELLFIRE SYS SUMMARY	236,265	236,265
	ANTI-TANK/ASSAULT MISSILE SYS		
11	GUIDED MLRS ROCKET (GMLRS)	127,015	127,015
15	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS	84,993	84,993

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	MODIFICATIONS		
17	ATACMS MODS	78,434	78,434
22	MLRS MODS	20,000	20,000
	TOTAL MISSILE PROCUREMENT, ARMY	**881,592**	**705,007**
	PROCUREMENT OF W&TCV, ARMY		
	WEAPONS & OTHER COMBAT VEHICLES		
16	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	4,765	4,765
18	MORTAR SYSTEMS	10,460	10,460
	TOTAL PROCUREMENT OF W&TCV, ARMY	**15,225**	**15,225**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
1	CTG, 5.56MM, ALL TYPES	567	567
2	CTG, 7.62MM, ALL TYPES	40	40
4	CTG, HANDGUN, ALL TYPES	17	17
5	CTG, .50 CAL, ALL TYPES	189	189
8	CTG, 30MM, ALL TYPES	24,900	24,900
	ARTILLERY AMMUNITION		
16	PROJ 155MM EXTENDED RANGE M982	29,213	29,213
17	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	21,675	21,675
	ROCKETS		
20	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	176	176
21	ROCKET, HYDRA 70, ALL TYPES	33,880	33,880
	MISCELLANEOUS		
29	ITEMS LESS THAN $5 MILLION (AMMO)	11	11
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**110,668**	**110,668**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
13	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,500	6,500
14	PLS ESP	15,163	15,163
17	TACTICAL WHEELED VEHICLE PROTECTION KITS	27,066	27,066
	COMM—SATELLITE COMMUNICATIONS		
30	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	2,700	2,700
32	ASSURED POSITIONING, NAVIGATION AND TIMING	12,566	12,566
33	SMART-T (SPACE)	289	289
34	GLOBAL BRDCST SVC—GBS	319	319
	COMM—COMBAT COMMUNICATIONS		
45	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	1,257	1,257
	COMM—INTELLIGENCE COMM		
48	CI AUTOMATION ARCHITECTURE (MIP)	1,230	1,230
	INFORMATION SECURITY		
52	COMMUNICATIONS SECURITY (COMSEC)	128	128
	COMM—BASE COMMUNICATIONS		
58	INFORMATION SYSTEMS	15,277	15,277
62	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	74,004	80,004
	EDI: NATO Response Force (NRF) networks		[6,000]
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
68	DCGS-A (MIP)	47,709	47,709
70	TROJAN (MIP)	1,766	1,766
71	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	61,450	61,450
73	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	12,337	12,337
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
80	FAMILY OF PERSISTENT SURVEILLANCE CAP. (MIP)	44,293	44,293
81	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	49,100	49,100
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
83	SENTINEL MODS	33,496	33,496
84	NIGHT VISION DEVICES	643	643
87	RADIATION MONITORING SYSTEMS	11	11
88	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	37,000	37,000
94	COMPUTER BALLISTICS: LHMBC XM32	280	280
95	MORTAR FIRE CONTROL SYSTEM	13,672	13,672
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS	15,143	15,143
	ELECT EQUIP—AUTOMATION		
109	ARMY TRAINING MODERNIZATION	4,688	4,688
110	AUTOMATED DATA PROCESSING EQUIP	16,552	16,552
	CHEMICAL DEFENSIVE EQUIPMENT		
121	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	25,480	25,480
122	BASE DEFENSE SYSTEMS (BDS)	98,960	98,960
123	CBRN DEFENSE	18,887	18,887
	BRIDGING EQUIPMENT		
125	TACTICAL BRIDGING	50,400	50,400
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
137	RENDER SAFE SETS KITS OUTFITS	84,000	84,000
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	HEATERS AND ECU'S	370	370
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	3,721	3,721
145	FORCE PROVIDER	56,400	129,800
	EDI: Improvements to living quarters for rotational forces in Europe		[73,400]
146	FIELD FEEDING EQUIPMENT	2,279	2,279

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,040	2,040
	PETROLEUM EQUIPMENT		
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	4,374	4,374
	MEDICAL EQUIPMENT		
151	COMBAT SUPPORT MEDICAL	6,390	6,390
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	7,769	7,769
153	ITEMS LESS THAN $5.0M (MAINT EQ)	184	184
	CONSTRUCTION EQUIPMENT		
156	LOADERS	3,190	3,190
157	HYDRAULIC EXCAVATOR	7,600	7,600
158	TRACTOR, FULL TRACKED	7,450	7,450
160	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	3,703	3,703
162	CONST EQUIP ESP	657	657
	GENERATORS		
167	GENERATORS AND ASSOCIATED EQUIP	106	106
	MATERIAL HANDLING EQUIPMENT		
169	FAMILY OF FORKLIFTS	1,885	1,885
	OTHER SUPPORT EQUIPMENT		
180	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
181	PHYSICAL SECURITY SYSTEMS (OPA3)	3,248	3,248
185	BUILDING, PRE-FAB, RELOCATABLE	31,845	31,845
	TOTAL OTHER PROCUREMENT, ARMY	**924,077**	**1,003,477**
	AIRCRAFT PROCUREMENT, NAVY		
	OTHER AIRCRAFT		
24	STUASL0 UAV	7,921	7,921
	MODIFICATION OF AIRCRAFT		
53	COMMON ECM EQUIPMENT	3,474	3,474
55	COMMON DEFENSIVE WEAPON SYSTEM	3,339	3,339
64	QRC	18,507	18,507
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**33,241**	**33,241**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
12	HELLFIRE	5,572	5,572
	TOTAL WEAPONS PROCUREMENT, NAVY	**5,572**	**5,572**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS	8,068	8,068
2	JDAM	15,529	15,529
3	AIRBORNE ROCKETS, ALL TYPES	23,000	23,000
4	MACHINE GUN AMMUNITION	22,600	22,600
6	CARTRIDGES & CART ACTUATED DEVICES	3,927	3,927
7	AIR EXPENDABLE COUNTERMEASURES	15,978	15,978
8	JATOS	2,100	2,100
11	OTHER SHIP GUN AMMUNITION	2,611	2,611
12	SMALL ARMS & LANDING PARTY AMMO	1,624	1,624
13	PYROTECHNIC AND DEMOLITION	505	505
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**95,942**	**95,942**
	OTHER PROCUREMENT, NAVY		
	SMALL BOATS		
28	STANDARD BOATS	19,104	19,104
	OTHER SHIP SUPPORT		
35	SMALL & MEDIUM UUV	2,946	2,946
	ASW ELECTRONIC EQUIPMENT		
43	FIXED SURVEILLANCE SYSTEM	213,000	213,000
	SONOBUOYS		
92	SONOBUOYS—ALL TYPES	26,196	26,196
	AIRCRAFT SUPPORT EQUIPMENT		
95	AIRCRAFT SUPPORT EQUIPMENT	60,217	60,217
	OTHER ORDNANCE SUPPORT EQUIPMENT		
110	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	2,124	2,124
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
115	PASSENGER CARRYING VEHICLES	177	177
116	GENERAL PURPOSE TRUCKS	416	416
118	FIRE FIGHTING EQUIPMENT	801	801
	SUPPLY SUPPORT EQUIPMENT		
125	FIRST DESTINATION TRANSPORTATION	520	520
	TRAINING DEVICES		
128	TRAINING AND EDUCATION EQUIPMENT	11,500	11,500
	COMMAND SUPPORT EQUIPMENT		
130	MEDICAL SUPPORT EQUIPMENT	3,525	3,525
136	PHYSICAL SECURITY EQUIPMENT	3,000	3,000
	TOTAL OTHER PROCUREMENT, NAVY	**343,526**	**343,526**
	PROCUREMENT, MARINE CORPS		
	GUIDED MISSILES		
12	GUIDED MLRS ROCKET (GMLRS)	17,456	17,456
	OTHER SUPPORT (TEL)		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
15	MODIFICATION KITS	4,200	4,200
	INTELL/COMM EQUIPMENT (NON-TEL)		
22	INTELLIGENCE SUPPORT EQUIPMENT	10,124	10,124
	TACTICAL VEHICLES		
38	MOTOR TRANSPORT MODIFICATIONS	16,183	16,183
	TOTAL PROCUREMENT, MARINE CORPS	**47,963**	**47,963**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	HELICOPTERS		
13	COMBAT RESCUE HELICOPTER	174,000	174,000
	OTHER AIRCRAFT		
20	MQ–9	142,490	142,490
21	RQ–20B PUMA	13,770	13,770
	STRATEGIC AIRCRAFT		
26	LARGE AIRCRAFT INFRARED COUNTERMEASURES	57,521	57,521
	OTHER AIRCRAFT		
46	U–2 MODS	9,600	9,600
55	COMPASS CALL	12,800	12,800
66	HC/MC–130 MODIFICATIONS	58,020	58,020
69	MQ–9 UAS PAYLOADS	46,100	46,100
70	CV–22 MODS	6,290	6,290
	AIRCRAFT SPARES AND REPAIR PARTS		
71	INITIAL SPARES/REPAIR PARTS	10,700	10,700
72	MQ–9	12,250	12,250
	COMMON SUPPORT EQUIPMENT		
73	AIRCRAFT REPLACEMENT SUPPORT EQUIP	25,614	25,614
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**569,155**	**569,155**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
4	JOINT AIR-SURFACE STANDOFF MISSILE	30,000	30,000
8	PREDATOR HELLFIRE MISSILE	143,420	143,420
9	SMALL DIAMETER BOMB	50,352	50,352
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**223,772**	**223,772**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
1	ROCKETS	19,489	19,489
	CARTRIDGES		
2	CARTRIDGES	40,434	40,434
	BOMBS		
4	GENERAL PURPOSE BOMBS	369,566	369,566
6	JOINT DIRECT ATTACK MUNITION	237,723	237,723
	FLARES		
15	FLARES	21,171	21,171
	FUZES		
16	FUZES	107,855	107,855
	SMALL ARMS		
17	SMALL ARMS	6,217	6,217
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**802,455**	**802,455**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
1	PASSENGER CARRYING VEHICLES	1,302	1,302
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	3,400	3,400
4	CARGO AND UTILITY VEHICLES	12,475	12,475
	SPECIAL PURPOSE VEHICLES		
5	JOINT LIGHT TACTICAL VEHICLE	26,150	26,150
7	SPECIAL PURPOSE VEHICLES	51,254	51,254
	FIRE FIGHTING EQUIPMENT		
8	FIRE FIGHTING/CRASH RESCUE VEHICLES	24,903	24,903
	MATERIALS HANDLING EQUIPMENT		
9	MATERIALS HANDLING VEHICLES	14,167	14,167
	BASE MAINTENANCE SUPPORT		
10	RUNWAY SNOW REMOV AND CLEANING EQU	5,759	5,759
11	BASE MAINTENANCE SUPPORT VEHICLES	20,653	20,653
	SPCL COMM-ELECTRONICS PROJECTS		
26	GENERAL INFORMATION TECHNOLOGY	5,100	5,100
30	AIR FORCE PHYSICAL SECURITY SYSTEM	56,496	56,496
	ORGANIZATION AND BASE		
49	BASE COMM INFRASTRUCTURE	30,717	30,717
	BASE SUPPORT EQUIPMENT		
55	ENGINEERING AND EOD EQUIPMENT	13,172	13,172
56	MOBILITY EQUIPMENT	33,694	33,694
57	FUELS SUPPORT EQUIPMENT (FSE)	1,777	1,777
58	BASE MAINTENANCE AND SUPPORT EQUIPMENT	31,620	31,620
	SPECIAL SUPPORT PROJECTS		
61	DCGS-AF	18,700	18,700
	SPARES AND REPAIR PARTS		
65	SPARES AND REPAIR PARTS	4,000	4,000
	TOTAL OTHER PROCUREMENT, AIR FORCE	**355,339**	**355,339**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
16	DEFENSE INFORMATION SYSTEM NETWORK	6,120	6,120
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
30	COUNTER IMPROVISED THREAT TECHNOLOGIES	2,540	2,540
	CLASSIFIED PROGRAMS	3,500	3,500
	CLASSIFIED PROGRAMS		
	AVIATION PROGRAMS		
56	MANNED ISR	5,000	5,000
57	MC–12	5,000	5,000
60	UNMANNED ISR	8,207	8,207
	AMMUNITION PROGRAMS		
70	ORDNANCE ITEMS <$5M	105,355	105,355
	OTHER PROCUREMENT PROGRAMS		
71	INTELLIGENCE SYSTEMS	16,234	16,234
73	OTHER ITEMS <$5M	984	984
76	TACTICAL VEHICLES	2,990	2,990
77	WARRIOR SYSTEMS <$5M	32,573	32,573
78	COMBAT MISSION REQUIREMENTS	10,000	10,000
80	OPERATIONAL ENHANCEMENTS INTELLIGENCE	6,724	6,724
81	OPERATIONAL ENHANCEMENTS	53,264	53,264
	TOTAL PROCUREMENT, DEFENSE-WIDE	**258,491**	**258,491**
	TOTAL PROCUREMENT	**5,128,098**	**5,030,913**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
2	0601102A	DEFENSE RESEARCH SCIENCES	303,257	315,257
		AI human performance optimization		[2,000]
		Increase in basic research		[10,000]
3	0601103A	UNIVERSITY RESEARCH INITIATIVES	67,148	67,148
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	87,877	87,877
5	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE	5,077	5,077
		SUBTOTAL BASIC RESEARCH	**463,359**	**475,359**
		APPLIED RESEARCH		
7	0602115A	BIOMEDICAL TECHNOLOGY	11,835	15,835
		Pandemic vaccine response		[4,000]
11	0602134A	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	2,000	2,000
12	0602141A	LETHALITY TECHNOLOGY	42,425	45,425
		Hybrid additive manufacturing		[3,000]
13	0602142A	ARMY APPLIED RESEARCH	30,757	33,757
		Pathfinder Air Assault		[3,000]
14	0602143A	SOLDIER LETHALITY TECHNOLOGY	125,435	135,935
		Harnessing Emerging Research Opportunities to Empower Soldiers Program		[2,500]
		Metal-based display technologies		[3,000]
		Pathfinder Airborne		[5,000]
15	0602144A	GROUND TECHNOLOGY	28,047	30,047
		Ground technology advanced manufacturing, materials and process initiative		[2,000]
16	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	217,565	227,565
		Ground combat vehicle platform electrification		[2,000]
		Immersive virtual modeling and simulation techniques		[5,000]
		Next Generation Combat Vehicle modeling and simulation		[3,000]
17	0602146A	NETWORK C3I TECHNOLOGY	114,404	126,404
		Backpackable Communications Intelligence System		[5,000]
		Defense resiliency platform against extreme cold weather		[3,000]
		Multi-drone multi-sensor ISR capability		[2,000]
		Quantum computing base materials optimization		[2,000]
18	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY	60,553	67,553
		Composite artillery tube and propulsion prototyping		[7,000]
19	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	96,484	96,484
20	0602150A	AIR AND MISSILE DEFENSE TECHNOLOGY	56,298	66,298
		Counter unmanned aerial systems threat R&D		[5,000]
		Counter unmanned aircraft systems research		[5,000]
22	0602213A	C3I APPLIED CYBER	18,816	18,816
40	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	20,766	20,766
42	0602787A	MEDICAL TECHNOLOGY	95,496	97,496
		Research for coronavirus vaccine		[2,000]
		SUBTOTAL APPLIED RESEARCH	**920,881**	**984,381**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
		ADVANCED TECHNOLOGY DEVELOPMENT		
44	0603002A	MEDICAL ADVANCED TECHNOLOGY	38,896	38,896
49	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	11,659	11,659
52	0603115A	MEDICAL DEVELOPMENT	27,723	27,723
53	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOPMENT	62,663	62,663
54	0603118A	SOLDIER LETHALITY ADVANCED TECHNOLOGY	109,608	111,608
		3D advanced manufacturing		[2,000]
55	0603119A	GROUND ADVANCED TECHNOLOGY	14,795	20,795
		Cybersecurity for industrial control systems and building automation		[3,000]
		Graphene applications for military engineering		[3,000]
59	0603134A	COUNTER IMPROVISED-THREAT SIMULATION	25,000	25,000
63	0603457A	C3I CYBER ADVANCED DEVELOPMENT	23,357	23,357
64	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	188,024	193,024
		High performance computing modernization		[5,000]
65	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY	199,358	226,858
		Carbon fiber and graphitic composites		[10,000]
		Cyber and connected vehicle innovation research		[5,000]
		Small unit ground robotic capabilities		[7,500]
		Virtual experimentations enhancement		[5,000]
66	0603463A	NETWORK C3I ADVANCED TECHNOLOGY	158,608	158,608
67	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY	121,060	124,060
		Hyper velocity projectile—extended range technologies		[3,000]
68	0603465A	FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY	156,194	156,194
69	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY	58,130	73,630
		Electromagnetic effects research to support fires and AMD CFTs		[5,000]
		High-energy laser system characterization lab		[10,500]
77	0603920A	HUMANITARIAN DEMINING	8,515	8,515
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**1,203,590**	**1,262,590**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
78	0603305A	ARMY MISSLE DEFENSE SYSTEMS INTEGRATION	11,062	14,062
		Hypersonic hot air tunnel test environment		[3,000]
79	0603308A	ARMY SPACE SYSTEMS INTEGRATION	26,230	26,230
80	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	26,482	26,482
81	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	64,092	64,092
83	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	92,753	92,753
84	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV	151,478	151,478
85	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	5,841	5,841
86	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	194,775	194,775
87	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	24,316	24,316
88	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	13,387	13,387
89	0603790A	NATO RESEARCH AND DEVELOPMENT	4,762	4,762
90	0603801A	AVIATION—ADV DEV	647,937	652,937
		Future Long Range Assault Aircraft (FLRAA)		[5,000]
91	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	4,761	4,761
92	0603807A	MEDICAL SYSTEMS—ADV DEV	28,520	28,520
93	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	26,138	26,138
94	0604017A	ROBOTICS DEVELOPMENT	121,207	121,207
96	0604021A	ELECTRONIC WARFARE TECHNOLOGY MATURATION (MIP)	22,840	22,840
97	0604035A	LOW EARTH ORBIT (LEO) SATELLITE CAPABILITY	22,678	22,678
98	0604100A	ANALYSIS OF ALTERNATIVES	10,082	10,082
99	0604101A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.4)	1,378	1,378
100	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS)	40,083	40,083
101	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	376,373	376,373
102	0604115A	TECHNOLOGY MATURATION INITIATIVES	156,834	146,834
		OpFires lack of transition pathway		[–10,000]
103	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD)	4,995	4,995
105	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING	170,490	170,490
106	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)	128,125	128,125
107	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING	129,547	129,547
108	0604134A	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	13,831	13,831
109	0604182A	HYPERSONICS	801,417	796,417
		Lack of hypersonic prototyping coordination		[–5,000]
111	0604403A	FUTURE INTERCEPTOR	7,992	7,992
112	0604541A	UNIFIED NETWORK TRANSPORT	40,677	40,677
115	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	50,525	50,525
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**3,421,608**	**3,414,608**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
118	0604201A	AIRCRAFT AVIONICS	2,764	2,764
119	0604270A	ELECTRONIC WARFARE DEVELOPMENT	62,426	62,426
121	0604601A	INFANTRY SUPPORT WEAPONS	91,574	91,574
122	0604604A	MEDIUM TACTICAL VEHICLES	8,523	8,523
123	0604611A	JAVELIN	7,493	7,493
124	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	24,792	24,792
125	0604633A	AIR TRAFFIC CONTROL	3,511	3,511
126	0604642A	LIGHT TACTICAL WHEELED VEHICLES	1,976	1,976
127	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	135,488	135,488
128	0604710A	NIGHT VISION SYSTEMS—ENG DEV	61,445	61,445
129	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,814	2,814

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130	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	28,036	28,036
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	43,651	83,651
		Joint Counter-UAS Office acceleration		[17,500]
		Joint Counter-UAS Office SOCOM advanced capabilities		[7,500]
		Joint Counter-UAS Office SOCOM demonstrations		[15,000]
132	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	10,150	10,150
133	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,578	5,578
134	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	7,892	7,892
135	0604768A	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	24,975	24,975
136	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	3,568	3,568
137	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	19,268	19,268
138	0604802A	WEAPONS AND MUNITIONS—ENG DEV	265,811	266,611
		Increase NGSW soldier touchpoints		[800]
139	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	49,694	49,694
140	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	11,079	11,079
141	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV	49,870	49,870
142	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	9,589	9,589
143	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	162,513	162,513
144	0604820A	RADAR DEVELOPMENT	109,259	109,259
145	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	21,201	21,201
146	0604823A	FIREFINDER	20,008	20,008
147	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	6,534	6,534
148	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD	82,459	129,459
		Bradley and Stryker APS		[47,000]
149	0604854A	ARTILLERY SYSTEMS—EMD	11,611	11,611
150	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	142,678	147,678
		Integrated data software pilot program		[5,000]
151	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	115,286	115,286
152	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	96,594	96,594
154	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	16,264	16,264
155	0605031A	JOINT TACTICAL NETWORK (JTN)	31,696	31,696
157	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,976	5,976
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	23,321	23,321
161	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECONNAISSANCE VEHICLE (NBCRV) SENSOR SUITE.	4,846	4,846
162	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	28,544	16,544
		Army Cyber SU program		[–12,000]
163	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	28,178	28,178
164	0605047A	CONTRACT WRITING SYSTEM	22,860	22,860
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	35,893	35,893
167	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	235,770	187,970
		Army-identified funding early to need		[–47,800]
168	0605053A	GROUND ROBOTICS	13,710	13,710
169	0605054A	EMERGING TECHNOLOGY INITIATIVES	294,739	294,739
170	0605145A	MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT	954	954
171	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION	150,201	150,201
172	0605205A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.5)	5,999	5,999
174	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	8,891	8,891
175	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	193,929	193,929
176	0605625A	MANNED GROUND VEHICLE	327,732	247,732
		OMFV program reset		[–80,000]
177	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	7,670	7,670
178	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	1,742	1,742
179	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	1,467	1,467
180	0303032A	TROJAN—RH12	3,451	3,451
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	55,855	55,855
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**3,199,798**	**3,152,798**
		MANAGEMENT SUPPORT		
185	0604256A	THREAT SIMULATOR DEVELOPMENT	14,515	14,515
186	0604258A	TARGET SYSTEMS DEVELOPMENT	10,668	10,668
187	0604759A	MAJOR T&E INVESTMENT	106,270	106,270
188	0605103A	RAND ARROYO CENTER	13,481	13,481
189	0605301A	ARMY KWAJALEIN ATOLL	231,824	231,824
190	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	54,898	54,898
192	0605601A	ARMY TEST RANGES AND FACILITIES	350,359	365,359
		Program increase—Army directed energy T&E		[15,000]
193	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	48,475	48,475
194	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	36,001	36,001
195	0605606A	AIRCRAFT CERTIFICATION	2,736	2,736
196	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,488	6,488
197	0605706A	MATERIEL SYSTEMS ANALYSIS	21,859	21,859
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	7,936	7,936
199	0605712A	SUPPORT OF OPERATIONAL TESTING	54,470	54,470
200	0605716A	ARMY EVALUATION CENTER	63,141	63,141
201	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	2,572	2,572
202	0605801A	PROGRAMWIDE ACTIVITIES	87,472	87,472
203	0605803A	TECHNICAL INFORMATION ACTIVITIES	26,244	26,244
204	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	40,133	40,133
205	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	1,780	1,780

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206	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA	55,045	55,045
208	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE	71,306	71,306
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	1,063	1,063
210	0606105A	MEDICAL PROGRAM-WIDE ACTIVITIES	19,891	19,891
211	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES	4,496	4,496
		SUBTOTAL MANAGEMENT SUPPORT	**1,333,123**	**1,348,123**
		OPERATIONAL SYSTEMS DEVELOPMENT		
214	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	10,157	10,157
216	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	8,682	8,682
217	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS	20,409	20,409
219	0607134A	LONG RANGE PRECISION FIRES (LRPF)	122,733	115,233
		Excess funds due to second vendor dropped		[–7,500]
221	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	11,236	11,236
222	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	46,091	46,091
224	0607139A	IMPROVED TURBINE ENGINE PROGRAM	249,257	249,257
225	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT	17,155	17,155
226	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS	7,743	7,743
227	0607145A	APACHE FUTURE DEVELOPMENT	77,177	77,177
228	0607150A	INTEL CYBER DEVELOPMENT	14,652	14,652
229	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	35,851	35,851
230	0607665A	FAMILY OF BIOMETRICS	1,324	1,324
231	0607865A	PATRIOT PRODUCT IMPROVEMENT	187,840	187,840
232	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCS)	44,691	44,691
233	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	268,919	268,919
234	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS	427,254	427,254
235	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	11,688	11,688
236	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	80	80
237	0203758A	DIGITIZATION	4,516	4,516
238	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	1,288	1,288
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	79,424	79,424
243	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV	259	259
244	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	166	166
245	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	75,575	93,075
		Qualification of second SRM source		[17,500]
246	0208053A	JOINT TACTICAL GROUND SYSTEM	9,510	9,510
249	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	29,270	29,270
250	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	86,908	86,908
251	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,684	18,684
256	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	467	467
257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	4,051	4,051
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	13,283	13,283
259	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	47,204	47,204
264	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	61,012	78,512
		Functional fabrics manufacturing		[7,500]
		Nanoscale materials manufacturing		[5,000]
		Tungsten manufacturing for armanents		[5,000]
999	9999999999	CLASSIFIED PROGRAMS	3,983	3,983
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**1,998,539**	**2,026,039**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
267	0608041A	DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOPMENT	46,445	46,445
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**46,445**	**46,445**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**12,587,343**	**12,710,343**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
1	0601103N	UNIVERSITY RESEARCH INITIATIVES	116,816	118,816
		Defense University Research and Instrumentation Program		[2,000]
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,113	19,113
3	0601153N	DEFENSE RESEARCH SCIENCES	467,158	480,158
		Increase in basic research		[10,000]
		Predictive modeling for undersea vehicles		[3,000]
		SUBTOTAL BASIC RESEARCH	**603,087**	**618,087**
		APPLIED RESEARCH		
4	0602114N	POWER PROJECTION APPLIED RESEARCH	17,792	17,792
5	0602123N	FORCE PROTECTION APPLIED RESEARCH	122,281	140,281
		Direct air capture and blue carbon removal technology program		[8,000]
		Electric propulsion for military craft and advanced planning hulls		[2,000]
		Expeditionary unmanned systems launch and recovery		[5,000]
		Testbed for autonomous ship systems		[3,000]
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	50,623	53,623
		Interdisciplinary cybersecurity research		[3,000]
7	0602235N	COMMON PICTURE APPLIED RESEARCH	48,001	48,001
8	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	67,765	74,765
		Humanoid robotics research		[4,000]
		Social networks and computational social science		[3,000]
9	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	84,994	84,994
10	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	63,392	63,392
11	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,343	6,343

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12	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	56,397	63,897
		Navy and academia submarine partnerships		[7,500]
13	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	167,590	167,590
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	30,715	30,715
15	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH	160,537	167,837
		Thermoplastic materials		[7,300]
16	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACITIVITIES	76,745	76,745
		SUBTOTAL APPLIED RESEARCH	**953,175**	**995,975**
		ADVANCED TECHNOLOGY DEVELOPMENT		
17	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	24,410	24,410
18	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	8,008	8,008
19	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	219,045	222,045
		Mission planning advanced technology demonstration		[3,000]
20	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	13,301	13,301
21	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT	246,054	246,054
22	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	60,122	60,122
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,851	4,851
24	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	40,709	40,709
25	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	1,948	1,948
26	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT.	141,948	141,948
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**760,396**	**763,396**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
27	0603178N	MEDIUM AND LARGE UNMANNED SURFACE VEHICLES (USVS)	464,042	0
		Excess procurement ahead of satisfactory testing		[–464,042]
28	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	35,386	35,386
29	0603216N	AVIATION SURVIVABILITY	13,428	13,428
30	0603239N	ISO NAVAL CONSTRUCTION FORCES	2,350	2,350
31	0603251N	AIRCRAFT SYSTEMS	418	418
32	0603254N	ASW SYSTEMS DEVELOPMENT	15,719	15,719
33	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,411	3,411
34	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	70,218	56,118
		Project 3416: HIJENKS insufficient schedule justification		[–7,000]
		Project 3422: SHARC excess platforms ahead of satisfactory testing		[–7,100]
35	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	52,358	24,158
		Project 2989: Barracuda program delay		[–28,200]
36	0603506N	SURFACE SHIP TORPEDO DEFENSE	12,816	12,816
37	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,559	7,559
38	0603525N	PILOT FISH	358,757	358,757
39	0603527N	RETRACT LARCH	12,562	12,562
40	0603536N	RETRACT JUNIPER	148,000	148,000
41	0603542N	RADIOLOGICAL CONTROL	778	778
42	0603553N	SURFACE ASW	1,161	1,161
43	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	185,356	195,356
		Out-of-autoclave submarine technology development		[20,000]
		Project 9710: EDMs early to need		[–10,000]
44	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,528	10,528
45	0603563N	SHIP CONCEPT ADVANCED DESIGN	126,396	63,296
		Project 2196: Future surface combatant early to need		[–19,100]
		Project 3161: Program increase for CBM+ initiative		[16,000]
		Project 4044: Medium amphibious ship early to need		[–30,000]
		Project 4045: Medium logistics ship early to need		[–30,000]
46	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	70,270	28,970
		Project 0411: LSC preliminary design and CDD early to need		[–41,300]
47	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	149,188	149,188
48	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	38,449	238,449
		Accelerate ITF to achieve full test capability in FY23		[75,000]
		Accelerate qualification of silicon carbide power modules		[10,000]
		USV autonomy development		[45,000]
		USV engine and generator qualification testing		[70,000]
49	0603576N	CHALK EAGLE	71,181	71,181
50	0603581N	LITTORAL COMBAT SHIP (LCS)	32,178	27,178
		Project 3096: Available prior year funds		[–5,000]
51	0603582N	COMBAT SYSTEM INTEGRATION	17,843	17,843
52	0603595N	OHIO REPLACEMENT	317,196	317,196
53	0603596N	LCS MISSION MODULES	67,875	32,875
		Project 2550: LCS MCM MP outdated IMS and TEMP		[–20,000]
		Project 2551: LCS ASW MP available prior year funds due to testing delays		[–15,000]
54	0603597N	AUTOMATED TEST AND ANALYSIS	4,797	4,797
55	0603599N	FRIGATE DEVELOPMENT	82,309	82,309
56	0603609N	CONVENTIONAL MUNITIONS	9,922	2,122
		Project 0363: Insufficient justification		[–7,800]
57	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	189,603	189,603
58	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	43,084	43,084
59	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	6,346	6,346
60	0603721N	ENVIRONMENTAL PROTECTION	20,601	20,601
61	0603724N	NAVY ENERGY PROGRAM	23,422	23,422
62	0603725N	FACILITIES IMPROVEMENT	4,664	4,664
63	0603734N	CHALK CORAL	545,763	545,763
64	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,884	3,884

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65	0603746N	RETRACT MAPLE	353,226	353,226
66	0603748N	LINK PLUMERIA	544,388	544,388
67	0603751N	RETRACT ELM	86,730	86,730
68	0603764M	LINK EVERGREEN	236,234	236,234
70	0603790N	NATO RESEARCH AND DEVELOPMENT	6,880	6,880
71	0603795N	LAND ATTACK TECHNOLOGY	10,578	10,578
72	0603851M	JOINT NON-LETHAL WEAPONS TESTING	28,435	28,435
73	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	33,612	33,612
74	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	128,845	113,845
		Project 3402: Excess engineering and sustainment support		[–15,000]
75	0604014N	F/A –18 INFRARED SEARCH AND TRACK (IRST)	84,190	84,190
76	0604027N	DIGITAL WARFARE OFFICE	54,699	54,699
77	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES	53,942	53,942
78	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES	40,060	40,060
79	0604030N	RAPID PROTOTYPING, EXPERIMENTATION AND DEMONSTRATION.	12,100	12,100
80	0604031N	LARGE UNMANNED UNDERSEA VEHICLES	78,122	42,122
		Project 2094: Excess procurement ahead of phase 1 testing		[–36,000]
81	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80)	107,895	107,895
82	0604126N	LITTORAL AIRBORNE MCM	17,366	17,366
83	0604127N	SURFACE MINE COUNTERMEASURES	18,754	18,754
84	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	59,776	59,776
86	0604292N	FUTURE VERTICAL LIFT (MARITIME STRIKE)	5,097	5,097
87	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	3,664	3,664
88	0604454N	LX (R)	10,203	10,203
89	0604536N	ADVANCED UNDERSEA PROTOTYPING	115,858	95,858
		Orca UUV testing delay and uncertified test strategy		[–10,000]
		Snakehead UUV uncertified test strategy		[–10,000]
90	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS)	14,259	14,259
91	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	1,102,387	1,045,387
		Lack of hypersonic prototyping coordination		[–5,000]
		Project 3334: Excess Virginia-class CPS modification and installation costs		[–52,000]
92	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	7,657	7,657
93	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT	35,750	35,750
94	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,151	9,151
95	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM	22,589	22,589
97	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	809	809
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**6,503,074**	**5,926,532**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
98	0603208N	TRAINING SYSTEM AIRCRAFT	4,332	4,332
99	0604212N	OTHER HELO DEVELOPMENT	18,133	23,133
		Program increase for Attack and Utility Replacement Aircraft		[5,000]
100	0604214M	AV–8B AIRCRAFT—ENG DEV	20,054	20,054
101	0604215N	STANDARDS DEVELOPMENT	4,237	4,237
102	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	27,340	27,340
104	0604221N	P–3 MODERNIZATION PROGRAM	606	606
105	0604230N	WARFARE SUPPORT SYSTEM	9,065	9,065
106	0604231N	TACTICAL COMMAND SYSTEM	97,968	97,968
107	0604234N	ADVANCED HAWKEYE	309,373	309,373
108	0604245M	H–1 UPGRADES	62,310	62,310
109	0604261N	ACOUSTIC SEARCH SENSORS	47,182	47,182
110	0604262N	V–22A	132,624	132,624
111	0604264N	AIR CREW SYSTEMS DEVELOPMENT	21,445	21,445
112	0604269N	EA–18	106,134	106,134
113	0604270N	ELECTRONIC WARFARE DEVELOPMENT	134,194	134,194
114	0604273M	EXECUTIVE HELO DEVELOPMENT	99,321	99,321
115	0604274N	NEXT GENERATION JAMMER (NGJ)	477,680	477,680
116	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	232,818	232,818
117	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	170,039	170,039
118	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	403,712	403,712
119	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	945	945
120	0604329N	SMALL DIAMETER BOMB (SDB)	62,488	62,488
121	0604366N	STANDARD MISSILE IMPROVEMENTS	386,225	386,225
122	0604373N	AIRBORNE MCM	10,909	10,909
123	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	44,548	44,548
124	0604419N	ADVANCED SENSORS APPLICATION PROGRAM (ASAP)	13,673	13,673
125	0604501N	ADVANCED ABOVE WATER SENSORS	87,809	87,809
126	0604503N	SSN–688 AND TRIDENT MODERNIZATION	93,097	93,097
127	0604504N	AIR CONTROL	38,863	38,863
128	0604512N	SHIPBOARD AVIATION SYSTEMS	9,593	9,593
129	0604518N	COMBAT INFORMATION CENTER CONVERSION	12,718	12,718
130	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	78,319	78,319
131	0604530N	ADVANCED ARRESTING GEAR (AAG)	65,834	65,834
132	0604558N	NEW DESIGN SSN	259,443	259,443
133	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	63,878	58,878
		AN/BYG–1 APB17 and APB19 testing delays		[–5,000]
134	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	51,853	66,753
		Advanced degaussing DDG–51 retrofit and demonstration		[14,900]
135	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,853	3,853
136	0604601N	MINE DEVELOPMENT	92,607	92,607
137	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	146,012	116,012

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		Project 1412: HAAWC operational testing delays		[–10,000]
		Project 3418: Mk 54 Mod 2 contract delays		[–20,000]
138	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	8,383	8,383
139	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—ENG DEV	33,784	33,784
140	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	8,599	8,599
141	0604727N	JOINT STANDOFF WEAPON SYSTEMS	73,744	73,744
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	157,490	157,490
143	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	121,761	121,761
144	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	89,373	89,373
145	0604761N	INTELLIGENCE ENGINEERING	15,716	15,716
146	0604771N	MEDICAL DEVELOPMENT	2,120	2,120
147	0604777N	NAVIGATION/ID SYSTEM	50,180	50,180
148	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	561	561
149	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	250	250
150	0604850N	SSN(X)	1,000	1,000
151	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	974	974
152	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	356,173	356,173
153	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	7,810	7,810
154	0605212M	CH–53K RDTE	406,406	406,406
155	0605215N	MISSION PLANNING	86,134	86,134
156	0605217N	COMMON AVIONICS	54,540	54,540
157	0605220N	SHIP TO SHORE CONNECTOR (SSC)	5,155	5,155
158	0605327N	T-AO 205 CLASS	5,148	5,148
159	0605414N	UNMANNED CARRIER AVIATION (UCA)	266,970	266,970
160	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	12,713	12,713
161	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	24,424	24,424
162	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	182,870	182,870
163	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.	41,775	41,775
164	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.	2,541	2,541
165	0204202N	DDG–1000	208,448	208,448
169	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	111,434	111,434
170	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	26,173	26,173
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**6,263,883**	**6,248,783**
		MANAGEMENT SUPPORT		
171	0604256N	THREAT SIMULATOR DEVELOPMENT	22,075	22,075
172	0604258N	TARGET SYSTEMS DEVELOPMENT	10,224	10,224
173	0604759N	MAJOR T&E INVESTMENT	85,195	85,195
175	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,089	3,089
176	0605154N	CENTER FOR NAVAL ANALYSES	43,517	43,517
179	0605804N	TECHNICAL INFORMATION SERVICES	932	932
180	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	94,297	94,297
181	0605856N	STRATEGIC TECHNICAL SUPPORT	3,813	3,813
183	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	104,822	104,822
184	0605864N	TEST AND EVALUATION SUPPORT	446,960	446,960
185	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	27,241	27,241
186	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	15,787	15,787
187	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,559	8,559
188	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	42,749	42,749
189	0605898N	MANAGEMENT HQ—R&D	41,094	41,094
190	0606355N	WARFARE INNOVATION MANAGEMENT	37,022	37,022
193	0305327N	INSIDER THREAT	2,310	2,310
194	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES)	1,536	1,536
		SUBTOTAL MANAGEMENT SUPPORT	**991,222**	**991,222**
		OPERATIONAL SYSTEMS DEVELOPMENT		
199	0604227N	HARPOON MODIFICATIONS	697	697
200	0604840M	F–35 C2D2	379,549	379,549
201	0604840N	F–35 C2D2	413,875	413,875
202	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	143,667	143,667
204	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	173,056	173,056
205	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	45,970	45,970
206	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	69,190	61,190
		CRAW EDM (TI–2) early to need		[–8,000]
207	0101402N	NAVY STRATEGIC COMMUNICATIONS	42,277	42,277
208	0204136N	F/A–18 SQUADRONS	171,030	171,030
210	0204228N	SURFACE SUPPORT	33,482	33,482
211	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	200,308	200,308
212	0204311N	INTEGRATED SURVEILLANCE SYSTEM	102,975	152,975
		Accelerate sensor and signal processing development		[25,000]
		Program increase for spiral 1 TRAPS units		[25,000]
213	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	10,873	10,873
214	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	1,713	6,713
		Program increase for LCAC composite component manufacturing		[5,000]
215	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	22,205	105,805
		Program increase for G/ATOR and SM–6 stand-alone engagement analysis		[10,000]
		Program increase for USMC G/ATOR and SM–6 demonstration		[73,600]
216	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	83,956	83,956
218	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	56,791	56,791
219	0205601N	HARM IMPROVEMENT	146,166	146,166

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221	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	29,348	29,348
222	0205632N	MK–48 ADCAP	110,349	110,349
223	0205633N	AVIATION IMPROVEMENTS	133,953	133,953
224	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	110,313	110,313
225	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	207,662	207,662
226	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S)	4,406	4,406
227	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	61,381	61,381
228	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	10,421	10,421
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	29,977	29,977
230	0206629M	AMPHIBIOUS ASSAULT VEHICLE	6,469	6,469
231	0207161N	TACTICAL AIM MISSILES	5,859	5,859
232	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	44,323	44,323
236	0303109N	SATELLITE COMMUNICATIONS (SPACE)	41,978	41,978
237	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	29,684	29,684
238	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	39,094	39,094
239	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,154	6,154
240	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	7,108	7,108
241	0305205N	UAS INTEGRATION AND INTEROPERABILITY	62,098	62,098
242	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	21,500	21,500
244	0305220N	MQ–4C TRITON	11,120	11,120
245	0305231N	MQ–8 UAV	28,968	28,968
246	0305232M	RQ–11 UAV	537	537
247	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	8,773	8,773
248	0305239M	RQ–21A	10,853	10,853
249	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	60,413	60,413
250	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	5,000	5,000
251	0305251N	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	34,967	44,967
		Cyber tool development		[10,000]
252	0305421N	RQ–4 MODERNIZATION	178,799	178,799
253	0307577N	INTELLIGENCE MISSION DATA (IMD)	2,120	2,120
254	0308601N	MODELING AND SIMULATION SUPPORT	8,683	8,683
255	0702207N	DEPOT MAINTENANCE (NON-IF)	45,168	45,168
256	0708730N	MARITIME TECHNOLOGY (MARITECH)	6,697	6,697
257	1203109N	SATELLITE COMMUNICATIONS (SPACE)	70,056	70,056
999	9999999999	CLASSIFIED PROGRAMS	1,795,032	1,795,032
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**5,327,043**	**5,467,643**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
258	0608013N	RISK MANAGEMENT INFORMATION—SOFTWARE PILOT PROGRAM	14,300	14,300
259	0608231N	MARITIME TACTICAL COMMAND AND CONTROL (MTC2)—SOFTWARE PILOT PROGRAM.	10,868	10,868
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**25,168**	**25,168**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**21,427,048**	**21,036,806**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
1	0601102F	DEFENSE RESEARCH SCIENCES	315,348	325,348
		Increase in basic research		[10,000]
2	0601103F	UNIVERSITY RESEARCH INITIATIVES	161,861	161,861
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	15,085	15,085
		SUBTOTAL BASIC RESEARCH	**492,294**	**502,294**
		APPLIED RESEARCH		
4	0602020F	FUTURE AF CAPABILITIES APPLIED RESEARCH	100,000	100,000
5	0602102F	MATERIALS	140,781	160,281
		High-energy synchotron x-ray program		[5,000]
		Materials maturation for high mach systems		[5,000]
		Metals Affordability Initiative		[5,000]
		Qualification of additive manufacturing processes		[2,000]
		Techniques to repair fasteners		[2,500]
6	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	349,225	359,225
		Hypersonic materials		[10,000]
7	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	115,222	115,222
9	0602204F	AEROSPACE SENSORS	211,301	211,301
11	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT— MAJOR HEADQUARTERS ACTIVITIES.	8,926	8,926
12	0602602F	CONVENTIONAL MUNITIONS	132,425	132,425
13	0602605F	DIRECTED ENERGY TECHNOLOGY	128,113	128,113
14	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	178,668	178,668
15	0602890F	HIGH ENERGY LASER RESEARCH	45,088	45,088
		SUBTOTAL APPLIED RESEARCH	**1,409,749**	**1,439,249**
		ADVANCED TECHNOLOGY DEVELOPMENT		
17	0603030F	AF FOUNDATIONAL DEVELOPMENT/DEMOS	103,280	103,280
18	0603032F	FUTURE AF INTEGRATED TECHNOLOGY DEMOS	157,619	107,619
		Golden Horde too mature for science and technology prototype		[–50,000]
19	0603033F	NEXT GEN PLATFORM DEV/DEMO	199,556	208,556
		B–52 pylon fairings		[3,000]
		C–130 finlets		[3,000]
		KC–135 aft body drag		[3,000]
20	0603034F	PERSISTENT KNOWLEDGE, AWARENESS, & C2 TECH	102,276	102,276

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21	0603035F	NEXT GEN EFFECTS DEV/DEMOS	215,817	215,817
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**778,548**	**737,548**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
38	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	4,320	4,320
39	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	26,396	26,396
40	0603790F	NATO RESEARCH AND DEVELOPMENT	3,647	3,647
41	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	32,959	32,959
43	0604002F	AIR FORCE WEATHER SERVICES RESEARCH	869	869
44	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS)	302,323	302,323
45	0604004F	ADVANCED ENGINE DEVELOPMENT	636,495	686,495
		AETP program acceleration		[50,000]
46	0604015F	LONG RANGE STRIKE—BOMBER	2,848,410	2,848,410
47	0604032F	DIRECTED ENERGY PROTOTYPING	20,964	25,964
		Directed energy counter-Unmanned Aerial Systems (CUAS)		[5,000]
48	0604033F	HYPERSONICS PROTOTYPING	381,862	446,862
		HAWC program increase		[65,000]
50	0604257F	ADVANCED TECHNOLOGY AND SENSORS	24,747	24,747
51	0604288F	NATIONAL AIRBORNE OPS CENTER (NAOC) RECAP	76,417	76,417
52	0604317F	TECHNOLOGY TRANSFER	3,011	3,011
53	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	52,921	52,921
54	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	69,783	69,783
55	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	25,835	25,835
56	0604858F	TECH TRANSITION PROGRAM	219,252	455,252
		Agile software development and operations		[4,500]
		Initial polar MILSATCOM capability		[46,000]
		KC–135 vertical wipers		[2,000]
		KC–135 winglets		[10,000]
		LCAAT program acceleration		[128,000]
		Long-endurance UAS		[33,500]
		Rapid repair of high performance materials		[6,000]
		Small satellite acceleration		[6,000]
57	0605230F	GROUND BASED STRATEGIC DETERRENT	1,524,759	1,524,759
59	0207110F	NEXT GENERATION AIR DOMINANCE	1,044,089	1,044,089
60	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	19,356	19,356
61	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	8,737	8,737
62	0208099F	UNIFIED PLATFORM (UP)	5,990	5,990
63	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	39,293	39,293
65	0305601F	MISSION PARTNER ENVIRONMENTS	11,430	11,430
66	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	259,823	259,823
67	0306415F	ENABLED CYBER ACTIVITIES	10,560	10,560
68	0401310F	C–32 EXECUTIVE TRANSPORT RECAPITALIZATION	9,908	9,908
69	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	8,662	8,662
74	1206427F	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	8,787	8,787
77	1206730F	SPACE SECURITY AND DEFENSE PROGRAM	56,311	56,311
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**7,737,916**	**8,093,916**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
82	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS	25,161	25,161
83	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	38,564	38,564
84	0604222F	NUCLEAR WEAPONS SUPPORT	35,033	35,033
85	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,098	2,098
86	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	131,909	131,909
87	0604287F	PHYSICAL SECURITY EQUIPMENT	6,752	6,752
88	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	17,280	17,280
89	0604429F	AIRBORNE ELECTRONIC ATTACK	0	30,000
		STiTCHES integration		[30,000]
90	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	23,076	23,076
91	0604604F	SUBMUNITIONS	3,091	3,091
92	0604617F	AGILE COMBAT SUPPORT	20,609	20,609
93	0604618F	JOINT DIRECT ATTACK MUNITION	7,926	7,926
94	0604706F	LIFE SUPPORT SYSTEMS	23,660	23,660
95	0604735F	COMBAT TRAINING RANGES	8,898	8,898
96	0604800F	F–35—EMD	5,423	5,423
97	0604932F	LONG RANGE STANDOFF WEAPON	474,430	474,430
98	0604933F	ICBM FUZE MODERNIZATION	167,099	167,099
100	0605056F	OPEN ARCHITECTURE MANAGEMENT	30,547	30,547
102	0605223F	ADVANCED PILOT TRAINING	248,669	254,669
		SLATE/VR training		[6,000]
103	0605229F	COMBAT RESCUE HELICOPTER	63,169	63,169
105	0101125F	NUCLEAR WEAPONS MODERNIZATION	9,683	9,683
106	0207171F	F–15 EPAWSS	170,679	170,679
107	0207328F	STAND IN ATTACK WEAPON	160,438	160,438
108	0207701F	FULL COMBAT MISSION TRAINING	9,422	9,422
110	0305176F	COMBAT SURVIVOR EVADER LOCATOR	973	973
111	0401221F	KC–46A TANKER SQUADRONS	106,262	106,262
113	0401319F	VC–25B	800,889	800,889
114	0701212F	AUTOMATED TEST SYSTEMS	10,673	10,673
115	0804772F	TRAINING DEVELOPMENTS	4,479	4,479
116	0901299F	AF A1 SYSTEMS	8,467	8,467
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**2,615,359**	**2,651,359**

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Line	Program Element	Item	FY 2021 Request	Senate Authorized
		MANAGEMENT SUPPORT		
131	0604256F	THREAT SIMULATOR DEVELOPMENT	57,725	57,725
132	0604759F	MAJOR T&E INVESTMENT	208,680	223,680
		Gulf Range telemetric modernization		[15,000]
133	0605101F	RAND PROJECT AIR FORCE	35,803	35,803
135	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	13,557	13,557
136	0605807F	TEST AND EVALUATION SUPPORT	764,606	764,606
142	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	1,362,038	1,362,038
143	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY	40,768	40,768
144	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	179,646	179,646
145	0605898F	MANAGEMENT HQ—R&D	5,734	5,734
146	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	70,985	70,985
147	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	29,880	29,880
148	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	63,381	63,381
149	0606398F	MANAGEMENT HQ—T&E	5,785	5,785
150	0303255F	COMMAND, CONTROL, COMMUNICATION, AND COMPUTERS (C4)—STRATCOM	24,564	24,564
151	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	9,883	2,383
		Acq strat incompatible with AF digital mod strategy		[–7,500]
152	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	13,384	13,384
153	0804731F	GENERAL SKILL TRAINING	1,262	1,262
155	1001004F	INTERNATIONAL ACTIVITIES	3,599	3,599
		SUBTOTAL MANAGEMENT SUPPORT	**2,891,280**	**2,898,780**
		OPERATIONAL SYSTEMS DEVELOPMENT		
163	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	8,777	8,777
164	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	499	499
165	0604840F	F–35 C2D2	785,336	785,336
166	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	27,035	7,035
		Poor agile development strategy		[–20,000]
167	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	50,508	50,508
168	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	71,229	71,229
169	0605278F	HC/MC–130 RECAP RDT&E	24,705	24,705
170	0606018F	NC3 INTEGRATION	26,356	26,356
172	0101113F	B–52 SQUADRONS	520,023	520,023
173	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	1,433	1,433
174	0101126F	B–1B SQUADRONS	15,766	26,566
		USAF-requested transfer from APAF Lines 22, 24		[10,800]
175	0101127F	B–2 SQUADRONS	187,399	187,399
176	0101213F	MINUTEMAN SQUADRONS	116,569	116,569
177	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	27,235	27,235
178	0101324F	INTEGRATED STRATEGIC PLANNING & ANALYSIS NETWORK	24,227	24,227
179	0101328F	ICBM REENTRY VEHICLES	112,753	112,753
181	0102110F	UH–1N REPLACEMENT PROGRAM	44,464	44,464
182	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	5,929	5,929
183	0102412F	NORTH WARNING SYSTEM (NWS)	100	100
184	0205219F	MQ–9 UAV	162,080	162,080
186	0207131F	A–10 SQUADRONS	24,535	24,535
187	0207133F	F–16 SQUADRONS	223,437	223,437
188	0207134F	F–15E SQUADRONS	298,908	298,908
189	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,960	14,960
190	0207138F	F–22A SQUADRONS	665,038	665,038
191	0207142F	F–35 SQUADRONS	132,229	132,229
192	0207146F	F–15EX	159,761	159,761
193	0207161F	TACTICAL AIM MISSILES	19,417	19,417
194	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	51,799	51,799
195	0207227F	COMBAT RESCUE—PARARESCUE	669	669
196	0207247F	AF TENCAP	21,644	21,644
197	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	9,261	9,261
198	0207253F	COMPASS CALL	15,854	15,854
199	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	95,896	95,896
200	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	70,792	70,792
201	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	51,187	51,187
202	0207412F	CONTROL AND REPORTING CENTER (CRC)	16,041	16,041
203	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	138,303	138,303
204	0207418F	AFSPECWAR—TACP	4,223	4,223
206	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	16,564	16,564
207	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	7,858	7,858
208	0207444F	TACTICAL AIR CONTROL PARTY-MOD	12,906	12,906
210	0207452F	DCAPES	14,816	14,816
211	0207521F	AIR FORCE CALIBRATION PROGRAMS	1,970	1,970
212	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	396	396
213	0207590F	SEEK EAGLE	29,680	29,680
214	0207601F	USAF MODELING AND SIMULATION	17,666	17,666
215	0207605F	WARGAMING AND SIMULATION CENTERS	6,353	6,353
216	0207610F	BATTLEFIELD ABN COMM NODE (BACN)	6,827	6,827
217	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,390	3,390
218	0208006F	MISSION PLANNING SYSTEMS	91,768	91,768
219	0208007F	TACTICAL DECEPTION	2,370	2,370
220	0208064F	OPERATIONAL HQ—CYBER	5,527	5,527
221	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	68,279	68,279
222	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	15,165	15,165

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223	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	38,480	38,480
224	0208099F	UNIFIED PLATFORM (UP)	84,645	84,645
230	0301025F	GEOBASE	2,767	2,767
231	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES)	32,759	32,759
238	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS.	2,904	2,904
239	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	3,468	3,468
240	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	61,887	61,887
242	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	10,351	10,351
243	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	1,346	1,346
246	0304260F	AIRBORNE SIGINT ENTERPRISE	128,110	128,110
247	0304310F	COMMERCIAL ECONOMIC ANALYSIS	4,042	4,042
251	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY	1,649	1,649
252	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD)	19,265	19,265
253	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,645	4,645
254	0305103F	CYBER SECURITY INITIATIVE	384	384
255	0305111F	WEATHER SERVICE	23,640	23,640
256	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	6,553	6,553
257	0305116F	AERIAL TARGETS	449	449
260	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	432	432
262	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	4,890	4,890
264	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,864	8,864
265	0305202F	DRAGON U–2	18,660	18,660
267	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	121,512	121,512
268	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,711	14,711
269	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,152	14,152
270	0305220F	RQ–4 UAV	134,589	134,589
271	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	15,049	15,049
272	0305238F	NATO AGS	36,731	36,731
273	0305240F	SUPPORT TO DCGS ENTERPRISE	33,547	33,547
274	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	13,635	17,315
		PDI: Mission Partner Environment BICES-X Project 675898		[3,680]
275	0305881F	RAPID CYBER ACQUISITION	4,262	4,262
276	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2)	2,207	2,207
277	0307577F	INTELLIGENCE MISSION DATA (IMD)	6,277	6,277
278	0401115F	C–130 AIRLIFT SQUADRON	41,973	41,973
279	0401119F	C–5 AIRLIFT SQUADRONS (IF)	32,560	32,560
280	0401130F	C–17 AIRCRAFT (IF)	9,991	12,991
		C–17 microvanes		[3,000]
281	0401132F	C–130J PROGRAM	10,674	10,674
282	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,507	5,507
283	0401218F	KC–135S	4,591	4,591
286	0401318F	CV–22	18,419	18,419
288	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,673	7,673
290	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	24,513	24,513
291	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	35,225	15,225
		Poor agile development strategy		[–20,000]
292	0708611F	SUPPORT SYSTEMS DEVELOPMENT	11,838	11,838
293	0804743F	OTHER FLIGHT TRAINING	1,332	1,332
295	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,092	2,092
296	0901218F	CIVILIAN COMPENSATION PROGRAM	3,869	3,869
297	0901220F	PERSONNEL ADMINISTRATION	1,584	1,584
298	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,197	1,197
299	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	7,006	7,006
300	0901554F	DEFENSE ENTERPRISE ACNTNG AND MGT SYS (DEAMS)	45,638	45,638
301	1201017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	1,889	1,889
302	1201921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES	993	993
303	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	8,999	8,999
314	1203400F	SPACE SUPERIORITY INTELLIGENCE	16,810	16,810
316	1203620F	NATIONAL SPACE DEFENSE CENTER	2,687	2,687
318	1203906F	NCMC—TW/AA SYSTEM	6,990	6,990
999	9999999999	CLASSIFIED PROGRAMS	15,777,856	15,839,856
		Air-to-air weapons development increase		[62,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**21,466,680**	**21,506,160**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**37,391,826**	**37,829,306**
		RDTE, SPACE FORCE		
		APPLIED RESEARCH		
1	1206601SF	SPACE TECHNOLOGY	130,874	133,874
		Small satellite mission operations facility		[3,000]
		SUBTOTAL APPLIED RESEARCH	**130,874**	**133,874**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
2	1203164SF	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	390,704	370,704
		MGUE program slip		[–20,000]
3	1203710SF	EO/IR WEATHER SYSTEMS	131,000	131,000
4	1206422SF	WEATHER SYSTEM FOLLOW-ON	83,384	83,384
5	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	33,359	33,359
6	1206427SF	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	142,808	142,808
7	1206438SF	SPACE CONTROL TECHNOLOGY	35,575	35,575
8	1206760SF	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES)	114,390	114,390

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9	1206761SF	PROTECTED TACTICAL SERVICE (PTS)	205,178	205,178
10	1206855SF	EVOLVED STRATEGIC SATCOM (ESS)	71,395	71,395
11	1206857SF	SPACE RAPID CAPABILITIES OFFICE	103,518	103,518
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**1,311,311**	**1,291,311**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
12	1203269SF	GPS III FOLLOW-ON (GPS IIIF)	263,496	263,496
13	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	41,897	41,897
14	1206421SF	COUNTERSPACE SYSTEMS	54,689	54,689
15	1206422SFZ	WEATHER SYSTEM FOLLOW-ON	2,526	2,526
16	1206425SFZ	SPACE SITUATION AWARENESS SYSTEMS	173,074	173,074
17	1206431SF	ADVANCED EHF MILSATCOM (SPACE)	138,257	138,257
18	1206432SF	POLAR MILSATCOM (SPACE)	190,235	190,235
19	1206442SF	NEXT GENERATION OPIR	2,318,864	2,318,864
20	1206853SF	NATIONAL SECURITY SPACE LAUNCH PROGRAM (SPACE)—EMD	560,978	590,978
		NSSL Phase 3 integration activities program		[30,000]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**3,744,016**	**3,774,016**
		MANAGEMENT SUPPORT		
21	1206116SF	SPACE TEST AND TRAINING RANGE DEVELOPMENT	20,281	20,281
22	1206392SF	ACQ WORKFORCE—SPACE & MISSILE SYSTEMS	183,930	183,930
23	1206398SF	SPACE & MISSILE SYSTEMS CENTER—MHA	9,765	9,765
24	1206860SF	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	17,993	17,993
25	1206864SF	SPACE TEST PROGRAM (STP)	26,541	26,541
		SUBTOTAL MANAGEMENT SUPPORT	**258,510**	**258,510**
		OPERATIONAL SYSTEM DEVELOPMENT		
26	1201017SF	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	3,708	3,708
27	1203001SF	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	247,229	247,229
28	1203110SF	SATELLITE CONTROL NETWORK (SPACE)	75,480	75,480
29	1203165SF	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	1,984	1,984
30	1203173SF	SPACE AND MISSILE TEST AND EVALUATION CENTER	4,397	4,397
31	1203174SF	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT	44,746	44,746
32	1203182SF	SPACELIFT RANGE SYSTEM (SPACE)	11,020	11,020
33	1203265SF	GPS III SPACE SEGMENT	10,777	10,777
34	1203873SF	BALLISTIC MISSILE DEFENSE RADARS	28,179	46,679
		Cobra Dane service life extension		[18,500]
35	1203913SF	NUDET DETECTION SYSTEM (SPACE)	29,157	29,157
36	1203940SFZ	SPACE SITUATION AWARENESS OPERATIONS	44,809	51,809
		Commercial SSA		[7,000]
37	1206423SF	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	481,999	416,999
		Funds available prioritized to other space missions		[–65,000]
41	1206770SF	ENTERPRISE GROUND SERVICES	116,791	116,791
999	9999999999	CLASSIFIED PROGRAMS	3,632,866	3,632,866
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	**4,733,142**	**4,693,642**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
42	1203614SF	JSPOC MISSION SYSTEM	149,742	149,742
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**149,742**	**149,742**
		TOTAL RDTE, SPACE FORCE	**10,327,595**	**10,301,095**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
1	0601000BR	DTRA BASIC RESEARCH	14,617	14,617
2	0601101E	DEFENSE RESEARCH SCIENCES	479,958	479,958
3	0601110D8Z	BASIC RESEARCH INITIATIVES	35,565	72,565
		DEPSCoR		[20,000]
		Minerva Research initiative restore DWR cut		[17,000]
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	53,730	58,730
		Traumatic brain injury medical research		[5,000]
5	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	100,241	100,241
6	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS.	30,975	37,975
		Aerospace education, research, and innovation activities		[2,000]
		HBCU/Minority Institutions		[5,000]
7	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	45,300	45,300
		SUBTOTAL BASIC RESEARCH	**760,386**	**809,386**
		APPLIED RESEARCH		
8	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,409	19,409
9	0602115E	BIOMEDICAL TECHNOLOGY	107,568	107,568
11	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	35,000	35,000
12	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	41,080	41,080
13	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES	60,722	60,722
14	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	435,920	435,920
15	0602383E	BIOLOGICAL WARFARE DEFENSE	26,950	26,950
16	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	201,807	201,807
17	0602668D8Z	CYBER SECURITY RESEARCH	15,255	15,255
18	0602702E	TACTICAL TECHNOLOGY	233,271	233,271
19	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	250,107	290,107
		Increase in emerging biotech research		[40,000]

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20	0602716E	ELECTRONICS TECHNOLOGY	322,693	322,693
21	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH	174,571	174,571
22	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH	9,573	9,573
23	1160401BB	SOF TECHNOLOGY DEVELOPMENT	42,464	42,464
		SUBTOTAL APPLIED RESEARCH	**1,976,390**	**2,016,390**
		ADVANCED TECHNOLOGY DEVELOPMENT		
24	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	22,920	22,920
25	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	4,914	4,914
26	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	51,089	51,089
27	0603133D8Z	FOREIGN COMPARATIVE TESTING	25,183	25,183
29	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	366,659	366,659
30	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	14,910	14,910
32	0603180C	ADVANCED RESEARCH	18,687	18,687
33	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	18,873	18,873
34	0603286E	ADVANCED AEROSPACE SYSTEMS	230,978	210,978
		OpFires lack of transition pathway		[–20,000]
35	0603287E	SPACE PROGRAMS AND TECHNOLOGY	158,439	158,439
36	0603288D8Z	ANALYTIC ASSESSMENTS	23,775	23,775
37	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	36,524	36,524
38	0603291D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS—MHA	14,703	14,703
39	0603294C	COMMON KILL VEHICLE TECHNOLOGY	11,058	11,058
40	0603338D8Z	DEFENSE MODERNIZATION AND PROTOTYPING	133,375	126,375
		Lack of hypersonic prototype coordination efforts		[–20,000]
		Stratospheric balloon research		[13,000]
42	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	26,141	26,141
43	0603375D8Z	TECHNOLOGY INNOVATION	27,709	27,709
44	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	188,001	188,001
45	0603527D8Z	RETRACT LARCH	130,283	130,283
46	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	15,164	15,164
47	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	85,452	85,452
48	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	5,882	5,882
49	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	93,817	98,817
		Rapid prototyping using digital manufacturing		[5,000]
50	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	40,025	55,025
		Defense supply chain technologies		[5,000]
		Steel performance initiative		[10,000]
52	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	10,235	10,235
53	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	53,862	53,862
54	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	124,049	124,049
55	0603727D8Z	JOINT WARFIGHTING PROGRAM	3,871	3,871
56	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	95,864	95,864
57	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	221,724	221,724
58	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	661,158	651,158
		Lack of coordination		[–10,000]
59	0603767E	SENSOR TECHNOLOGY	200,220	200,220
60	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	6,765	6,765
61	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	12,598	12,598
64	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	105,410	105,410
65	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	187,065	187,065
67	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	0	65,000
		Restoration of funds		[65,000]
70	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	89,072	89,072
71	1206310SDA	SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT	72,422	72,422
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**3,588,876**	**3,636,876**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
72	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	32,636	32,636
73	0603600D8Z	WALKOFF	106,529	106,529
75	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	61,345	76,345
		Joint Storage Program		[15,000]
76	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	412,627	412,627
77	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	1,004,305	1,004,305
78	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	76,167	76,167
79	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	281,957	281,957
80	0603890C	BMD ENABLING PROGRAMS	599,380	599,380
81	0603891C	SPECIAL PROGRAMS—MDA	420,216	420,216
82	0603892C	AEGIS BMD	814,936	814,936
83	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	593,353	593,353
84	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	49,560	49,560
85	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	55,356	55,356
86	0603906C	REGARDING TRENCH	11,863	11,863
87	0603907C	SEA BASED X-BAND RADAR (SBX)	118,318	118,318
88	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000
89	0603914C	BALLISTIC MISSILE DEFENSE TEST	378,302	378,302
90	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	536,133	536,133
92	0603923D8Z	COALITION WARFARE	10,129	10,129
93	0604011D8Z	NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G)	449,000	449,000
94	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,325	3,325

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
95	0604115C	TECHNOLOGY MATURATION INITIATIVES	67,389	67,389
98	0604181C	HYPERSONIC DEFENSE	206,832	206,832
99	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	730,508	630,508
		Program decrease		[–100,000]
100	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	489,076	489,076
101	0604331D8Z	RAPID PROTOTYPING PROGRAM	102,023	82,023
		Lack of hypersonic prototype coordination efforts		[–20,000]
102	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTOTYPING	13,255	13,255
103	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	2,787	2,787
105	0604672C	HOMELAND DEFENSE RADAR—HAWAII (HDR-H)	0	162,000
		Continue radar development		[162,000]
107	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA)	3,469	3,469
109	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	19,190	19,190
110	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	137,256	137,256
111	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	664,138	354,138
		Contract award delay		[–310,000]
112	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST	7,768	7,768
113	0604878C	AEGIS BMD TEST	170,880	170,880
114	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	76,456	76,456
115	0604880C	LAND-BASED SM–3 (LBSM3)	56,628	133,428
		PDI: Guam Defense System—systems engineering		[76,800]
116	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	67,071	67,071
118	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS	2,198	2,198
119	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	997	997
120	0305103C	CYBER SECURITY INITIATIVE	1,148	1,148
121	1206410SDA	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING	215,994	325,994
		Execution of HBTSS by MDA		[–20,000]
		Space-based target custody layer		[130,000]
122	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM	34,144	34,144
123	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	32,068	152,068
		Hypersonic and Ballistic Tracking Space Sensor (HBTSS)		[120,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**9,416,712**	**9,470,512**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
124	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	7,173	7,173
126	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	319,976	322,976
		Stryker NBCRV sensor suite upgrade		[3,000]
127	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	54,985	54,985
128	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT	15,650	15,650
129	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	1,441	1,441
130	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	7,287	7,287
131	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	12,928	12,928
132	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	10,259	10,259
133	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	1,377	1,377
134	0605075D8Z	CMO POLICY AND INTEGRATION	1,648	1,648
135	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM	20,537	20,537
136	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS)	1,638	1,638
137	0605141BR	MISSION ASSURANCE RISK MANAGEMENT SYSTEM (MARMS)	5,500	5,500
138	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	8,279	8,279
139	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	107,585	107,585
140	0605772D8Z	NUCLEAR COMMAND, CONTROL, & COMMUNICATIONS	3,685	3,685
143	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM)	3,275	3,275
144	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION	20,585	20,585
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**603,808**	**606,808**
		MANAGEMENT SUPPORT		
145	0603829J	JOINT CAPABILITY EXPERIMENTATION	11,239	11,239
146	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	9,793	9,793
147	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	8,497	8,497
148	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	422,451	452,451
		Joint Counter-UAS Office assessment infrastructure		[15,000]
		Telemetry range extension wave glider relay		[15,000]
149	0604942D8Z	ASSESSMENTS AND EVALUATIONS	18,379	18,379
150	0605001E	MISSION SUPPORT	74,334	74,334
151	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	79,046	79,046
153	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	50,255	50,255
155	0605142D8Z	SYSTEMS ENGINEERING	49,376	49,376
156	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	5,777	7,777
		National Academies of Science study on comparison of talent programs		[2,000]
157	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	16,552	16,552
158	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	9,582	9,582
159	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,940	1,940
160	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	122,951	122,951
167	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	3,582	3,582
168	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	29,566	29,566
169	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	29,059	29,059
170	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	59,369	9,369
		Insufficient progress on data sharing and open repositories		[–50,000]
171	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	29,420	29,420

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2021 Request	Senate Authorized
172	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	27,198	27,198
173	0605898E	MANAGEMENT HQ—R&D	13,434	13,434
174	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	2,837	2,837
175	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	13,173	13,173
176	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	3,200	3,200
177	0606589D8W	DEFENSE DIGITAL SERVICE (DDS) DEVELOPMENT SUPPORT	999	999
180	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	3,099	3,099
181	0204571J	JOINT STAFF ANALYTICAL SUPPORT	3,058	3,058
182	0208045K	C4I INTEROPERABILITY	59,813	59,813
185	0303140SE	INFORMATION SYSTEMS SECURITY PROGRAM	1,112	1,112
186	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	545	545
187	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	1,036	1,036
188	0305172K	COMBINED ADVANCED APPLICATIONS	30,824	30,824
190	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,048	3,048
194	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA.	31,125	31,125
195	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI)	100	100
196	0901598C	MANAGEMENT HQ—MDA	26,902	26,902
197	0903235K	JOINT SERVICE PROVIDER (JSP)	3,138	3,138
999	9999999999	CLASSIFIED PROGRAMS	41,583	41,583
		SUBTOTAL MANAGEMENT SUPPORT	**1,297,392**	**1,279,392**
		OPERATIONAL SYSTEMS DEVELOPMENT		
199	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	14,378	14,378
200	0604532K	JOINT ARTIFICIAL INTELLIGENCE	132,058	132,058
201	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,986	1,986
202	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	316	316
203	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT	9,151	70,151
		Advanced machine tool research		[20,000]
		Cold spray manufacturing technologies		[5,000]
		Domestic organic LED manufacturing		[5,000]
		Implementation of radar supplier resiliency plan		[5,000]
		Manufacturing for reuse of NdFeB magnets		[6,000]
		Submarine industrial base workforce training pipeline		[20,000]
204	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT	19,082	19,082
205	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	3,992	3,992
206	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	39,530	39,530
207	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,039	3,039
212	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	16,324	16,324
213	0303126K	LONG-HAUL COMMUNICATIONS—DCS	11,884	11,884
214	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	5,560	5,560
215	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	73,356	73,356
216	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	46,577	66,577
		Workforce transformation cyber initiative pilot program		[20,000]
217	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	356,713	356,713
218	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	8,922	18,922
		Execution of orchestration pilot		[10,000]
219	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	3,695	3,695
220	0303153K	DEFENSE SPECTRUM ORGANIZATION	20,113	20,113
223	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS)	9,728	9,242
		JRSS SIPR funding		[–486]
231	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	5,700	5,700
235	0305186D8Z	POLICY R&D PROGRAMS	7,144	7,144
236	0305199D8Z	NET CENTRICITY	21,793	21,793
238	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	6,066	6,066
245	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,190	2,190
252	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,654	1,654
253	0708012S	PACIFIC DISASTER CENTERS	1,785	1,785
254	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	7,301	7,301
256	1105219BB	MQ–9 UAV	21,265	21,265
258	1160403BB	AVIATION SYSTEMS	230,812	230,812
259	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	19,558	19,558
260	1160408BB	OPERATIONAL ENHANCEMENTS	136,041	136,041
261	1160431BB	WARRIOR SYSTEMS	59,511	58,311
		MMP-Light unexecutable, transfer to man-pack		[–1,200]
262	1160432BB	SPECIAL PROGRAMS	10,500	10,500
263	1160434BB	UNMANNED ISR	19,154	19,154
264	1160480BB	SOF TACTICAL VEHICLES	9,263	9,263
265	1160483BB	MARITIME SYSTEMS	59,882	59,882
266	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,606	4,606
267	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,612	11,612
268	1203610K	TELEPORT PROGRAM	3,239	3,239
999	9999999999	CLASSIFIED PROGRAMS	4,746,466	4,746,466
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**6,161,946**	**6,251,260**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
269	0608197V	NATIONAL BACKGROUND INVESTIGATION SERVICES—SOFTWARE PILOT PROGRAM.	121,676	121,676

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
270	0608648D8Z	ACQUISITION VISIBILITY—SOFTWARE PILOT PROGRAM	16,848	16,848
271	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	86,750	86,750
272	0308588D8Z	ALGORITHMIC WARFARE CROSS FUNCTIONAL TEAMS—SOFTWARE PILOT PROGRAM.	250,107	250,107
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**475,381**	**475,381**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**24,280,891**	**24,546,005**
		OPERATIONAL TEST & EVAL, DEFENSE		
		MANAGEMENT SUPPORT		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION	100,021	100,021
2	0605131OTE	LIVE FIRE TEST AND EVALUATION	70,933	70,933
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	39,136	66,136
		Advanced satellite navigation receiver		[5,000]
		Joint Test and Evaluation DWR funding restoration		[22,000]
		SUBTOTAL MANAGEMENT SUPPORT	**210,090**	**237,090**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	**210,090**	**237,090**
		TOTAL RDT&E	**106,224,793**	**106,660,645**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		APPLIED RESEARCH		
16	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	2,000	2,000
		SUBTOTAL APPLIED RESEARCH	**2,000**	**2,000**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
80	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	500	500
114	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	2,020	2,020
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**2,520**	**2,520**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	27,000	27,000
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	2,300	2,300
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	64,625	64,625
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	3,900	3,900
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**97,825**	**97,825**
		MANAGEMENT SUPPORT		
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	1,000	1,000
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	4,137	4,137
		SUBTOTAL MANAGEMENT SUPPORT	**5,137**	**5,137**
		OPERATIONAL SYSTEMS DEVELOPMENT		
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	2,300	2,300
248	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	23,367	23,367
257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	34,100	34,100
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	15,575	15,575
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**75,342**	**75,342**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**182,824**	**182,824**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
39	0603527N	RETRACT LARCH	36,500	36,500
58	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	14,461	14,461
63	0603734N	CHALK CORAL	3,000	3,000
71	0603795N	LAND ATTACK TECHNOLOGY	1,457	1,457
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**55,418**	**55,418**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	1,144	1,144
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**1,144**	**1,144**
		OPERATIONAL SYSTEMS DEVELOPMENT		
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	3,000	3,000
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**3,000**	**3,000**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**59,562**	**59,562**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Senate Authorized
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
65	0305601F	MISSION PARTNER ENVIRONMENTS		6,500
		EDI: Mission Partner Environment (MPE)		[6,500]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		**6,500**
		OPERATIONAL SYSTEMS DEVELOPMENT		
185	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	4,080	4,080
228	0208288F	INTEL DATA APPLICATIONS	1,224	1,224
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**5,304**	**5,304**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**5,304**	**11,804**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		APPLIED RESEARCH		
10	0602134BR	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	3,699	3,699
		SUBTOTAL APPLIED RESEARCH	**3,699**	**3,699**
		ADVANCED TECHNOLOGY DEVELOPMENT		
26	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	19,288	19,288
28	0603134BR	COUNTER IMPROVISED-THREAT SIMULATION	3,861	3,861
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**23,149**	**23,149**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
97	0604134BR	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	19,931	19,931
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**19,931**	**19,931**
	9999999999	CLASSIFIED PROGRAMS	24,057	24,057
		OPERATIONAL SYSTEMS DEVELOPMENT		
260	1160408BB	OPERATIONAL ENHANCEMENTS	1,186	1,186
261	1160431BB	WARRIOR SYSTEMS	5,796	5,796
263	1160434BB	UNMANNED ISR	5,000	5,000
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**36,039**	**36,039**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**82,818**	**82,818**
		TOTAL RDT&E	**330,508**	**337,008**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
020	MODULAR SUPPORT BRIGADES	159,834	159,834
030	ECHELONS ABOVE BRIGADE	663,751	663,751
040	THEATER LEVEL ASSETS	956,477	956,477
050	LAND FORCES OPERATIONS SUPPORT	1,157,635	1,167,935
	Joint Counter-UAS IOC acceleration		[10,300]
060	AVIATION ASSETS	1,453,024	1,453,024
070	FORCE READINESS OPERATIONS SUPPORT	4,713,660	4,713,660
080	LAND FORCES SYSTEMS READINESS	404,161	404,161
090	LAND FORCES DEPOT MAINTENANCE	1,413,359	1,413,359
100	BASE OPERATIONS SUPPORT	8,220,093	8,346,093
	Child Development Center playground equipment and furniture increases		[79,000]
	Child Youth Service improvements		[47,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,581,071	3,815,531
	FSRM increase		[62,360]
	MDTF EUCOM and INDOPACOM FSRM		[126,800]
	Revitalization of Army deployment infrastructure		[45,300]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	411,844	411,844
160	US AFRICA COMMAND	239,387	341,887
	AFRICOM force protection upgrades		[2,500]
	AFRICOM ISR improvements		[64,000]
	AFRICOM UFR CASEVAC improvements		[36,000]
170	US EUROPEAN COMMAND	160,761	160,761
180	US SOUTHERN COMMAND	197,826	197,826
190	US FORCES KOREA	65,152	65,152
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	430,109	435,109
	Additional access and operations support		[5,000]
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	464,117	464,117
	SUBTOTAL OPERATING FORCES	**24,692,261**	**25,170,521**
	MOBILIZATION		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
220	STRATEGIC MOBILITY	402,236	402,236
230	ARMY PREPOSITIONED STOCKS	324,306	324,306
240	INDUSTRIAL PREPAREDNESS	3,653	3,653
	SUBTOTAL MOBILIZATION	**730,195**	**730,195**
	TRAINING AND RECRUITING		
250	OFFICER ACQUISITION	165,142	165,142
260	RECRUIT TRAINING	76,509	76,509
270	ONE STATION UNIT TRAINING	88,523	88,523
280	SENIOR RESERVE OFFICERS TRAINING CORPS	535,578	535,578
290	SPECIALIZED SKILL TRAINING	981,436	981,436
300	FLIGHT TRAINING	1,204,768	1,204,768
310	PROFESSIONAL DEVELOPMENT EDUCATION	215,195	215,195
320	TRAINING SUPPORT	575,232	575,232
330	RECRUITING AND ADVERTISING	722,612	722,612
340	EXAMINING	185,522	185,522
350	OFF-DUTY AND VOLUNTARY EDUCATION	221,503	221,503
360	CIVILIAN EDUCATION AND TRAINING	154,651	154,651
370	JUNIOR RESERVE OFFICER TRAINING CORPS	173,286	173,286
	SUBTOTAL TRAINING AND RECRUITING	**5,299,957**	**5,299,957**
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	491,926	466,926
	Historical underexecution		[–25,000]
400	CENTRAL SUPPLY ACTIVITIES	812,613	812,613
410	LOGISTIC SUPPORT ACTIVITIES	676,178	676,178
420	AMMUNITION MANAGEMENT	437,774	437,774
430	ADMINISTRATION	438,048	438,048
440	SERVICEWIDE COMMUNICATIONS	1,638,872	1,638,872
450	MANPOWER MANAGEMENT	300,046	300,046
460	OTHER PERSONNEL SUPPORT	701,103	700,103
	Historical underexecution		[–4,000]
	Servicewomen's commemorative partnerships		[3,000]
470	OTHER SERVICE SUPPORT	1,887,133	1,887,133
480	ARMY CLAIMS ACTIVITIES	195,291	195,291
490	REAL ESTATE MANAGEMENT	229,537	229,537
500	FINANCIAL MANAGEMENT AND AUDIT READINESS	306,370	306,370
510	INTERNATIONAL MILITARY HEADQUARTERS	373,030	373,030
520	MISC. SUPPORT OF OTHER NATIONS	32,719	32,719
9999	CLASSIFIED PROGRAMS	1,069,915	1,069,915
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**9,590,555**	**9,564,555**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–458,901
	COVID-related ops/training slowdown		[–185,801]
	Excessive standard price for fuel		[–135,400]
	Foreign currency adjustments		[–137,700]
	SUBTOTAL UNDISTRIBUTED	**0**	**–458,901**
	TOTAL OPERATION & MAINTENANCE, ARMY	**40,312,968**	**40,306,327**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	10,784	10,784
020	ECHELONS ABOVE BRIGADE	530,425	530,425
030	THEATER LEVEL ASSETS	123,737	123,737
040	LAND FORCES OPERATIONS SUPPORT	589,582	589,582
050	AVIATION ASSETS	89,332	89,332
060	FORCE READINESS OPERATIONS SUPPORT	387,545	387,545
070	LAND FORCES SYSTEMS READINESS	97,569	97,569
080	LAND FORCES DEPOT MAINTENANCE	43,148	43,148
090	BASE OPERATIONS SUPPORT	587,098	587,098
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	327,180	332,440
	FSRM increase		[5,260]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	28,783	28,783
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	2,745	2,745
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,438	7,438
	SUBTOTAL OPERATING FORCES	**2,825,366**	**2,830,626**
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	15,530	15,530
150	ADMINISTRATION	17,761	17,761
160	SERVICEWIDE COMMUNICATIONS	14,256	14,256
170	MANPOWER MANAGEMENT	6,564	6,564
180	RECRUITING AND ADVERTISING	55,240	55,240
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**109,351**	**109,351**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–16,699
	COVID-related ops/training slowdown		[–11,999]
	Excessive standard price for fuel		[–4,700]
	SUBTOTAL UNDISTRIBUTED	**0**	**–16,699**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**2,934,717**	**2,923,278**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	769,449	769,449
020	MODULAR SUPPORT BRIGADES	204,604	204,604
030	ECHELONS ABOVE BRIGADE	812,072	812,072
040	THEATER LEVEL ASSETS	103,650	103,650
050	LAND FORCES OPERATIONS SUPPORT	32,485	32,485
060	AVIATION ASSETS	1,011,142	1,011,142
070	FORCE READINESS OPERATIONS SUPPORT	712,881	712,881
080	LAND FORCES SYSTEMS READINESS	47,732	47,732
090	LAND FORCES DEPOT MAINTENANCE	265,408	265,408
100	BASE OPERATIONS SUPPORT	1,106,704	1,106,704
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	876,032	887,252
	FSRM increase		[11,220]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,050,257	1,050,257
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	7,998	10,998
	Pilot program for National Guard cybersecurity		[3,000]
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,756	7,756
	SUBTOTAL OPERATING FORCES	**7,008,170**	**7,022,390**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	8,018	8,018
160	ADMINISTRATION	74,309	74,309
170	SERVICEWIDE COMMUNICATIONS	66,140	66,140
180	MANPOWER MANAGEMENT	9,087	9,087
190	OTHER PERSONNEL SUPPORT	251,714	251,714
200	REAL ESTATE MANAGEMENT	2,576	2,576
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**411,844**	**411,844**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–74,172
	COVID-related ops/training slowdown		[–36,372]
	Excessive standard price for fuel		[–37,800]
	SUBTOTAL UNDISTRIBUTED	**0**	**–74,172**
	TOTAL OPERATION & MAINTENANCE, ARNG	**7,420,014**	**7,360,062**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	5,738,746	5,738,746
020	FLEET AIR TRAINING	2,213,673	2,213,673
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	57,144	57,144
040	AIR OPERATIONS AND SAFETY SUPPORT	171,949	171,949
050	AIR SYSTEMS SUPPORT	838,767	838,767
060	AIRCRAFT DEPOT MAINTENANCE	1,459,447	1,459,447
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	57,789	57,789
080	AVIATION LOGISTICS	1,264,665	1,264,665
100	SHIP OPERATIONS SUPPORT & TRAINING	1,117,067	1,117,067
110	SHIP DEPOT MAINTENANCE	7,859,104	7,859,104
120	SHIP DEPOT OPERATIONS SUPPORT	2,262,196	2,262,196
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	1,521,360	1,521,360
140	SPACE SYSTEMS AND SURVEILLANCE	274,087	274,087
150	WARFARE TACTICS	741,609	741,609
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	401,382	401,382
170	COMBAT SUPPORT FORCES	1,546,273	1,546,273
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	177,951	177,951
190	COMBATANT COMMANDERS CORE OPERATIONS	61,484	66,484
	PDI: Asia-Pacific Regional Initiative		[5,000]
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	102,330	110,630
	PDI: Joint Task Force Indo-Pacific (SOCPAC)		[6,300]
	PDI: Singapore CTIF fusion center		[2,000]
210	MILITARY INFORMATION SUPPORT OPERATIONS	8,810	26,510
	PDI: Countering Chinese malign influence in Indo-Pacific		[17,700]
220	CYBERSPACE ACTIVITIES	567,496	567,496
230	FLEET BALLISTIC MISSILE	1,428,102	1,428,102
240	WEAPONS MAINTENANCE	995,762	995,762
250	OTHER WEAPON SYSTEMS SUPPORT	524,008	524,008
260	ENTERPRISE INFORMATION	1,229,056	1,229,056
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,453,099	3,453,099
280	BASE OPERATING SUPPORT	4,627,966	4,627,966
	SUBTOTAL OPERATING FORCES	**40,701,322**	**40,732,322**
	MOBILIZATION		
290	SHIP PREPOSITIONING AND SURGE	849,993	849,993
300	READY RESERVE FORCE	436,029	436,029
310	SHIP ACTIVATIONS/INACTIVATIONS	286,416	286,416
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	99,402	111,002
	USNS Mercy SLEP		[11,600]
330	COAST GUARD SUPPORT	25,235	25,235

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	SUBTOTAL MOBILIZATION	**1,697,075**	**1,708,675**
	TRAINING AND RECRUITING		
340	OFFICER ACQUISITION	186,117	186,117
350	RECRUIT TRAINING	13,206	13,206
360	RESERVE OFFICERS TRAINING CORPS	163,683	163,683
370	SPECIALIZED SKILL TRAINING	947,841	947,841
380	PROFESSIONAL DEVELOPMENT EDUCATION	367,647	367,647
390	TRAINING SUPPORT	254,928	254,928
400	RECRUITING AND ADVERTISING	206,305	206,305
410	OFF-DUTY AND VOLUNTARY EDUCATION	103,799	103,799
420	CIVILIAN EDUCATION AND TRAINING	66,060	66,060
430	JUNIOR ROTC	56,276	56,276
	SUBTOTAL TRAINING AND RECRUITING	**2,365,862**	**2,365,862**
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	1,249,410	1,249,410
450	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	189,625	189,625
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	499,904	499,904
470	MEDICAL ACTIVITIES	196,747	196,747
480	SERVICEWIDE TRANSPORTATION	165,708	165,708
500	PLANNING, ENGINEERING, AND PROGRAM SUPPORT	519,716	524,716
	Energy Security Programs Office		[5,000]
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	751,184	751,184
520	INVESTIGATIVE AND SECURITY SERVICES	747,519	747,519
9999	CLASSIFIED PROGRAMS	608,670	608,670
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,928,483**	**4,933,483**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–629,787
	COVID-related ops/training slowdown		[–54,987]
	Excessive standard price for fuel		[–526,100]
	Foreign currency adjustments		[–48,700]
	SUBTOTAL UNDISTRIBUTED	**0**	**–629,787**
	TOTAL OPERATION & MAINTENANCE, NAVY	**49,692,742**	**49,110,555**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	941,143	941,143
020	FIELD LOGISTICS	1,277,798	1,277,798
030	DEPOT MAINTENANCE	206,907	206,907
040	MARITIME PREPOSITIONING	103,614	103,614
050	CYBERSPACE ACTIVITIES	215,974	215,974
060	SUSTAINMENT, RESTORATION & MODERNIZATION	938,063	938,063
070	BASE OPERATING SUPPORT	2,264,680	2,264,680
	SUBTOTAL OPERATING FORCES	**5,948,179**	**5,948,179**
	TRAINING AND RECRUITING		
080	RECRUIT TRAINING	20,751	20,751
090	OFFICER ACQUISITION	1,193	1,193
100	SPECIALIZED SKILL TRAINING	110,149	110,149
110	PROFESSIONAL DEVELOPMENT EDUCATION	69,509	69,509
120	TRAINING SUPPORT	412,613	412,613
130	RECRUITING AND ADVERTISING	215,464	215,464
140	OFF-DUTY AND VOLUNTARY EDUCATION	33,719	33,719
150	JUNIOR ROTC	25,784	25,784
	SUBTOTAL TRAINING AND RECRUITING	**889,182**	**889,182**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	32,005	32,005
170	ADMINISTRATION	399,363	399,363
9999	CLASSIFIED PROGRAMS	59,878	59,878
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**491,246**	**491,246**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–28,257
	COVID-related ops/training slowdown		[–7,457]
	Excessive standard price for fuel		[–7,300]
	Foreign currency adjustments		[–13,500]
	SUBTOTAL UNDISTRIBUTED	**0**	**–28,257**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**7,328,607**	**7,300,350**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	635,070	635,070
020	INTERMEDIATE MAINTENANCE	8,713	8,713
030	AIRCRAFT DEPOT MAINTENANCE	105,088	105,088
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	398	398
050	AVIATION LOGISTICS	27,284	27,284
070	COMBAT COMMUNICATIONS	17,894	17,894

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(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
080	COMBAT SUPPORT FORCES	132,862	132,862
090	CYBERSPACE ACTIVITIES	453	453
100	ENTERPRISE INFORMATION	26,073	26,073
110	SUSTAINMENT, RESTORATION AND MODERNIZATION	48,762	48,762
120	BASE OPERATING SUPPORT	103,580	103,580
	SUBTOTAL OPERATING FORCES	**1,106,177**	**1,106,177**
	ADMIN & SRVWD ACTIVITIES		
130	ADMINISTRATION	1,927	1,927
140	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	15,895	15,895
150	ACQUISITION AND PROGRAM MANAGEMENT	3,047	3,047
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**20,869**	**20,869**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–30,938
	COVID-related ops/training slowdown		[–6,438]
	Excessive standard price for fuel		[–24,500]
	SUBTOTAL UNDISTRIBUTED	**0**	**–30,938**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**1,127,046**	**1,096,108**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	104,616	104,616
020	DEPOT MAINTENANCE	17,053	17,053
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	41,412	41,412
040	BASE OPERATING SUPPORT	107,773	107,773
	SUBTOTAL OPERATING FORCES	**270,854**	**270,854**
	ADMIN & SRVWD ACTIVITIES		
050	ADMINISTRATION	13,802	13,802
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**13,802**	**13,802**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–1,246
	COVID-related ops/training slowdown		[–1,046]
	Excessive standard price for fuel		[–200]
	SUBTOTAL UNDISTRIBUTED	**0**	**–1,246**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**284,656**	**283,410**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	731,511	733,211
	Premature reduction of A–10 squadrons		[1,700]
020	COMBAT ENHANCEMENT FORCES	1,275,485	1,275,485
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,437,095	1,449,495
	Premature reduction of A–10 squadrons		[12,400]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,241,216	3,343,016
	FSRM increase		[101,800]
060	CYBERSPACE SUSTAINMENT	235,816	235,816
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,508,342	1,477,897
	Transfer to OCO		[–30,445]
080	FLYING HOUR PROGRAM	4,458,457	4,564,157
	KC–10 tanker divestment reversal		[16,200]
	KC–135 tanker divestment reversal		[36,600]
	Premature reduction of A–10 squadrons		[52,900]
090	BASE SUPPORT	7,497,288	7,497,288
100	GLOBAL C3I AND EARLY WARNING	849,842	880,642
	PDI: Mission Partner Environment implementation		[30,800]
110	OTHER COMBAT OPS SPT PROGRAMS	1,067,055	1,067,055
120	CYBERSPACE ACTIVITIES	698,579	698,579
150	SPACE CONTROL SYSTEMS	34,194	34,194
160	US NORTHCOM/NORAD	204,268	204,268
170	US STRATCOM	526,809	526,809
180	US CYBERCOM	314,524	356,224
	Additional access and operations support		[25,000]
	Hunt Forward missions		[13,800]
	Secure the DODIN		[2,900]
190	US CENTCOM	186,116	186,116
200	US SOCOM	9,881	9,881
210	US TRANSCOM	1,046	1,046
230	USSPACECOM	249,022	249,022
9999	CLASSIFIED PROGRAMS	1,289,339	1,289,339
	SUBTOTAL OPERATING FORCES	**25,815,885**	**26,079,540**
	MOBILIZATION		
240	AIRLIFT OPERATIONS	1,350,031	1,350,031
250	MOBILIZATION PREPAREDNESS	647,168	647,168
	SUBTOTAL MOBILIZATION	**1,997,199**	**1,997,199**
	TRAINING AND RECRUITING		

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Line	Item	FY 2021 Request	Senate Authorized
260	OFFICER ACQUISITION	142,548	142,548
270	RECRUIT TRAINING	25,720	25,720
280	RESERVE OFFICERS TRAINING CORPS (ROTC)	128,295	128,295
290	SPECIALIZED SKILL TRAINING	417,335	417,335
300	FLIGHT TRAINING	615,033	615,033
310	PROFESSIONAL DEVELOPMENT EDUCATION	298,795	298,795
320	TRAINING SUPPORT	85,844	85,844
330	RECRUITING AND ADVERTISING	155,065	135,065
	Ahead of need		[–20,000]
340	EXAMINING	4,474	4,474
350	OFF-DUTY AND VOLUNTARY EDUCATION	219,349	219,349
360	CIVILIAN EDUCATION AND TRAINING	361,570	361,570
370	JUNIOR ROTC	72,126	72,126
	SUBTOTAL TRAINING AND RECRUITING	**2,526,154**	**2,506,154**
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	672,426	672,426
390	TECHNICAL SUPPORT ACTIVITIES	145,130	145,130
400	ADMINISTRATION	851,251	851,251
410	SERVICEWIDE COMMUNICATIONS	28,554	28,554
420	OTHER SERVICEWIDE ACTIVITIES	1,188,414	1,188,414
430	CIVIL AIR PATROL	28,772	28,772
450	INTERNATIONAL SUPPORT	158,803	158,803
9999	CLASSIFIED PROGRAMS	1,338,009	1,338,009
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,411,359**	**4,411,359**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–765,956
	COVID-related ops/training slowdown		[–89,856]
	COVID-related throughput carryover adjustment		[–75,800]
	Excessive standard price for fuel		[–560,200]
	Foreign currency adjustments		[–40,100]
	SUBTOTAL UNDISTRIBUTED	**0**	**–765,956**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**34,750,597**	**34,228,296**
	OPERATION & MAINTENANCE, SPACE FORCE		
	OPERATING FORCES		
020	GLOBAL C3I & EARLY WARNING	276,109	276,109
030	SPACE LAUNCH OPERATIONS	177,056	177,056
040	SPACE OPERATIONS	475,338	475,338
050	EDUCATION & TRAINING	18,660	18,660
060	SPECIAL PROGRAMS	137,315	137,315
070	DEPOT MAINTENANCE	250,324	250,324
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	1,063,969	1,063,969
	SUBTOTAL OPERATING FORCES	**2,398,771**	**2,398,771**
	ADMINISTRATION AND SERVICE WIDE ACTIVITIES		
090	ADMINISTRATION	132,523	132,523
	SUBTOTAL ADMINISTRATION AND SERVICE WIDE ACTIVITIES	**132,523**	**132,523**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–400
	Excessive standard price for fuel		[–400]
	SUBTOTAL UNDISTRIBUTED	**0**	**–400**
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	**2,531,294**	**2,530,894**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,782,016	1,782,016
020	MISSION SUPPORT OPERATIONS	215,209	215,209
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	453,896	509,096
	KC–10 tanker divestment reversal		[48,400]
	KC–135 tanker divestment reversal		[3,400]
	Premature reduction of A–10 squadrons		[3,400]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	103,414	107,614
	FSRM increase		[4,200]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	224,977	224,977
060	BASE SUPPORT	452,468	452,468
070	CYBERSPACE ACTIVITIES	2,259	2,259
	SUBTOTAL OPERATING FORCES	**3,234,239**	**3,293,639**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
080	ADMINISTRATION	74,258	74,258
090	RECRUITING AND ADVERTISING	23,121	18,121
	Ahead of need		[–5,000]
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,006	12,006
110	OTHER PERS SUPPORT (DISABILITY COMP)	6,165	6,165
120	AUDIOVISUAL	495	495
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**116,045**	**111,045**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–73,163
	COVID-related ops/training slowdown		[–10,863]
	Excessive standard price for fuel		[–62,300]
	SUBTOTAL UNDISTRIBUTED	**0**	**–73,163**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,350,284**	**3,331,521**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	2,476,205	2,476,205
020	MISSION SUPPORT OPERATIONS	611,325	611,325
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	1,138,919	1,138,919
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	323,605	332,505
	FSRM increase		[8,900]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,100,828	1,100,828
060	BASE SUPPORT	962,438	962,438
070	CYBERSPACE SUSTAINMENT	27,028	27,028
080	CYBERSPACE ACTIVITIES	16,380	19,380
	Pilot program for National Guard cybersecurity		[3,000]
	SUBTOTAL OPERATING FORCES	**6,656,728**	**6,668,628**
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
090	ADMINISTRATION	48,218	48,218
100	RECRUITING AND ADVERTISING	48,696	33,696
	Ahead of need		[–15,000]
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	**96,914**	**81,914**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–122,052
	COVID-related ops/training slowdown		[–15,852]
	Excessive standard price for fuel		[–106,200]
	SUBTOTAL UNDISTRIBUTED	**0**	**–122,052**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,753,642**	**6,628,490**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	439,111	439,111
020	JOINT CHIEFS OF STAFF—CE2T2	535,728	535,728
030	JOINT CHIEFS OF STAFF—CYBER	24,728	24,728
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	1,069,971	1,072,971
	SOCOM Syria exfiltration reconsitution		[3,000]
050	SPECIAL OPERATIONS COMMAND CYBERSPACE ACTIVITIES	9,800	9,800
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	561,907	561,907
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	685,097	707,097
	Airborne ISR restoration		[22,000]
080	SPECIAL OPERATIONS COMMAND MANAGEMENT/OPERATIONAL HEADQUARTERS	158,971	158,971
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	1,062,748	1,062,748
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	2,598,385	2,599,685
	Airborne ISR restoration		[1,300]
	SUBTOTAL OPERATING FORCES	**7,146,446**	**7,172,746**
	TRAINING AND RECRUITING		
120	DEFENSE ACQUISITION UNIVERSITY	162,963	162,963
130	JOINT CHIEFS OF STAFF	95,684	95,684
140	PROFESSIONAL DEVELOPMENT EDUCATION	33,301	33,301
	SUBTOTAL TRAINING AND RECRUITING	**291,948**	**291,948**
	ADMIN & SRVWIDE ACTIVITIES		
160	CIVIL MILITARY PROGRAMS	147,993	179,893
	Innovative Readiness Training		[16,900]
	STARBASE		[15,000]
180	DEFENSE CONTRACT AUDIT AGENCY	604,835	604,835
190	DEFENSE CONTRACT AUDIT AGENCY—CYBER	3,282	3,282
210	DEFENSE CONTRACT MANAGEMENT AGENCY	1,370,681	1,427,081
	DWR restore activities		[56,400]
220	DEFENSE CONTRACT MANAGEMENT AGENCY—CYBER	22,532	22,532
230	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY	949,008	952,008
	DWR restore: Congressional oversight		[3,000]
250	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY—CYBER	9,577	9,577
260	DEFENSE HUMAN RESOURCES ACTIVITY	799,952	799,952
270	DEFENSE HUMAN RESOURCES ACTIVITY—CYBER	20,806	20,806
280	DEFENSE INFORMATION SYSTEMS AGENCY	1,883,190	1,923,190
	Secure the DODIN		[40,000]
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	582,639	577,939
	JRSS SIPR funding		[–4,700]
330	DEFENSE LEGAL SERVICES AGENCY	37,637	37,637
340	DEFENSE LOGISTICS AGENCY	382,084	385,684
	DWR restore: blankets for homeless		[3,600]
350	DEFENSE MEDIA ACTIVITY	196,997	196,997
360	DEFENSE PERSONNEL ACCOUNTING AGENCY	129,225	129,225

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
370	DEFENSE SECURITY COOPERATION AGENCY	598,559	598,559
	Defense Institute for International Legal Studies		[2,000]
	Institute for Security Governance		[–2,000]
	PDI: Maritime Security Initiative INDOPACOM UFR		[163,000]
	PDI: Transfer from Sec. 333 to Maritime Security Initiative		[–163,000]
400	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	38,432	38,432
410	DEFENSE THREAT REDUCTION AGENCY	591,780	591,780
430	DEFENSE THREAT REDUCTION AGENCY—CYBER	24,635	24,635
440	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,941,429	3,012,929
	DWR restore: maintain student-teacher ratios in DODEA schools		[1,500]
	Impact Aid for children with severe disabilities		[20,000]
	Impact Aid for schools with military dependent students		[50,000]
450	MISSILE DEFENSE AGENCY	505,858	505,858
480	OFFICE OF ECONOMIC ADJUSTMENT	40,272	90,272
	Defense Community Infrastruture Program infusion		[50,000]
490	OFFICE OF THE SECRETARY OF DEFENSE	1,540,446	1,613,946
	AI National Security Commission		[2,500]
	Bien Hoa dioxin cleanup		[15,000]
	Black Start ERREs		[2,000]
	CDC PFAS health assessment		[10,000]
	Commission on Confederate symbols and displays		[2,000]
	Cooperative program for Vietnam personnel MIA		[2,000]
	DWR restore: Congressional background investigations		[–3,000]
	Energy performance contracts		[10,000]
	ESOH personnel in ASD(S)		[2,000]
	FY20 NDAA Sec. 575 interstate spousal licensing		[4,000]
	National Cyber Director independent study		[2,000]
	REPI		[25,000]
500	OFFICE OF THE SECRETARY OF DEFENSE—CYBER	51,630	51,630
510	SPACE DEVELOPMENT AGENCY	48,166	48,166
530	WASHINGTON HEADQUARTERS SERVICES	340,291	343,291
	DWR restore: support to commissions		[3,000]
9999	CLASSIFIED PROGRAMS	17,348,749	17,348,749
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**31,210,685**	**31,538,885**
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	–172,839
	COVID-related ops/training slowdown		[–129,339]
	Excessive standard price for fuel		[–14,800]
	Foreign currency adjustments		[–28,700]
	SUBTOTAL UNDISTRIBUTED	**0**	**–172,839**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**38,649,079**	**38,830,740**
	MISCELLANEOUS APPROPRIATIONS		
	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	15,211	15,211
	SUBTOTAL US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	**15,211**	**15,211**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**15,211**	**15,211**
	MISCELLANEOUS APPROPRIATIONS		
	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,900	109,900
	SUBTOTAL OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	**109,900**	**109,900**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**109,900**	**109,900**
	MISCELLANEOUS APPROPRIATIONS		
	COOPERATIVE THREAT REDUCTION		
010	COOPERATIVE THREAT REDUCTION	238,490	288,490
	DWR restore: Biological Threat Reduction Program		[50,000]
	SUBTOTAL COOPERATIVE THREAT REDUCTION	**238,490**	**288,490**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**238,490**	**288,490**
	MISCELLANEOUS APPROPRIATIONS		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	ACQ WORKFORCE DEV FD	58,181	156,680
	DWR restore OSD-level acquisition workforce activities		[98,499]
	SUBTOTAL ACQUISITION WORKFORCE DEVELOPMENT	**58,181**	**156,680**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**58,181**	**156,680**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, ARMY		
050	ENVIRONMENTAL RESTORATION, ARMY	207,518	207,518
	SUBTOTAL ENVIRONMENTAL RESTORATION, ARMY	**207,518**	**207,518**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**207,518**	**207,518**
	MISCELLANEOUS APPROPRIATIONS		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	ENVIRONMENTAL RESTORATION, NAVY		
060	ENVIRONMENTAL RESTORATION, NAVY	335,932	335,932
	SUBTOTAL ENVIRONMENTAL RESTORATION, NAVY	**335,932**	**335,932**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**335,932**	**335,932**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, AIR FORCE		
070	ENVIRONMENTAL RESTORATION, AIR FORCE	303,926	303,926
	SUBTOTAL ENVIRONMENTAL RESTORATION, AIR FORCE	**303,926**	**303,926**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**303,926**	**303,926**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, DEFENSE		
080	ENVIRONMENTAL RESTORATION, DEFENSE	9,105	9,105
	SUBTOTAL ENVIRONMENTAL RESTORATION, DEFENSE	**9,105**	**9,105**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**9,105**	**9,105**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION FORMERLY USED SITES		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	216,587	216,587
	SUBTOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES	**216,587**	**216,587**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**216,587**	**216,587**
	TOTAL OPERATION & MAINTENANCE	**196,630,496**	**195,573,380**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	4,114,001	4,114,001
030	ECHELONS ABOVE BRIGADE	32,811	32,811
040	THEATER LEVEL ASSETS	2,542,760	2,545,410
	EDI: Support to deterrent activities		[2,650]
050	LAND FORCES OPERATIONS SUPPORT	162,557	162,557
060	AVIATION ASSETS	204,396	204,396
070	FORCE READINESS OPERATIONS SUPPORT	5,716,734	5,721,224
	EDI: Support to deterrent activities PE 0202218A		[1,490]
	EDI: Support to deterrent activities PE 1001010A		[3,000]
080	LAND FORCES SYSTEMS READINESS	180,048	180,048
090	LAND FORCES DEPOT MAINTENANCE	81,125	81,125
100	BASE OPERATIONS SUPPORT	219,029	219,029
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	301,017	301,017
130	ADDITIONAL ACTIVITIES	966,649	966,649
140	COMMANDER'S EMERGENCY RESPONSE PROGRAM	2,500	2,000
	Hero payments funded by ASFF		[–500]
150	RESET	403,796	403,796
160	US AFRICA COMMAND	100,422	100,422
170	US EUROPEAN COMMAND	120,043	144,143
	EDI: Continuity of operations support		[2,100]
	EDI: Modernizing Mission Partner Environment (MPE)		[22,000]
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	98,461	98,461
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	21,256	21,256
	SUBTOTAL OPERATING FORCES	**15,267,605**	**15,298,345**
	MOBILIZATION		
230	ARMY PREPOSITIONED STOCKS	103,052	103,052
	SUBTOTAL MOBILIZATION	**103,052**	**103,052**
	TRAINING AND RECRUITING		
290	SPECIALIZED SKILL TRAINING	89,943	89,943
320	TRAINING SUPPORT	2,550	2,550
	SUBTOTAL TRAINING AND RECRUITING	**92,493**	**92,493**
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	521,090	521,090
400	CENTRAL SUPPLY ACTIVITIES	43,897	43,897
410	LOGISTIC SUPPORT ACTIVITIES	68,423	68,423
420	AMMUNITION MANAGEMENT	29,162	29,162
440	SERVICEWIDE COMMUNICATIONS	11,447	11,447
470	OTHER SERVICE SUPPORT	5,839	5,839

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
490	REAL ESTATE MANAGEMENT	48,782	48,782
510	INTERNATIONAL MILITARY HEADQUARTERS	50,000	50,000
9999	CLASSIFIED PROGRAMS	895,964	895,964
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**1,674,604**	**1,674,604**
	TOTAL OPERATION & MAINTENANCE, ARMY	**17,137,754**	**17,168,494**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
020	ECHELONS ABOVE BRIGADE	17,193	17,193
060	FORCE READINESS OPERATIONS SUPPORT	440	440
090	BASE OPERATIONS SUPPORT	15,766	15,766
	SUBTOTAL OPERATING FORCES	**33,399**	**33,399**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**33,399**	**33,399**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	25,746	25,746
020	MODULAR SUPPORT BRIGADES	40	40
030	ECHELONS ABOVE BRIGADE	983	983
040	THEATER LEVEL ASSETS	22	22
060	AVIATION ASSETS	20,624	20,624
070	FORCE READINESS OPERATIONS SUPPORT	7,914	7,914
100	BASE OPERATIONS SUPPORT	24,417	24,417
	SUBTOTAL OPERATING FORCES	**79,746**	**79,746**
	ADMIN & SRVWD ACTIVITIES		
170	SERVICEWIDE COMMUNICATIONS	46	46
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**46**	**46**
	TOTAL OPERATION & MAINTENANCE, ARNG	**79,792**	**79,792**
	AFGHANISTAN SECURITY FORCES FUND		
	AFGHAN NATIONAL ARMY		
010	SUSTAINMENT	1,065,932	1,065,932
020	INFRASTRUCTURE	64,501	64,501
030	EQUIPMENT AND TRANSPORTATION	47,854	47,854
040	TRAINING AND OPERATIONS	56,780	56,780
	SUBTOTAL AFGHAN NATIONAL ARMY	**1,235,067**	**1,235,067**
	AFGHAN NATIONAL POLICE		
050	SUSTAINMENT	434,500	434,500
060	INFRASTRUCTURE	448	448
070	EQUIPMENT AND TRANSPORTATION	108,231	108,231
080	TRAINING AND OPERATIONS	58,993	58,993
	SUBTOTAL AFGHAN NATIONAL POLICE	**602,172**	**602,172**
	AFGHAN AIR FORCE		
090	SUSTAINMENT	534,102	534,102
100	INFRASTRUCTURE	9,532	9,532
110	EQUIPMENT AND TRANSPORTATION	58,487	58,487
120	TRAINING AND OPERATIONS	233,803	233,803
	SUBTOTAL AFGHAN AIR FORCE	**835,924**	**835,924**
	AFGHAN SPECIAL SECURITY FORCES		
130	SUSTAINMENT	680,024	680,024
140	INFRASTRUCTURE	2,532	2,532
150	EQUIPMENT AND TRANSPORTATION	486,808	486,808
160	TRAINING AND OPERATIONS	173,085	173,085
	SUBTOTAL AFGHAN SPECIAL SECURITY FORCES	**1,342,449**	**1,342,449**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**4,015,612**	**4,015,612**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	382,062	382,062
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	832	832
040	AIR OPERATIONS AND SAFETY SUPPORT	17,840	17,840
050	AIR SYSTEMS SUPPORT	210,692	210,692
060	AIRCRAFT DEPOT MAINTENANCE	170,580	170,580
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	5,854	5,854
080	AVIATION LOGISTICS	33,707	33,707
090	MISSION AND OTHER SHIP OPERATIONS	5,817,696	5,817,696
100	SHIP OPERATIONS SUPPORT & TRAINING	20,741	20,741
110	SHIP DEPOT MAINTENANCE	2,072,470	2,072,470
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	59,254	59,254
140	SPACE SYSTEMS AND SURVEILLANCE	18,000	18,000
150	WARFARE TACTICS	17,324	17,324
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,581	22,581
170	COMBAT SUPPORT FORCES	772,441	772,441
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	5,788	5,788

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	24,800	24,800
220	CYBERSPACE ACTIVITIES	369	369
240	WEAPONS MAINTENANCE	567,247	567,247
250	OTHER WEAPON SYSTEMS SUPPORT	12,571	12,571
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	70,041	70,041
280	BASE OPERATING SUPPORT	218,792	218,792
	SUBTOTAL OPERATING FORCES	**10,521,682**	**10,521,682**
	MOBILIZATION		
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	22,589	22,589
	SUBTOTAL MOBILIZATION	**22,589**	**22,589**
	TRAINING AND RECRUITING		
370	SPECIALIZED SKILL TRAINING	53,204	53,204
	SUBTOTAL TRAINING AND RECRUITING	**53,204**	**53,204**
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	9,983	9,983
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	7,805	7,805
480	SERVICEWIDE TRANSPORTATION	72,097	72,097
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	11,354	11,354
520	INVESTIGATIVE AND SECURITY SERVICES	1,591	1,591
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**102,830**	**102,830**
	TOTAL OPERATION & MAINTENANCE, NAVY	**10,700,305**	**10,700,305**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	727,989	745,489
	EDI: Globally Integrated Exercise 20–4/Austere Challenge 21.3		[10,000]
	EDI: Marine European training program		[7,500]
020	FIELD LOGISTICS	195,001	195,001
030	DEPOT MAINTENANCE	55,183	55,183
050	CYBERSPACE ACTIVITIES	10,000	10,000
070	BASE OPERATING SUPPORT	24,569	24,569
	SUBTOTAL OPERATING FORCES	**1,012,742**	**1,030,242**
	TRAINING AND RECRUITING		
120	TRAINING SUPPORT	28,458	28,458
	SUBTOTAL TRAINING AND RECRUITING	**28,458**	**28,458**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	61,400	61,400
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**61,400**	**61,400**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**1,102,600**	**1,120,100**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
020	INTERMEDIATE MAINTENANCE	522	522
030	AIRCRAFT DEPOT MAINTENANCE	11,861	11,861
080	COMBAT SUPPORT FORCES	9,109	9,109
	SUBTOTAL OPERATING FORCES	**21,492**	**21,492**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**21,492**	**21,492**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	7,627	7,627
040	BASE OPERATING SUPPORT	1,080	1,080
	SUBTOTAL OPERATING FORCES	**8,707**	**8,707**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**8,707**	**8,707**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	125,551	125,551
020	COMBAT ENHANCEMENT FORCES	916,538	916,538
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	93,970	93,970
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	3,528,059	3,528,059
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	147,264	147,264
060	CYBERSPACE SUSTAINMENT	10,842	10,842
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	7,187,100	7,217,545
	Transfer from base		[30,445]
080	FLYING HOUR PROGRAM	2,031,548	2,031,548
090	BASE SUPPORT	1,540,444	1,540,444
100	GLOBAL C3I AND EARLY WARNING	13,709	13,709
110	OTHER COMBAT OPS SPT PROGRAMS	345,800	345,800
120	CYBERSPACE ACTIVITIES	17,936	17,936
130	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	36,820	36,820
140	LAUNCH FACILITIES	70	70
150	SPACE CONTROL SYSTEMS	1,450	1,450

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
160	US NORTHCOM/NORAD	725	725
170	US STRATCOM	856	856
180	US CYBERCOM	35,189	35,189
190	US CENTCOM	126,934	126,934
	SUBTOTAL OPERATING FORCES	**16,160,805**	**16,191,250**
	MOBILIZATION		
240	AIRLIFT OPERATIONS	1,271,439	1,271,439
250	MOBILIZATION PREPAREDNESS	120,866	120,866
	SUBTOTAL MOBILIZATION	**1,392,305**	**1,392,305**
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	200	200
270	RECRUIT TRAINING	352	352
290	SPECIALIZED SKILL TRAINING	27,010	27,010
300	FLIGHT TRAINING	844	844
310	PROFESSIONAL DEVELOPMENT EDUCATION	1,199	1,199
320	TRAINING SUPPORT	1,320	1,320
	SUBTOTAL TRAINING AND RECRUITING	**30,925**	**30,925**
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	164,701	164,701
390	TECHNICAL SUPPORT ACTIVITIES	11,782	11,782
400	ADMINISTRATION	3,886	3,886
410	SERVICEWIDE COMMUNICATIONS	355	355
420	OTHER SERVICEWIDE ACTIVITIES	100,831	85,831
	OSC-I transition to normalized security cooperation		[–15,000]
450	INTERNATIONAL SUPPORT	29,928	29,928
9999	CLASSIFIED PROGRAMS	34,502	34,502
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**345,985**	**330,985**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**17,930,020**	**17,945,465**
	OPERATION & MAINTENANCE, SPACE FORCE		
	OPERATING FORCES		
020	GLOBAL C3I & EARLY WARNING	227	227
030	SPACE LAUNCH OPERATIONS	321	321
040	SPACE OPERATIONS	15,135	15,135
070	DEPOT MAINTENANCE	18,268	18,268
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	43,164	43,164
	SUBTOTAL OPERATING FORCES	**77,115**	**77,115**
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	**77,115**	**77,115**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	24,408	24,408
060	BASE SUPPORT	5,682	5,682
	SUBTOTAL OPERATING FORCES	**30,090**	**30,090**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**30,090**	**30,090**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	3,739	3,739
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	61,862	61,862
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	97,108	97,108
060	BASE SUPPORT	12,933	12,933
	SUBTOTAL OPERATING FORCES	**175,642**	**175,642**
	TOTAL OPERATION & MAINTENANCE, ANG	**175,642**	**175,642**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	3,799	3,799
020	JOINT CHIEFS OF STAFF—CE2T2	6,634	6,634
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	898,024	898,024
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	1,244,553	1,244,553
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	354,951	381,951
	Airborne ISR restoration		[27,000]
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	104,535	104,535
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	757,744	757,744
	SUBTOTAL OPERATING FORCES	**3,370,240**	**3,397,240**
	ADMIN & SRVWIDE ACTIVITIES		
180	DEFENSE CONTRACT AUDIT AGENCY	1,247	1,247
210	DEFENSE CONTRACT MANAGEMENT AGENCY	21,723	21,723
280	DEFENSE INFORMATION SYSTEMS AGENCY	56,256	56,256
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	3,524	3,524
330	DEFENSE LEGAL SERVICES AGENCY	156,373	156,373
350	DEFENSE MEDIA ACTIVITY	3,555	3,555
370	DEFENSE SECURITY COOPERATION AGENCY	1,557,763	1,880,263

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	Transfer from CTEF for Iraq train and equip requirements		[322,500]
410	DEFENSE THREAT REDUCTION AGENCY	297,486	297,486
490	OFFICE OF THE SECRETARY OF DEFENSE	16,984	16,984
530	WASHINGTON HEADQUARTERS SERVICES	1,997	1,997
9999	CLASSIFIED PROGRAMS	535,106	535,106
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**2,652,014**	**2,974,514**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**6,022,254**	**6,371,754**
	TOTAL OPERATION & MAINTENANCE	**57,334,782**	**57,747,967**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2021 Request	Senate Authorized
MILITARY PERSONNEL		
MILITARY PERSONNEL APPROPRIATIONS		
MILITARY PERSONNEL APPROPRIATIONS	150,524,104	147,976,014
COVID related endstrength decreases		[–755,000]
Foreign currency adjustments, Air Force		[–81,800]
Foreign currency adjustments, Army		[–44,400]
Foreign currency adjustments, Marine Corps		[–13,900]
Foreign currency adjustments, Navy		[–41,300]
Military personnel historical underexecution		[–1,611,690]
SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS	**150,524,104**	**147,976,014**
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS		
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	8,372,741	8,372,741
SUBTOTAL MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	**8,372,741**	**8,372,741**
TOTAL MILITARY PERSONNEL	**158,896,845**	**156,348,755**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2021 Request	Senate Authorized
MILITARY PERSONNEL		
MILITARY PERSONNEL APPROPRIATIONS		
MILITARY PERSONNEL APPROPRIATIONS	4,602,593	4,602,593
SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS	**4,602,593**	**4,602,593**
TOTAL MILITARY PERSONNEL	**4,602,593**	**4,602,593**

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	WORKING CAPITAL FUND		
	WORKING CAPITAL FUND, ARMY		
010	INDUSTRIAL OPERATIONS	32,551	5,551
	One-time COVID-related carryover decrease		[–27,000]
020	SUPPLY MANAGEMENT—ARMY	24,166	1,166
	One-time COVID-related carryover decrease		[–23,000]
	SUBTOTAL WORKING CAPITAL FUND, ARMY	**56,717**	**6,717**
	WORKING CAPITAL FUND, AIR FORCE		
020	SUPPLIES AND MATERIALS	95,712	5,712
	Air Force cash corpus for energy optimization		[10,000]
	One-time COVID-related carryover decrease		[–100,000]
	SUBTOTAL WORKING CAPITAL FUND, AIR FORCE	**191,424**	**101,424**
	WORKING CAPITAL FUND, DEFENSE-WIDE		
020	SUPPLY CHAIN MANAGEMENT—DEF	49,821	49,821
	SUBTOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**49,821**	**49,821**

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	WORKING CAPITAL FUND, DECA		
010	WORKING CAPITAL FUND, DECA	1,146,660	1,146,660
	SUBTOTAL WORKING CAPITAL FUND, DECA	**1,146,660**	**1,146,660**
	TOTAL WORKING CAPITAL FUND	**1,444,622**	**1,304,622**
	CHEM AGENTS & MUNITIONS DESTRUCTION		
	OPERATION & MAINTENANCE		
1	CHEM DEMILITARIZATION—O&M	106,691	106,691
	SUBTOTAL OPERATION & MAINTENANCE	**106,691**	**106,691**
	RESEARCH, DEVELOPMENT, TEST, AND EVALUATION		
2	CHEM DEMILITARIZATION—RDT&E	782,193	782,193
	SUBTOTAL RESEARCH, DEVELOPMENT, TEST, AND EVALUATION	**782,193**	**782,193**
	PROCUREMENT		
3	CHEM DEMILITARIZATION—PROC	616	616
	SUBTOTAL PROCUREMENT	**616**	**616**
	TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**889,500**	**889,500**
	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
	DRUG INTRDCTN		
010	COUNTER-NARCOTICS SUPPORT	546,203	562,003
	PDI: Joint Interagency Task Force—West Project 3309		[13,000]
	PDI: Joint Interagency Task Force—West Project 9202		[2,800]
	SUBTOTAL DRUG INTRDCTN	**546,203**	**562,003**
	DRUG DEMAND REDUCTION PROGRAM		
020	DRUG DEMAND REDUCTION PROGRAM	123,704	123,704
	SUBTOTAL DRUG DEMAND REDUCTION PROGRAM	**123,704**	**123,704**
	NATIONAL GUARD COUNTER-DRUG PROGRAM		
030	NATIONAL GUARD COUNTER-DRUG PROGRAM	94,211	94,211
	SUBTOTAL NATIONAL GUARD COUNTER-DRUG PROGRAM	**94,211**	**94,211**
	NATIONAL GUARD COUNTER-DRUG SCHOOLS		
040	NATIONAL GUARD COUNTER-DRUG SCHOOLS	5,511	5,511
	SUBTOTAL NATIONAL GUARD COUNTER-DRUG SCHOOLS	**5,511**	**5,511**
	TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**769,629**	**785,429**
	OFFICE OF THE INSPECTOR GENERAL		
	OFFICE OF THE INSPECTOR GENERAL		
010	OFFICE OF THE INSPECTOR GENERAL	368,279	368,279
030	OFFICE OF THE INSPECTOR GENERAL—CYBER	1,204	1,204
040	OFFICE OF THE INSPECTOR GENERAL	1,098	1,098
050	OFFICE OF THE INSPECTOR GENERAL	858	858
	SUBTOTAL OFFICE OF THE INSPECTOR GENERAL	**371,439**	**371,439**
	TOTAL OFFICE OF THE INSPECTOR GENERAL	**371,439**	**371,439**
	DEFENSE HEALTH PROGRAM		
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	9,560,564	9,560,564
020	PRIVATE SECTOR CARE	15,841,887	15,841,887
030	CONSOLIDATED HEALTH SUPPORT	1,338,269	1,338,269
040	INFORMATION MANAGEMENT	2,039,910	2,039,910
050	MANAGEMENT ACTIVITIES	330,627	330,627
060	EDUCATION AND TRAINING	315,691	315,691
070	BASE OPERATIONS/COMMUNICATIONS	1,922,605	1,927,605
	National Disaster Medical System pilot program		[5,000]
	SUBTOTAL OPERATION & MAINTENANCE	**31,349,553**	**31,354,553**
	RDT&E		
080	R&D RESEARCH	8,913	8,913
090	R&D EXPLORATRY DEVELOPMENT	73,984	73,984
100	R&D ADVANCED DEVELOPMENT	225,602	225,602
110	R&D DEMONSTRATION/VALIDATION	132,331	132,331
120	R&D ENGINEERING DEVELOPMENT	55,748	55,748
130	R&D MANAGEMENT AND SUPPORT	48,672	48,672
140	R&D CAPABILITIES ENHANCEMENT	17,215	17,215
	SUBTOTAL RDT&E	**562,465**	**562,465**
	PROCUREMENT		
150	PROC INITIAL OUTFITTING	22,932	22,932
160	PROC REPLACEMENT & MODERNIZATION	215,618	215,618
170	PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	70,872	70,872
180	PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	308,504	308,504
	SUBTOTAL PROCUREMENT	**617,926**	**617,926**
	SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS		

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
190	SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS	160,428	160,428
	SUBTOTAL SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS	**160,428**	**160,428**
	TOTAL DEFENSE HEALTH PROGRAM	**32,690,372**	**32,695,372**
	TOTAL OTHER AUTHORIZATIONS	**36,711,765**	**36,592,565**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Senate Authorized
	WORKING CAPITAL FUND		
	WORKING CAPITAL FUND, ARMY		
020	SUPPLY MANAGEMENT—ARMY	20,090	20,090
	SUBTOTAL WORKING CAPITAL FUND, ARMY	**20,090**	**20,090**
	TOTAL WORKING CAPITAL FUND	**20,090**	**20,090**
	OFFICE OF THE INSPECTOR GENERAL		
	OFFICE OF THE INSPECTOR GENERAL		
010	OFFICE OF THE INSPECTOR GENERAL	24,069	24,069
	SUBTOTAL OFFICE OF THE INSPECTOR GENERAL	**24,069**	**24,069**
	TOTAL OFFICE OF THE INSPECTOR GENERAL	**24,069**	**24,069**
	DEFENSE HEALTH PROGRAM		
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	65,072	65,072
020	PRIVATE SECTOR CARE	296,828	296,828
030	CONSOLIDATED HEALTH SUPPORT	3,198	3,198
	SUBTOTAL OPERATION & MAINTENANCE	**365,098**	**365,098**
	TOTAL DEFENSE HEALTH PROGRAM	**365,098**	**365,098**
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
010	IRAQ	645,000	322,500
	Transfer traditional BPC activities to DSCA		[–322,500]
020	SYRIA	200,000	200,000
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	**845,000**	**522,500**
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	**845,000**	**522,500**
	TOTAL OTHER AUTHORIZATIONS	**1,254,257**	**931,757**

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
MILITARY CONSTRUCTION				
ARMY				
	Alaska			
Army	Fort Wainwright	Child Development Center	0	55,000
Army	Fort Wainwright	Unaccompanied Enlisted Personnel Housing	0	59,000
	Arizona			
Army	Yuma Proving Ground	Ready Building	14,000	14,000
	California			
Army	Military Ocean Terminal Concord	Ammunition Holding Facility	0	46,000
	Colorado			
Army	Fort Carson	Physical Fitness Facility	28,000	28,000
	Florida			
Army	JIATF-S Operations Center	Planning & Design	0	8,000
	Georgia			
Army	Fort Gillem	Forensic Laboratory	71,000	71,000
Army	Fort Gordon	Adv Individual Training Barracks Cplx, Ph3	80,000	80,000
	Hawaii			
Army	Aliamanu Military Reservation	Child Development Center—School Age	0	71,000
Army	Schofield Barracks	Child Development Center	0	39,000
Army	Wheeler Army Air Field	Aircraft Maintenance Hangar	89,000	89,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
	Italy			
Army	Casmera Renato Dal Din	Access Control Point	0	10,200
	Louisiana			
Army	Fort Polk	Information Systems Facility	25,000	25,000
	Oklahoma			
Army	McAlester AAP	Ammunition Demolition Shop	35,000	35,000
	Pennsylvania			
Army	Carlisle Barracks	General Instruction Building (Inc 2)	38,000	8,000
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 3, Ph2	0	7,000
	Virginia			
Army	Humphreys Engineer Center	Training Support Facility	51,000	51,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Planning and Design	129,436	59,436
Army	Unspecified Worldwide Locations	Host Nation Support	39,000	39,000
Army	Unspecified Worldwide Locations	Unspecified Minor Construction	50,900	74,900
	SUBTOTAL ARMY		**650,336**	**869,536**
NAVY				
	Bahrain Island			
Navy	SW Asia	Ship to Shore Utility Services	68,340	68,340
	California			
Navy	Camp Pendleton	Combat Water Survival Training Facility	0	25,200
Navy	Camp Pendleton	Warehouse Consolidation and Modernization	0	21,800
Navy	Camp Pendleton	I MEF Consolidated Information Center (INC)	37,000	37,000
Navy	Camp Pendleton	1st MARDIV Operations Complex	68,530	68,530
Navy	Lemoore	F–35C Simulator Facility & Electrical Upgrade	59,150	59,150
Navy	Lemoore	F–35C Hangar 6 Phase 2 (Mod 3/4)	128,070	53,000
Navy	Point Mugu	Directed Energy Test Facility	0	26,700
Navy	Port Hueneme	Combat Vehicle Maintenance Facilities	0	43,500
Navy	San Diego	Pier 6 Replacement	128,500	63,500
Navy	Seal Beach	Magazines	0	46,800
Navy	Twentynine Palms	Wastewater Treatment Plant	76,500	76,500
	Greece			
Navy	Souda Bay	Communication Center	50,180	50,180
	Guam			
Navy	Andersen Air Force Base	Ordnance Operations Admin	21,280	21,280
Navy	Joint Region Marianas	DAR Road Strengthening	70,760	70,760
Navy	Joint Region Marianas	DAR Bridge Improvements	40,180	40,180
Navy	Joint Region Marianas	Central Fuel Station	35,950	17,950
Navy	Joint Region Marianas	Distribution Warehouse	77,930	77,930
Navy	Joint Region Marianas	Combined EOD Facility	37,600	37,600
Navy	Joint Region Marianas	Bachelor Enlisted Quarters (Inc)	80,000	10,000
Navy	Joint Region Marianas	Joint Communication Upgrade	166,000	26,000
Navy	Joint Region Marianas	Base Warehouse	55,410	55,410
Navy	Joint Region Marianas	Individual Combat Skills Training	17,430	17,430
Navy	Joint Region Marianas	Central Issue Facility	45,290	45,290
	Hawaii			
Navy	Joint Base Pearl Harbor-Hickam	Waterfront Improvements Wharves S8–S10	65,910	65,910
Navy	Joint Base Pearl Harbor-Hickam	Waterfront Improve, Wharves S1,S11–13,S20–21	48,990	48,990
	Honduras			
Navy	Comalapa	Long Range Maritime Patrol Aircraft Hangar and Ramp	0	28,000
	Japan			
Navy	Yokosuka	Pier 5 (Berths 2 and 3) (Inc)	74,692	44,692
	Maine			
Navy	Kittery	Multi-Mission Drydock #1 Exten., Ph 1 (Inc)	160,000	160,000
Navy	NCTAMS LANT Detachment Cutler	Perimeter Security	0	26,100
	Nevada			
Navy	Fallon	Range Training Complex, Phase 1	29,040	29,040
	North Carolina			
Navy	Camp Lejeune	II MEF Operations Center Replacement (Inc)	20,000	20,000
Navy	Cherry Point	Fitness Center Replacement and Training Pool	0	51,900
	Spain			
Navy	Rota	MH–60R Squadron Support Facilities	60,110	60,110
	Virginia			
Navy	Norfolk	Sub Logistics Support	0	9,400
Navy	Norfolk	MH60 & CMV–22B Corrosion Control & Paint Facility	17,671	17,671
Navy	Norfolk	E–2D Training Facility	30,400	30,400
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	38,983	38,983
Navy	Unspecified Worldwide Locations	Planning & Design	165,710	165,710
	SUBTOTAL NAVY		**1,975,606**	**1,856,936**
AIR FORCE				

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
	Colorado			
Air Force	Schriever Air Force Base	Consolidated Space Operations Facility, (Inc 2)	88,000	88,000
Air Force	United States Air Force Academy	Cadet Preparatory School Dormitory	0	49,000
	Guam			
Air Force	Joint Region Marianas	Stand Off Weapons Complex, MSA 2	56,000	56,000
	Mariana Islands			
Air Force	Tinian	Fuel Tanks With Pipeline & Hydrant Sys, (Inc 2)	7,000	7,000
Air Force	Tinian	Airfield Development Phase 1, (Inc 2)	20,000	20,000
Air Force	Tinian	Parking Apron, (Inc 2)	15,000	15,000
	Montana			
Air Force	Malmstrom Air Force Base	Weapons Storage & Maintenance Facility, (Inc 2)	25,000	25,000
	New Jersey			
Air Force	Joint Base McGuire-Dix-Lakehurst	Munitions Storage Area	22,000	22,000
	Qatar			
Air Force	Al Udeid	Cargo Marshalling Yard	26,000	26,000
	South Dakota			
Air Force	Ellsworth Air Force Base	B–21 2–Bay LO Restoration Facility	0	10,000
	Texas			
Air Force	Joint Base San Antonio	BMT Recruit Dormitory 8, (Inc 2)	36,000	36,000
Air Force	Joint Base San Antonio	T-X ADAL Ground Based Trng Sys Sim	19,500	19,500
	Utah			
Air Force	Hill Air Force Base	GBSD Organic Software Sustainment Center	0	20,000
Air Force	Hill Air Force Base	GBSD Mission Integration Facility, (Inc 2)	68,000	68,000
	Virginia			
Air Force	Joint Base Langley-Eustis	Access Control Point Main Gate With Land Acq	19,500	19,500
	Worldwide Unspecified			
Air Force	Unspecified Worldwide Locations	Cost to Complete	0	29,422
Air Force	Unspecified Worldwide Locations	Planning & Design	296,532	116,532
Air Force	Unspecified Worldwide Locations	Unspecified Minor Construction	68,600	68,600
SUBTOTAL AIR FORCE			**767,132**	**695,554**
DEFENSE-WIDE				
	Alabama			
Defense-Wide	Anniston Army Depot	Demilitarization Facility	18,000	18,000
	Alaska			
Defense-Wide	Fort Greely	Communications Center	48,000	48,000
	Albama			
Defense-Wide	Fort Rucker	Construct 10mw Generation & Microgrid	0	24,000
	Arizona			
Defense-Wide	Fort Huachuca	Laboratory Building	33,728	33,728
Defense-Wide	Yuma	SOF Hangar	49,500	49,500
	Arkansas			
Defense-Wide	Fort Smith Air National Guard Base	PV Arrays and Battery Storage	0	2,600
	California			
Defense-Wide	Beale Air Force Base	Bulk Fuel Tank	22,800	22,800
	Colorado			
Defense-Wide	Fort Carson	SOF Tactical Equipment Maintenance Facility	15,600	15,600
	CONUS Unspecified			
Defense-Wide	CONUS Unspecified	Training Target Structure	14,400	14,400
	Florida			
Defense-Wide	Hurlburt Field	SOF Special Tactics Ops Facility (23 STS)	44,810	44,810
Defense-Wide	Hurlburt Field	SOF Combat Aircraft Parking Apron-North	38,310	38,310
	Georgia			
Defense-Wide	Fort Benning	Construct 4.8mw Generation & Microgrid	0	17,000
	Germany			
Defense-Wide	Rhine Ordnance Barracks	Medical Center Replacement (Inc 9)	200,000	0
	Japan			
Defense-Wide	Def Fuel Support Point Tsurumi	Fuel Wharf	49,500	49,500
Defense-Wide	Yokosuka	Kinnick High School (Inc)	30,000	0
	Kentucky			
Defense-Wide	Fort Knox	Van Voorhis Elementary School	69,310	69,310
	Maryland			
Defense-Wide	Bethesda Naval Hospital	MEDCEN Addition/Alteration (Inc 4)	180,000	50,000
Defense-Wide	Fort Meade	NSAW Recapitalize Building #3 (Inc)	250,000	250,000
	Mississippi			
Defense-Wide	MTA Camp Shelby	Construct 10mw Generation Plant and Microgrid System	0	30,000
	Missouri			
Defense-Wide	Fort Leonard Wood	Hospital Replacement (Inc 3)	40,000	40,000
Defense-Wide	St Louis	Next NGA West (N2W) Complex Phase 2 (Inc)	119,000	60,000
	New Mexico			
Defense-Wide	Kirtland Air Force Base	Administrative Building	46,600	46,600
	North Carolina			
Defense-Wide	Fort Bragg	SOTF Chilled Water Upgrade	0	6,100
Defense-Wide	Fort Bragg	SOF Military Working Dog Facility	17,700	17,700
Defense-Wide	Fort Bragg	SOF Group Headquarters	53,100	53,100

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
Defense-Wide	Fort Bragg	SOF Operations Facility	43,000	43,000
	Ohio			
Defense-Wide	Wright-Patterson Air Force Base	Intelligence Facility Central Utility Plant	0	35,000
Defense-Wide	Wright-Patterson Air Force Base	Hydrant Fuel System	23,500	23,500
	Tennessee			
Defense-Wide	Memphis International Airport	PV Arrays and Battery Storage	0	4,780
	Texas			
Defense-Wide	Fort Hood	Fuel Facilities	32,700	32,700
	Virginia			
Defense-Wide	Joint Expeditionary Base Little Creek—Story	SOF DCS Operations Fac. and Command Center	54,500	54,500
Defense-Wide	Joint Expeditionary Base Little Creek—Story	SOF NSWG–2 NSWTG CSS Facilities	58,000	58,000
	Washington			
Defense-Wide	Joint Base Lewis-McChord	Fuel Facilities (Lewis North)	10,900	10,900
Defense-Wide	Joint Base Lewis-McChord	Fuel Facilities (Lewis Main)	10,900	10,900
Defense-Wide	Manchester	Bulk Fuel Storage Tanks Phase 1	82,000	82,000
	Washington DC			
Defense-Wide	Joint Base Anacostia-Bolling	DIA HQ Cooling Towers and Cond Pumps	0	1,963
Defense-Wide	Joint Base Anacostia-Bolling	Industrial Controls System Modernization	0	8,749
Defense-Wide	Joint Base Anacostia-Bolling	PV Carports	0	25,221
	Worldwide Unspecified			
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	8,000	8,000
Defense-Wide	Unspecified Worldwide Locations	Planning and Design	27,746	27,746
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	4,922	4,922
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	17,698	17,698
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	20,000	20,000
Defense-Wide	Unspecified Worldwide Locations	Energy Resilience and Conserv. Invest. Prog.	142,500	142,500
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Defense-Wide	Unspecified Worldwide Locations	Planning and Design	10,647	10,647
Defense-Wide	Unspecified Worldwide Locations	ERCIP Design	14,250	14,250
Defense-Wide	Unspecified Worldwide Locations	Planning and Design	10,303	10,303
Defense-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	5,840	5,840
Defense-Wide	Various Worldwide Locations	Planning and Design	32,624	32,624
Defense-Wide	Various Worldwide Locations	Unspecified Minor Construction	9,726	9,726
Defense-Wide	Various Worldwide Locations	Planning and Design	64,406	64,406
	Worlwide Unspecified			
Defense-Wide	Unspecified Worldwide Locations	Planning & Design—Military Installation Resiliency	0	50,000
Defense-Wide	Unspecified Worldwide Locations	Planning & Design—Pacific Deterrence Initiative	0	15,000
SUBTOTAL DEFENSE-WIDE			**2,027,520**	**1,828,933**
ARMY NATIONAL GUARD				
	Arizona			
Army National Guard	Tucson	National Guard Readiness Center	18,100	18,100
	Arkansas			
Army National Guard	Fort Chaffee	National Guard Readiness Center	0	15,000
	California			
Army National Guard	Bakersfield	National Guard Vehicle Maintenance Shop	0	9,300
	Colorado			
Army National Guard	Peterson Air Force Base	National Guard Readiness Center	15,000	15,000
	Indiana			
Army National Guard	Shelbyville	National Guard/Reserve Center Building Add/Al	12,000	12,000
	Kentucky			
Army National Guard	Frankfort	National Guard/Reserve Center Building	15,000	15,000
	Mississippi			
Army National Guard	Brandon	National Guard Vehicle Maintenance Shop	10,400	10,400
	Nebraska			
Army National Guard	North Platte	National Guard Vehicle Maintenance Shop	9,300	9,300

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
	New Jersey			
Army National Guard	Joint Base McGuire-Dix-Lakehurst	National Guard Readiness Center	15,000	15,000
	Ohio			
Army National Guard	Columbus	National Guard Readiness Center	15,000	15,000
	Oklahoma			
Army National Guard	Ardmore	National Guard Vehicle Maintenance Shop	0	9,800
	Oregon			
Army National Guard	Hermiston	Enlisted Barracks, Transient Training	0	15,735
Army National Guard	Hermiston	Enlisted Barracks, Transient Training	9,300	9,300
	Puerto Rico			
Army National Guard	Fort Allen	National Guard Readiness Center	37,000	37,000
	South Carolina			
Army National Guard	Joint Base Charleston	National Guard Readiness Center	15,000	15,000
	Tennessee			
Army National Guard	Mcminnville	National Guard Readiness Center	11,200	11,200
	Texas			
Army National Guard	Fort Worth	National Guard Vehicle Maintenance Shop	7,800	7,800
Army National Guard	Fort Worth	Aircraft Maintenance Hangar Addition/Alt	6,000	6,000
	Utah			
Army National Guard	Nephi	National Guard Readiness Center	12,000	12,000
	Virgin Islands			
Army National Guard	St. Croix	Army Aviation Support Facility (AASF)	28,000	28,000
Army National Guard	St. Croix	CST Ready Building	11,400	11,400
	Wisconsin			
Army National Guard	Appleton	National Guard Readiness Center Add/Alt	11,600	11,600
	Worldwide Unspecified			
Army National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction	32,744	32,744
Army National Guard	Unspecified Worldwide Locations	Planning and Design	29,593	29,593
SUBTOTAL ARMY NATIONAL GUARD			**321,437**	**371,272**
AIR NATIONAL GUARD				
	Alabama			
Air National Guard	Montgomery Regional Airport	Base Supply Complex	0	12,000
Air National Guard	Montgomery Regional Airport	F–35 Simulator Facility	11,600	11,600
	Guam			
Air National Guard	Joint Region Marianas	Space Control Facility #5	20,000	20,000
	Maryland			
Air National Guard	Joint Base Andrews	F–16 Mission Training Center	9,400	9,400
	North Dakota			
Air National Guard	Hector International Airport	Consolidated RPA Operations Facility	0	17,500
	Texas			
Air National Guard	Joint Base San Antonio	F–16 Mission Training Center	10,800	10,800
	Worldwide Unspecified			
Air National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction	9,000	9,000
Air National Guard	Various Worldwide Locations	Planning and Design	3,414	3,414
SUBTOTAL AIR NATIONAL GUARD			**64,214**	**93,714**
ARMY RESERVE				
	Florida			
Army Reserve	Gainesville	ECS TEMF/Warehouse	36,000	36,000
	Massachusetts			
Army Reserve	Devens Reserve Forces Training Area	Automated Multipurpose Machine Gun Range	8,700	8,700
	North Carolina			
Army Reserve	Asheville	Army Reserve Center/Land	24,000	24,000
	Wisconsin			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
Army Reserve	Fort McCoy	Transient Training Barracks	0	2,500
Army Reserve	Fort McCoy	Scout Reconnaissance Range	14,600	14,600
	Worldwide Unspecified			
Army Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction	3,819	3,819
Army Reserve	Unspecified Worldwide Locations	Planning and Design	1,218	1,218
	SUBTOTAL ARMY RESERVE		**88,337**	**90,837**
NAVY RESERVE				
	Maryland			
Navy Reserve	Reisterstown	Reserve Training Center, Camp Fretterd, MD	39,500	39,500
	Minnesota			
Navy Reserve	NOSC Minneapolis	Joint Reserve Intel Center	0	12,800
	Utah			
Navy Reserve	Hill Air Force Base	Naval Operational Support Center	25,010	25,010
	Worldwide Unspecified			
Navy Reserve	Unspecified Worldwide Locations	MCNR Planning & Design	3,485	3,485
Navy Reserve	Unspecified Worldwide Locations	MCNR Minor Construction	3,000	3,000
	SUBTOTAL NAVY RESERVE		**70,995**	**83,795**
AIR FORCE RESERVE				
	Texas			
Air Force Reserve	Fort Worth	F–35 Squadron Ops / Aircraft Maintenance Unit	0	25,000
Air Force Reserve	Fort Worth	F–35A Simulator Facility	14,200	14,200
	Worldwide Unspecified			
Air Force Reserve	Unspecified Worldwide Locations	Planning & Design	3,270	3,270
Air Force Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction	5,647	5,647
	SUBTOTAL AIR FORCE RESERVE		**23,117**	**48,117**
NATO SECURITY INVESTMENT PROGRAM				
	Worldwide Unspecified			
NATO Security Investment Program	NATO Security Investment Program	NATO Security Investment Program	173,030	173,030
	SUBTOTAL NATO SECURITY INVESTMENT PROGRAM		**173,030**	**173,030**
	TOTAL MILITARY CONSTRUCTION		**6,161,724**	**6,111,724**
FAMILY HOUSING				
CONSTRUCTION, ARMY				
	Italy			
Construction, Army	Vicenza	Family Housing New Construction	84,100	84,100
	Kwajalein			
Construction, Army	Kwajalein Atoll	Family Housing Replacement Construction	32,000	32,000
	Worldwide Unspecified			
Construction, Army	Unspecified Worldwide Locations	Family Housing P & D	3,300	3,300
	SUBTOTAL CONSTRUCTION, ARMY		**119,400**	**119,400**
O&M, ARMY				
	Worldwide Unspecified			
O&M, Army	Unspecified Worldwide Locations	Management	39,716	39,716
O&M, Army	Unspecified Worldwide Locations	Services	8,135	8,135
O&M, Army	Unspecified Worldwide Locations	Furnishings	18,004	18,004
O&M, Army	Unspecified Worldwide Locations	Miscellaneous	526	526
O&M, Army	Unspecified Worldwide Locations	Maintenance	97,789	70,789
O&M, Army	Unspecified Worldwide Locations	Utilities	41,183	41,183
O&M, Army	Unspecified Worldwide Locations	Leasing	123,841	123,841
O&M, Army	Unspecified Worldwide Locations	Housing Privitization Support	37,948	64,948

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
SUBTOTAL O&M, ARMY			**367,142**	**367,142**
CONSTRUCTION, NAVY AND MARINE CORPS				
	Worldwide Unspecified			
Construction, Navy and Marine Corps	Unspecified Worldwide Locations	USMC DPRI/Guam Planning and Design	2,726	2,726
Construction, Navy and Marine Corps	Unspecified Worldwide Locations	Construction Improvements	37,043	37,043
Construction, Navy and Marine Corps	Unspecified Worldwide Locations	Planning & Design	3,128	3,128
SUBTOTAL CONSTRUCTION, NAVY AND MARINE CORPS			**42,897**	**42,897**
O&M, NAVY AND MARINE CORPS				
	Worldwide Unspecified			
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Utilities	58,429	58,429
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Furnishings	17,977	17,977
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Management	51,006	51,006
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Miscellaneous	350	350
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Services	16,743	16,743
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Leasing	62,658	62,658
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Maintenance	85,630	85,630
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Housing Privatization Support	53,700	78,700
SUBTOTAL O&M, NAVY AND MARINE CORPS			**346,493**	**371,493**
CONSTRUCTION, AIR FORCE				
	Worldwide Unspecified			
Construction, Air Force	Unspecified Worldwide Locations	Construction Improvements	94,245	94,245
Construction, Air Force	Unspecified Worldwide Locations	Planning & Design	2,969	2,969
SUBTOTAL CONSTRUCTION, AIR FORCE			**97,214**	**97,214**
O&M, AIR FORCE				
	Worldwide Unspecified			
O&M, Air Force	Unspecified Worldwide Locations	Housing Privatization	23,175	48,175
O&M, Air Force	Unspecified Worldwide Locations	Utilities	43,173	43,173
O&M, Air Force	Unspecified Worldwide Locations	Management	64,732	64,732
O&M, Air Force	Unspecified Worldwide Locations	Services	7,968	7,968
O&M, Air Force	Unspecified Worldwide Locations	Furnishings	25,805	25,805
O&M, Air Force	Unspecified Worldwide Locations	Miscellaneous	2,184	2,184
O&M, Air Force	Unspecified Worldwide Locations	Leasing	9,318	9,318
O&M, Air Force	Unspecified Worldwide Locations	Maintenance	140,666	140,666
SUBTOTAL O&M, AIR FORCE			**317,021**	**342,021**
O&M, DEFENSE-WIDE				
	Worldwide Unspecified			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Senate Authorized
O&M, Defense-Wide	Unspecified Worldwide Locations	Utilities	4,100	4,100
O&M, Defense-Wide	Unspecified Worldwide Locations	Furnishings	82	82
O&M, Defense-Wide	Unspecified Worldwide Locations	Utilities	13	13
O&M, Defense-Wide	Unspecified Worldwide Locations	Leasing	12,996	12,996
O&M, Defense-Wide	Unspecified Worldwide Locations	Maintenance	32	32
O&M, Defense-Wide	Unspecified Worldwide Locations	Furnishings	645	645
O&M, Defense-Wide	Unspecified Worldwide Locations	Leasing	36,860	36,860
SUBTOTAL O&M, DEFENSE-WIDE			**54,728**	**54,728**
IMPROVEMENT FUND				
	Worldwide Unspecified			
Improvement Fund	Unspecified Worldwide Locations	Administrative Expenses—FHIF	5,897	5,897
SUBTOTAL IMPROVEMENT FUND			**5,897**	**5,897**
UNACCMP HSG IMPROVEMENT FUND				
	Worldwide Unspecified			
Unaccmp HSG Improvement Fund	Unspecified Worldwide Locations	Administrative Expenses—UHIF	600	600
SUBTOTAL UNACCMP HSG IMPROVEMENT FUND			**600**	**600**
TOTAL FAMILY HOUSING			**1,351,392**	**1,401,392**
DEFENSE BASE REALIGNMENT AND CLOSURE				
ARMY BRAC				
	Worldwide Unspecified			
Army BRAC	Base Realignment & Closure, Army	Base Realignment and Closure	66,060	66,060
SUBTOTAL ARMY BRAC			**66,060**	**66,060**
NAVY BRAC				
	Worldwide Unspecified			
Navy BRAC	Unspecified Worldwide Locations	Base Realignment & Closure	125,165	125,165
SUBTOTAL NAVY BRAC			**125,165**	**125,165**
AIR FORCE BRAC				
	Worldwide Unspecified			
Air Force BRAC	Unspecified Worldwide Locations	Dod BRAC Activities—Air Force	109,222	109,222
SUBTOTAL AIR FORCE BRAC			**109,222**	**109,222**
TOTAL DEFENSE BASE REALIGNMENT AND CLOSURE			**300,447**	**300,447**
TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC			**7,813,563**	**7,813,563**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	FY 2021 Request	Senate Authorized
MILITARY CONSTRUCTION				
ARMY				
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	EDI: Planning and Design	11,903	11,903
Army	Unspecified Worldwide Locations	EDI: Minor Construction	3,970	3,970
SUBTOTAL ARMY			**15,873**	**15,873**
NAVY				
	Spain			
Navy	Rota	EDI: Expeditionary Maintenance Facility	27,470	27,470
Navy	Rota	EDI: EOD Boat Shop	31,760	31,760

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	FY 2021 Request	Senate Authorized
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Planning & Design	10,790	10,790
SUBTOTAL NAVY			**70,020**	**70,020**
AIR FORCE				
	Germany			
Air Force	Ramstein	EDI: Rapid Airfield Damage Repair Storage	36,345	36,345
Air Force	Spangdahlem AB	EDI: Rapid Airfield Damage Repair Storage	25,824	25,824
	Romania			
Air Force	Campia Turzii	EDI: Dangerous Cargo Pad	11,000	11,000
Air Force	Campia Turzii	EDI: POL Increase Capacity	32,000	32,000
Air Force	Campia Turzii	EDI: ECAOS DABS-FEV Storage Complex	68,000	68,000
Air Force	Campia Turzii	EDI: Parking Apron	19,500	19,500
	Worldwide Unspecified			
Air Force	Unspecified Worldwide Locations	EDI: Unspecified Minor Military Construction	16,400	16,400
Air Force	Various Worldwide Locations	EDI: Planning & Design	54,800	54,800
SUBTOTAL AIR FORCE			**263,869**	**263,869**
TOTAL MILITARY CONSTRUCTION			**349,762**	**349,762**
TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC			**349,762**	**349,762**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Senate Authorized
Discretionary Summary by Appropriation		
Energy and Water Development and Related Agencies		
Appropriation Summary:		
Energy Programs		
Nuclear energy	137,800	137,800
Atomic Energy Defense Activities		
National Nuclear Security Administration:		
Federal Salaries and Expenses	454,000	454,000
Weapons activities	15,602,000	15,602,000
Defense nuclear nonproliferation	2,031,000	2,031,000
Naval reactors	1,684,000	1,684,000
Total, National Nuclear Security Administration	**19,771,000**	**19,771,000**
Defense environmental cleanup	4,983,608	5,083,608
Other defense activities	1,054,727	904,727
Total, Atomic Energy Defense Activities	**25,809,335**	**25,759,335**
Total, Discretionary Funding	**25,947,135**	**25,897,135**
Nuclear Energy		
Idaho sitewide safeguards and security	137,800	137,800
Total, Nuclear Energy	**137,800**	**137,800**
National Nuclear Security Administration		
Federal Salaries and Expenses		
Program direction	454,000	454,000
Weapons Activities		
Stockpile management		
Stockpile major modernization		
B61 Life extension program	815,710	815,710
W76 Life extension program	0	0
W76–2 Modification program	0	0
W88 Alteration program	256,922	256,922
W80–4 Life extension program	1,000,314	1,000,314
W87–1 Modification Program (formerly IW1)	541,000	541,000
W93	53,000	53,000
Total, Stockpile major modernization	**2,666,946**	**2,666,946**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Senate Authorized
Stockpile sustainment	998,357	998,357
Weapons dismantlement and disposition	50,000	50,000
Production operations	568,941	568,941
Total, Stockpile management	**4,284,244**	**4,284,244**
Production modernization		
Primary capability modernization		
Plutonium modernization		
Los Alamos plutonium modernization		
Los Alamos Plutonium Operations	610,599	610,599
21–D–512, Plutonium Pit Production Project, LANL	226,000	226,000
Subtotal, Los Alamos plutonium modernization	**836,599**	**836,599**
Savannah River plutonium modernization		
Savannah River plutonium operations	200,000	200,000
21–D–511, Savannah River Plutonium Processing Facility, SRS	241,896	241,896
Subtotal, Savannah River plutonium modernization	**441,896**	**441,896**
Enterprise Plutonium Support	90,782	90,782
Total, Plutonium Modernization	**1,369,277**	**1,369,277**
High Explosives & Energetics	67,370	67,370
Total, Primary capability modernization	**1,436,647**	**1,436,647**
Secondary Capability Modernization	457,004	457,004
Tritium and Domestic Uranium Enrichment	457,112	457,112
Non-Nuclear Capability Modernization	107,137	107,137
Total, Production modernization	**2,457,900**	**2,457,900**
Stockpile research, technology, and engineering		
Assessment science	773,111	773,111
Engineering and integrated assessments	337,404	337,404
Intertial confinement fusion	554,725	554,725
Advanced simulation and computing	732,014	732,014
Weapon technology and manufacturing maturation	297,965	297,965
Academic programs	86,912	86,912
Total, Stockpile research, technology, and engineering	**2,782,131**	**2,782,131**
Infrastructure and operations		
Operating		
Operations of facilities	1,014,000	1,014,000
Safety and Environmental Operations	165,354	165,354
Maintenance and Repair of Facilities	792,000	792,000
Recapitalization		
Infrastructure and Safety	670,000	670,000
Capabilities Based Investments	149,117	149,117
Planning for Programmatic Construction (Pre-CD–1)	84,787	84,787
Subtotal, Recapitalization	**903,904**	**903,904**
Total, Operating	**2,875,258**	**2,875,258**
I&O: Construction		
Programmatic		
21–D–510, HE Synthesis, Formulation, and Production Facility, PX	31,000	31,000
18–D–690, Lithium Processing Facility, Y–12	109,405	109,405
18–D–650, Tritium Finishing Facility, SRS	27,000	27,000
18–D–620, Exascale Computing Facility Modernization Project, LLNL	29,200	29,200
17–D–640, U1a Complex Enhancements Project, NNSS	160,600	160,600
15–D–302, TA–55 Reinvestment Project—Phase 3, LANL	30,000	30,000
15–D–301, HE Science & Engineering Facility, PX	43,000	43,000
07–D–220–04, Transuranic Liquid Waste Facility, LANL	36,687	36,687
06–D–141, Uranium Processing Facility, Y–12	750,000	750,000
04–D–125, Chemistry and Metallurgy Research Replacement Project, LANL	169,427	169,427
Total, Programmatic	**1,386,319**	**1,386,319**
Mission enabling		
19–D–670, 138kV Power Transmission System Replacement, NNSS	59,000	59,000
15–D–612, Emergency Operations Center, LLNL	27,000	27,000
15–D–611, Emergency Operations Center, SNL	36,000	36,000
Total, Mission enabling	**122,000**	**122,000**
Total, I&O construction	**1,508,319**	**1,508,319**
Total, Infrastructure and operations	**4,383,577**	**4,383,577**
Secure transportation asset		
Operations and equipment	266,390	266,390
Program direction	123,684	123,684
Total, Secure transportation asset	**390,074**	**390,074**
Defense nuclear security		
Operations and maintenance	815,895	815,895
Security improvements program	0	0
Construction:		
17–D–710, West end protected area reduction project, Y–12	11,000	11,000
Subtotal, construction	**11,000**	**11,000**
Total, Defense nuclear security	**826,895**	**826,895**
Information technology and cybersecurity	**375,511**	375,511

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Senate Authorized
Legacy contractor pensions	**101,668**	101,668
Total, Weapons activities	**16,056,000**	**16,056,000**
Adjustments		
Use of prior year balances	0	0
Total, Adjustments	**0**	**0**
Total, Weapons Activities	**15,602,000**	**15,602,000**
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Material management and minimization		
Conversion (formerly HEU Reactor Conversion)	170,000	170,000
Nuclear material removal	40,000	40,000
Material disposition	190,711	190,711
Laboratory and partnership support	0	0
Total, Material management & minimization	**400,711**	**400,711**
Global material security		0
International nuclear security	66,391	66,391
Domestic radiological security	101,000	101,000
International radiological security	73,340	73,340
Nuclear smuggling detection and deterrence	159,749	159,749
Total, Global material security	**400,480**	**400,480**
Nonproliferation and arms control	138,708	138,708
National Technical Nuclear Forensics R&D	40,000	40,000
Defense nuclear nonproliferation R&D		
Proliferation detection	235,220	235,220
Nonproliferation Stewardship program	59,900	59,900
Nuclear detonation detection	236,531	236,531
Nonproliferation fuels development	0	0
Total, Defense Nuclear Nonproliferation R&D	**531,651**	**531,651**
Nonproliferation construction		
U. S. Construction:		
18–D–150 Surplus Plutonium Disposition Project	148,589	148,589
99–D–143, Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	0	0
Total, U. S. Construction:	**148,589**	**148,589**
Total, Nonproliferation construction	**148,589**	**148,589**
Total, Defense Nuclear Nonproliferation Programs	**1,660,139**	**1,660,139**
Legacy contractor pensions	14,348	14,348
Nuclear counterterrorism and incident response program		
Emergency Operations	36,000	36,000
Counterterrorism and Counterproliferation	341,513	341,513
Total, Nuclear counterterrorism and incident response program	**377,513**	**377,513**
Subtotal, Defense Nuclear Nonproliferation	**2,052,000**	**2,052,000**
Adjustments		
Use of prior year balances	–21,000	–21,000
Total, Adjustments	**–21,000**	**–21,000**
Total, Defense Nuclear Nonproliferation	**2,031,000**	**2,031,000**
Naval Reactors		
Naval reactors development	590,306	590,306
Columbia-Class reactor systems development	64,700	64,700
S8G Prototype refueling	135,000	135,000
Naval reactors operations and infrastructure	506,294	506,294
Program direction	53,700	53,700
Construction:		
21–D–530 KL Steam and Condensate Upgrades	4,000	4,000
14–D–901, Spent fuel handling recapitalization project, NRF	330,000	330,000
Total, Construction	**334,000**	**334,000**
Transfer to NE—Advanced Test Reactor (non-add)	0	0
Total, Naval Reactors	**1,684,000**	**1,684,000**
TOTAL, National Nuclear Security Administration	**19,771,000**	**19,771,000**
Defense Environmental Cleanup		
Closure sites administration	4,987	4,987
Richland:		
River corridor and other cleanup operations	54,949	54,949
Central plateau remediation	498,335	498,335
Richland community and regulatory support	2,500	2,500
18–D–404 Modification of Waste Encapsulation and Storage Facility	0	0
Total, Richland	**555,784**	**555,784**
Office of River Protection:		
Waste Treatment Immobilization Plant Commissioning	50,000	50,000
Rad liquid tank waste stabilization and disposition	597,757	597,757
Construction:		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Senate Authorized
18–D–16 Waste treatment and immobilization plant—LBL/Direct feed LAW	609,924	609,924
15–D–409 Low activity waste pretreatment system, ORP	0	0
01–D–16 D, High-level waste facility	0	0
01–D–16 E, Pretreatment Facility	0	0
Total, Construction	**609,924**	**609,924**
ORP Low-level waste offsite disposal	0	0
Total, Office of River Protection	**1,257,681**	**1,257,681**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	257,554	257,554
ID Excess facilities R&D	0	0
Idaho community and regulatory support	2,400	2,400
Total, Idaho National Laboratory	**259,954**	**259,954**
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,764	1,764
LLNL Excess facilities R&D	0	0
Separations Process Research Unit	15,000	15,000
Nevada Test Site	60,737	60,737
Sandia National Laboratories	4,860	4,860
Los Alamos National Laboratory	120,000	220,000
Execute achievable scope of work		(100,000)
Total, NNSA sites and Nevada off-sites	**202,361**	**302,361**
Oak Ridge Reservation:		
OR Nuclear facility D & D	109,077	109,077
U233 Disposition Program	45,000	45,000
OR cleanup and waste disposition	58,000	58,000
Construction:		
17–D–401 On-site waste disposal facility	22,380	22,380
14–D–403 Outfall 200 Mercury Treatment Facility	20,500	20,500
Subtotal, Construction:	**42,880**	**42,880**
OR community & regulatory support	4,930	4,930
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	**262,887**	**262,887**
Savannah River Site:		
Savannah River risk management operations	455,122	455,122
SR community and regulatory support	4,989	4,989
Radioactive liquid tank waste:		
Construction:		
20-D–402 Advanced Manufacturing Collaborative Facility (AMC)	25,000	25,000
20-D–401 Saltstone Disposal Unit #10, 11, 12	0	0
19–D–701 SR Security system replacement	0	0
18–D–402,Saltstone disposal unit #8/9	65,500	65,500
17–D–402—Saltstone Disposal Unit #7	10,716	10,716
05–D–405 Salt waste processing facility, SRS	0	0
Total, Construction, Radioactive liquid tank waste	**101,216**	**101,216**
Radioactive liquid tank waste stabilization	970,332	970,332
Total, Savannah River Site	**1,531,659**	**1,531,659**
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	323,260	323,260
Construction:		
15–D–411 Safety significant confinement ventilation system, WIPP	0	0
15–D–412 Exhaust shaft, WIPP	50,000	50,000
21–D–401 Hoisting Capability Project	10,000	10,000
Total, Construction	**60,000**	**60,000**
Total, Waste Isolation Pilot Plant	**383,260**	**383,260**
Program direction—Defense Environment Cleanup	275,285	275,285
Program support—Defense Environment Cleanup	12,979	12,979
Safeguards and Security—Defense Environment Cleanup	320,771	320,771
Technology development and deployment	25,000	25,000
Use of prior year balances	0	0
Subtotal, Defense environmental cleanup	**5,092,608**	**5,192,608**
Rescission:		
Rescission of prior year balances	–109,000	–109,000
TOTAL, Defense Environmental Cleanup	**4,983,608**	**5,083,608**
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security mission support	134,320	134,320
Program direction	75,368	75,368
Total, Environment, health, safety and security	**209,688**	**209,688**
Independent enterprise assessments		
Enterprise assessments	26,949	26,949
Program direction—Office of Enterprise Assessments	54,635	54,635
Total, Office of Enterprise Assessments	**81,584**	**81,584**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Senate Authorized
Specialized security activities	258,411	258,411
Office of Legacy Management		
Legacy management activities—defense	293,873	143,873
Maintain current program administration		(–150,000)
Program direction	23,120	23,120
Total, Office of Legacy Management	**316,993**	**166,993**
Defense related administrative support	183,789	183,789
Office of hearings and appeals	4,262	4,262
Subtotal, Other defense activities	**1,054,727**	**904,727**
Use of prior year balances	0	0
Total, Other Defense Activities	**1,054,727**	**904,727**

DIVISION E—ADDITIONAL PROVISIONS

TITLE LI—PROCUREMENT

Subtitle B—Army Programs

SEC. 5111. REPORT ON CH–47F CHINOOK BLOCK–II UPGRADE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Army, shall submit to the congressional defense committees a report that includes the following elements:

(1) An analysis of the warfighting capability currently delivered by the Block I and Block II configurations of H–47 Chinook helicopters.

(2) An analysis of the feasibility and advisability of delaying or terminating the CH–47F Chinook Block-II upgrade.

(3) A plan to ensure that warfighter capability is not negatively affected by the delay or termination of the CH–47F Chinook Block-II upgrade.

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

Subtitle C—Navy Programs

SEC. 5121. LIMITATION ON ALTERATION OF NAVY FLEET MIX.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States shipbuilding and supporting vendor base constitute a national security imperative that is unique and must be protected;

(2) a healthy and efficient industrial base continues to be a fundamental driver for achieving and sustaining a successful shipbuilding procurement strategy;

(3) without consistent and continuous commitment to steady and predictable acquisition profiles, the industrial base will struggle and some elements may not survive; and

(4) proposed reductions in the future-years defense program to the DDG–51 Destroyer procurement profile without a clear transition to procurement of the next Large Surface Combatant would adversely affect the shipbuilding industrial base and long-term strategic objectives of the Navy.

(b) LIMITATION.—

(1) IN GENERAL.—The Secretary of the Navy may not deviate from the 2016 Navy Force Structure Assessment to implement the results of a new force structure assessment or new annual long-range plan for construction of naval vessels that would reduce the requirement for Large Surface Combatants to fewer than 104 such vessels until the date on which the Secretary of the Navy submits to the congressional defense committees the certification under paragraph (2) and the report under subsection (c).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification, in writing, that each of the following conditions have been satisfied:

(A) The large surface combatant shipbuilding industrial base and supporting vendor base would not significantly deteriorate due to a reduced procurement profile.

(B) The Navy can mitigate the reduction in anti-air and ballistic missile defense capabilities due to having a reduced number of DDG–51 Destroyers with the advanced AN/SPY–6 radar in the next three decades.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that includes—

(1) a description of likely detrimental impacts to the large surface combatant industrial base and the Navy's plan to mitigate any such impacts if the fiscal year 2021 future-years defense program were implemented as proposed;

(2) a review of the benefits to the Navy fleet of the new AN/SPY–6 radar to be deployed aboard Flight III variant DDG–51 Destroyers, which are currently under construction, as well as an analysis of impacts to the fleet's warfighting capabilities, should the number of such destroyers be reduced; and

(3) a plan to fully implement section 131 of the National Defense Authorization for Fiscal Year 2020 (Public Law 116–92), including subsystem prototyping efforts and funding by fiscal year.

TITLE LII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 5211. IMPORTANCE OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS.

(a) INCREASE.—Funds authorized to be appropriated in Research, Development, Test, and Evaluation, Defense-wide, PE 0601228D8Z, section 4201, for Basic Research, Historically Black Colleges and Universities/Minority Institutions, Line 006, are hereby increased by $14,025,000.

(b) OFFSET.—Funding in section 4101 for Other Procurement, Army, for Automated Data Processing Equipment, Line 112, is hereby reduced by $14,025,000.

Subtitle C—Sustainable Chemistry

SEC. 5221. NATIONAL COORDINATING ENTITY FOR SUSTAINABLE CHEMISTRY.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this title, the Director of the Office of Science and Technology Policy shall convene an interagency entity (referred to in this title as the ''Entity'') under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of sustainable chemistry, including those described in sections ___3 and ___4.

(b) COORDINATION WITH EXISTING GROUPS.—In convening the Entity, the Director of the Office of Science and Technology Policy shall consider overlap and possible coordination with existing committees, subcommittees, or other groups of the National Science and Technology Council, such as—

(1) the Committee on Environment;

(2) the Committee on Technology;

(3) the Committee on Science; or

(4) related groups or subcommittees.

(c) CO-CHAIRS.—The Entity shall be co-chaired by the Director of the Office of Science and Technology Policy and a representative from the Environmental Protection Agency, the National Institute of Standards and Technology, the National Science Foundation, or the Department of Energy, as selected by the Director of the Office of Science and Technology Policy.

(d) AGENCY PARTICIPATION.—The Entity shall include representatives, including subject matter experts, from the Environmental Protection Agency, the National Institute of Standards and Technology, the National Science Foundation, the Department of Energy, the Department of Agriculture, the Department of Defense, the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration, and other related Federal agencies, as appropriate.

(e) TERMINATION.—The Entity shall terminate on the date that is 10 years after the date of enactment of this title.

SEC. 5222. STRATEGIC PLAN FOR SUSTAINABLE CHEMISTRY.

(a) STRATEGIC PLAN.—Not later than 2 years after the date of enactment of this title, the Entity shall—

(1) consult with relevant stakeholders, including representatives from industry, academia, national labs, the Federal Government, and international entities, to develop and update, as needed, a consensus definition of ''sustainable chemistry'' to guide the activities under this title;

(2) develop a working framework of attributes characterizing and metrics for assessing sustainable chemistry, as described in subsection (b);

(3) assess the state of sustainable chemistry in the United States as a key benchmark from which progress under the activities described in this title can be measured, including assessing key sectors of the United States economy, key technology platforms, commercial priorities, and barriers to innovation;

(4) coordinate and support Federal research, development, demonstration, technology transfer, commercialization, education, and training efforts in sustainable chemistry, including budget coordination and support for public-private partnerships, as appropriate;

(5) identify any Federal regulatory barriers to, and opportunities for, Federal agencies facilitating the development of incentives for development, consideration and use of sustainable chemistry processes and products;

(6) identify major scientific challenges, roadblocks, or hurdles to transformational progress in improving the sustainability of the chemical sciences; and

(7) review, identify, and make effort to eliminate duplicative Federal funding and duplicative Federal research in sustainable chemistry.

(b) CHARACTERIZING AND ASSESSING SUSTAINABLE CHEMISTRY.—The Entity shall develop a working framework of attributes characterizing and metrics for assessing sustainable chemistry for the purposes of carrying out the title. In developing this framework, the Entity shall—

(1) seek advice and input from stakeholders as described in subsection (c);

(2) consider existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry already in use at Federal agencies;

(3) consider existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry already in use by international organizations of which the United States is a member, such as the Organisation for Economic Co-operation and Development; and

(4) consider any other appropriate existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry.

(c) CONSULTATION.—In carrying out the duties described in subsections (a) and (b), the Entity shall consult with stakeholders qualified to provide advice and information to guide Federal activities related to sustainable chemistry through workshops, requests for information, or other mechanisms as necessary. The stakeholders shall include representatives from—

(1) business and industry (including trade associations and small- and medium-sized enterprises from across the value chain);

(2) the scientific community (including the National Academies of Sciences, Engineering, and Medicine, scientific professional societies, national labs, and academia);

(3) the defense community;

(4) State, tribal, and local governments, including nonregulatory State or regional sustainable chemistry programs, as appropriate;

(5) nongovernmental organizations; and

(6) other appropriate organizations.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Entity shall submit a report to the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate, and the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives. In addition to the elements described in subsections (a) and (b), the report shall include—

(A) a summary of federally funded, sustainable chemistry research, development, demonstration, technology transfer, commercialization, education, and training activities;

(B) a summary of the financial resources allocated to sustainable chemistry initiatives by each participating agency;

(C) an assessment of the current state of sustainable chemistry in the United States, including the role that Federal agencies are playing in supporting it;

(D) an analysis of the progress made toward achieving the goals and priorities of this Act, and recommendations for future program activities;

(E) an evaluation of steps taken and future strategies to avoid duplication of efforts, streamline interagency coordination, facilitate information sharing, and spread best practices among participating agencies; and

(F) an evaluation of duplicative Federal funding and duplicative Federal research in sustainable chemistry, efforts undertaken by the Entity to eliminate duplicative funding and research, and recommendations on how to achieve these goals.

(2) SUBMISSION TO GAO.—The Entity shall also submit the report described in paragraph (1) to the Comptroller General of the United States for consideration in future Congressional inquiries.

(3) ADDITIONAL REPORTS.—The Entity shall submit a report to Congress and the Comptroller General of the United States that incorporates the information described in subparagraphs (A), (B), (D), (E), and (F) of paragraph (1) every 3 years, commencing after the initial report is submitted until the Entity terminates.

SEC. 5223. AGENCY ACTIVITIES IN SUPPORT OF SUSTAINABLE CHEMISTRY.

(a) IN GENERAL.—The agencies participating in the Entity shall carry out activities in support of sustainable chemistry, as appropriate to the specific mission and programs of each agency.

(b) ACTIVITIES.—The activities described in subsection (a) shall—

(1) incorporate sustainable chemistry into existing research, development, demonstration, technology transfer, commercialization, education, and training programs, that the agency determines to be relevant, including consideration of—

(A) merit-based competitive grants to individual investigators and teams of investigators, including, to the extent practicable, early career investigators for research and development;

(B) grants to fund collaborative research and development partnerships among universities, industry, and nonprofit organizations;

(C) coordination of sustainable chemistry research, development, demonstration, and technology transfer conducted at Federal laboratories and agencies;

(D) incentive prize competitions and challenges in coordination with such existing Federal agency programs; and

(E) grants, loans, and loan guarantees to aid in the technology transfer and commercialization of sustainable chemicals, materials, processes, and products;

(2) collect and disseminate information on sustainable chemistry research, development, technology transfer, and commercialization, including information on accomplishments and best practices;

(3) expand the education and training of students at appropriate levels of education, professional scientists and engineers, and other professionals involved in all aspects of sustainable chemistry and engineering appropriate to that level of education and training, including through—

(A) partnerships with industry as described in section ___4;

(B) support for the integration of sustainable chemistry principles into chemistry and chemical engineering curriculum and research training, as appropriate to that level of education and training; and

(C) support for integration of sustainable chemistry principles into existing or new professional development opportunities for professionals including teachers, faculty, and individuals involved in laboratory research (product development, materials specification and testing, life cycle analysis, and management);

(4) as relevant to an agency's programs, examine methods by which the Federal agencies, in collaboration and consultation with the National Institute of Standards and Technology, may facilitate the development or recognition of validated, standardized tools for performing sustainability assessments of chemistry processes or products;

(5) through programs identified by an agency, support (including through technical assistance, participation, financial support, communications tools, awards, or other forms of support) outreach and dissemination of sustainable chemistry advances such as non-Federal symposia, forums, conferences, and publications in collaboration with, as appropriate, industry, academia, scientific and professional societies, and other relevant groups;

(6) provide for public input and outreach to be integrated into the activities described in this section by the convening of public discussions, through mechanisms such as public meetings, consensus conferences, and educational events, as appropriate;

(7) within each agency, develop or adapt metrics to track the outputs and outcomes of the programs supported by that agency; and

(8) incentivize or recognize actions that advance sustainable chemistry products, processes, or initiatives, including through the establishment of a nationally recognized awards program through the Environmental Protection Agency to identify, publicize, and celebrate innovations in sustainable chemistry and chemical technologies.

(c) LIMITATIONS .—Financial support provided under this section shall—

(1) be available only for pre-competitive activities; and

(2) not be used to promote the sale of a specific product, process, or technology, or to disparage a specific product, process, or technology.

SEC. 5224. PARTNERSHIPS IN SUSTAINABLE CHEMISTRY.

(a) IN GENERAL.—The agencies participating in the Entity may facilitate and support, through financial, technical, or other assistance, the creation of partnerships between institutions of higher education, nongovernmental organizations, consortia, or companies across the value chain in the chemical industry, including small- and medium-sized enterprises, to—

(1) create collaborative sustainable chemistry research, development, demonstration, technology transfer, and commercialization programs; and

(2) train students and retrain professional scientists, engineers, and others involved in materials specification on the use of sustainable chemistry concepts and strategies by methods, including—

(A) developing or recognizing curricular materials and courses for undergraduate and graduate levels and for the professional development of scientists, engineers, and others involved in materials specification; and

(B) publicizing the availability of professional development courses in sustainable chemistry and recruiting professionals to pursue such courses.

(b) PRIVATE SECTOR PARTICIPATION.—To be eligible for support under this section, a partnership in sustainable chemistry shall include at least one private sector organization.

(c) SELECTION OF PARTNERSHIPS.—In selecting partnerships for support under this section, the agencies participating in the Entity shall also consider the extent to which the applicants are willing and able to demonstrate evidence of support for, and commitment to, the goals outlined in the strategic plan and report described in section ___2.

(d) PROHIBITED USE OF FUNDS.—Financial support provided under this section may not be used—

(1) to support or expand a regulatory chemical management program at an implementing agency under a State law;

(2) to construct or renovate a building or structure; or

(3) to promote the sale of a specific product, process, or technology, or to disparage a specific product, process, or technology.

SEC. 5225. PRIORITIZATION.

In carrying out this Act, the Entity shall focus its support for sustainable chemistry activities on those that achieve, to the highest extent practicable, the goals outlined in the title.

SEC. 5226. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to alter or amend any State law or action with regard to sustainable chemistry, as defined by the State.

SEC. 5227. MAJOR MULTI-USER RESEARCH FACILITY PROJECT.

Section 110 of the American Innovation and Competitiveness Act (42 U.S.C. 1862s–2) is amended by striking (g)(2) and inserting the following:

''(2) MAJOR MULTI-USER RESEARCH FACILITY PROJECT.—The term 'major multi-user research facility project' means a science and engineering facility project that exceeds $100,000,000 in total construction, acquisition, or upgrade costs to the Foundation.''.

Subtitle D—Cyber Workforce Matters

SEC. 5231. IMPROVING NATIONAL INITIATIVE FOR CYBERSECURITY EDUCATION.

(a) PROGRAM IMPROVEMENTS GENERALLY.—Subsection (a) of section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451) is amended—

(1) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (6) as paragraph (10); and

(3) by inserting after paragraph (5) the following:

''(6) supporting efforts to identify cybersecurity workforce skill gaps in public and private sectors;

''(7) facilitating Federal programs to advance cybersecurity education, training, and workforce;

''(8) in coordination with the Department of Defense and the Department of Homeland Security, considering any specific needs of the cybersecurity workforce of critical infrastructure, to include cyber physical systems and control systems;

''(9) advising the Director of the Office of Management and Budget, as needed in, developing metrics to measure the effectiveness and effect of programs and initiatives to advance the cybersecurity workforce; and''.

(b) STRATEGIC PLAN.—Subsection (c) of such section is amended—

(1) by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Director''; and

(2) by adding at the end the following:

''(2) REQUIREMENT.—The strategic plan developed and implemented under paragraph (1) shall include an indication of how the Director will carry out this section.''.

(c) CYBERSECURITY CAREER PATHWAYS.—

(1) IDENTIFICATION OF MULTIPLE CYBERSECURITY CAREER PATHWAYS.—In carrying out subsection (a) of such section and not later than 540 days after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Office of Personnel Management, use a consultative process with other Federal agencies, academia, and industry to identify multiple career pathways for cybersecurity work roles that can be used in the private and public sectors.

(2) REQUIREMENTS.—The Director shall ensure that the multiple cybersecurity career pathways identified under paragraph (1) indicate the knowledge, skills, and abilities, including relevant education, training, apprenticeships, certifications, and other experiences, that—

(A) align with employers' cybersecurity skill needs, including proficiency level requirements, for its workforce; and

(B) prepare an individual to be successful in entering or advancing in a cybersecurity career.

(3) EXCHANGE PROGRAM.—Consistent with requirements under chapter 37 of title 5, United States Code, the Director of the National Institute of Standards and Technology, in coordination with the Director of the Office of Personnel Management, may establish a voluntary program for the exchange of employees engaged in one of the cybersecurity work roles identified in the National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework (NIST Special Publication 800–181), or successor framework, between the National Institute of Standards and Technology and private sector institutions, including a nonpublic or commercial business, a research institution, or an institution of higher education, as the Director of the National Institute of Standards and Technology considers feasible.

(d) PROFICIENCY TO PERFORM CYBERSECURITY TASKS.—Not later than 540 days after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall, in coordination with the Secretary of Defense and the Secretary of Homeland Security—

(1) in carrying out subsection (a) of such section, assess the scope and sufficiency of efforts to measure a learner's capability to perform specific tasks found in the National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework (NIST Special Publication 800–181) at all proficiency levels; and

(2) submit to Congress a report—

(A) on the findings of the Director with respect to the assessment carried out under paragraph (1); and

(B) with recommendations for effective methods for measuring the cybersecurity proficiency of learners.

(e) CYBERSECURITY METRICS.—Such section is further amended by adding at the end the following:

''(e) CYBERSECURITY METRICS.—In carrying out subsection (a), the Director of the Office of Management and Budget may seek input from the Director of the National Institute of Standards and Technology, in coordination with the Department of Homeland Security, the Office of Personnel Management, and such agencies as the Director of the National Institute of Standards and Technology considers relevant, shall develop repeatable measures and reliable metrics for measuring and evaluating Federally funded cybersecurity workforce programs and initiatives based on the outcomes of such programs and initiatives.''.

(f) REGIONAL ALLIANCES AND MULTISTAKEHOLDER PARTNERSHIPS.—Such section is further amended by adding at the end the following:

''(f) REGIONAL ALLIANCES AND MULTISTAKEHOLDER PARTNERSHIPS.—

''(1) IN GENERAL.—Pursuant to section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)), the Director shall establish cooperative agreements between the National Initiative for Cybersecurity Education (NICE) of the Institute and regional alliances or partnerships for cybersecurity education and workforce.

''(2) AGREEMENTS.—The cooperative agreements established under paragraph (1) shall advance the goals of the National Initiative for Cybersecurity Education Cybersecurity Workforce Framework (NIST Special Publication 800–181), or successor framework, by facilitating local and regional partnerships—

''(A) to identify the workforce needs of the local economy and classify such workforce in accordance with such framework;

''(B) to identify the education, training, apprenticeship, and other opportunities available in the local economy; and

''(C) to support opportunities to meet the needs of the local economy.

''(3) FINANCIAL ASSISTANCE.—

''(A) FINANCIAL ASSISTANCE AUTHORIZED.—The Director may award financial assistance to a regional alliance or partnership with whom the Director enters into a cooperative agreement under paragraph (1) in order to assist the regional alliance or partnership in carrying out the term of the cooperative agreement.

''(B) AMOUNT OF ASSISTANCE.—The aggregate amount of financial assistance awarded under subparagraph (A) per cooperative agreement shall not exceed $200,000.

''(C) MATCHING REQUIREMENT.—The Director may not award financial assistance to a regional alliance or partnership under subparagraph (A) unless the regional alliance or partnership agrees that, with respect to the costs to be incurred by the regional alliance or partnership in carrying out the cooperative agreement for which the assistance was awarded, the regional alliance or partnership will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 50 percent of Federal funds provided under the award.

''(4) APPLICATION.—

''(A) IN GENERAL.—A regional alliance or partnership seeking to enter into a cooperative agreement under paragraph (1) and receive financial assistance under paragraph (3) shall submit to the Director an application therefore at such time, in such manner, and containing such information as the Director may require.

''(B) REQUIREMENTS.—Each application submitted under subparagraph (A) shall include the following:

''(i)(I) A plan to establish (or identification of, if it already exists) a multistakeholder workforce partnership that includes—

''(aa) at least one institution of higher education or nonprofit training organization; and

''(bb) at least one local employer or owner or operator of critical infrastructure.

''(II) Participation from Federal Cyber Scholarships for Service organizations, advanced technological education programs, elementary and secondary schools, training and certification providers, State and local governments, economic development organizations, or other community organizations is encouraged.

''(ii) A description of how the workforce partnership would identify the workforce needs of the local economy.

''(iii) A description of how the multistakeholder workforce partnership would leverage the programs and objectives of the National Initiative for Cybersecurity Education, such

as the Cybersecurity Workforce Framework and the strategic plan of such initiative.

''(iv) A description of how employers in the community will be recruited to support internships, externships, apprenticeships, or cooperative education programs in conjunction with providers of education and training. Inclusion of programs that seek to include women, minorities, or veterans is encouraged.

''(v) A definition of the metrics that will be used to measure the success of the efforts of the regional alliance or partnership under the agreement.

''(C) PRIORITY CONSIDERATION.—In awarding financial assistance under paragraph (3)(A), the Director shall give priority consideration to a regional alliance or partnership that includes an institution of higher education which receives an award under the Federal Cyber Scholarship for Service program located in the State or region of the regional alliance or partnership.

''(5) AUDITS.—Each cooperative agreement for which financial assistance is awarded under paragraph (3) shall be subject to audit requirements under part 200 of title 2, Code of Federal Regulations (relating to uniform administrative requirements, cost principles, and audit requirements for Federal awards), or successor regulation.

''(6) REPORTS.—

''(A) IN GENERAL.—Upon completion of a cooperative agreement under paragraph (1), the regional alliance or partnership that participated in the agreement shall submit to the Director a report on the activities of the regional alliance or partnership under the agreement, which may include training and education outcomes.

''(B) CONTENTS.—Each report submitted under subparagraph (A) by a regional alliance or partnership shall include the following:

''(i) An assessment of efforts made by the regional alliance or partnership to carry out paragraph (2).

''(ii) The metrics used by the regional alliance or partnership to measure the success of the efforts of the regional alliance or partnership under the cooperative agreement.''.

(g) TRANSFER OF SECTION.—

(1) TRANSFER.—Such section is transferred to the end of title III of such Act and redesignated as section 303.

(2) REPEAL.—Title IV of such Act is repealed.

(3) CLERICAL.—The table of contents in section 1(b) of such Act is amended—

(A) by striking the items relating to title IV and section 401; and

(B) by inserting after the item relating to section 302 the following:

''Sec. 303. National cybersecurity awareness and education program.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 302(3) of the Federal Cybersecurity Workforce Assessment Act of 2015 (Public Law 114–113) is amended by striking ''under section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451)'' and inserting ''under section 303 of the Cybersecurity Enhancement Act of 2014 (Public Law 113–274)''.

(B) Section 2(c)(3) of the NIST Small Business Cybersecurity Act (Public Law 115–236) is amended by striking ''under section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451)'' and inserting ''under section 303 of the Cybersecurity Enhancement Act of 2014 (Public Law 113–274)''.

(C) Section 302(f) of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442(f)) is amended by striking ''under section 401'' and inserting ''under section 303''.

SEC. 5232. DEVELOPMENT OF STANDARDS AND GUIDELINES FOR IMPROVING CYBERSECURITY WORKFORCE OF FEDERAL AGENCIES.

(a) IN GENERAL.—Section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)) is amended—

(1) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) identify and develop standards and guidelines for improving the cybersecurity workforce for an agency as part of the National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework (NIST Special Publication 800–181), or successor framework.''.

(b) PUBLICATION OF STANDARDS AND GUIDELINES ON CYBERSECURITY AWARENESS.—Not later than 3 years after the date of the enactment of this Act and pursuant to section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), the Director of the National Institute of Standards and Technology shall publish standards and guidelines for improving cybersecurity awareness of employees and contractors of Federal agencies.

SEC. 5233. MODIFICATIONS TO FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

Section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''information technology'' and inserting ''information technology and cybersecurity'';

(B) by amending paragraph (3) to read as follows:

''(3) prioritize the placement of scholarship recipients fulfilling the post-award employment obligation under this section to ensure that—

''(A) not less than 70 percent of such recipients are placed in an executive agency (as defined in section 105 of title 5, United States Code);

''(B) not more than 10 percent of such recipients are placed as educators in the field of cybersecurity at qualified institutions of higher education that provide scholarships under this section; and

''(C) not more than 20 percent of such recipients are placed in positions described in paragraphs (2) through (5) of subsection (d); and''; and

(C) in paragraph (4), in the matter preceding subparagraph (A), by inserting '', including by seeking to provide awards in coordination with other relevant agencies for summer cybersecurity camp or other experiences, including teacher training, in each of the 50 States,'' after ''cybersecurity education'';

(2) in subsection (d)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(6) as provided by subsection (b)(3)(B), a qualified institution of higher education.''; and

(3) in subsection (m)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''cyber'' and inserting ''cybersecurity''; and

(B) in paragraph (2), by striking ''cyber'' and inserting ''cybersecurity''.

SEC. 5234. MODIFICATIONS TO FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

Section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442) is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking ''; and'' and inserting a semicolon; and

(B) by striking paragraph (5) and inserting the following:

''(5) enter into an agreement accepting and acknowledging the post award employment obligations, pursuant to section (d);

''(6) accept and acknowledge the conditions of support under section (g); and

''(7) accept all terms and conditions of a scholarship under this section.'';

(2) in subsection (g)—

(A) in paragraph (1), by inserting ''the Office of Personnel Management, in coordination with the National Science Foundation, and'' before ''the qualified institution'';

(B) in paragraph (2)—

(i) in subparagraph (D), by striking ''; or'' and inserting a semicolon; and

(ii) by striking subparagraph (E) and inserting the following:

''(E) fails to maintain or fulfill any of the post-graduation or post-award obligations or requirements of the individual; or

''(F) fails to fulfill the requirements of paragraph (1).'';

(3) in subsection (h)(2), by inserting ''and the Director of the Office of Personnel Management'' after ''Foundation'';

(4) in subsection (k)(1)(A), by striking ''and the Director'' and all that follows and inserting '', the Director of the National Science Foundation, and the Director of the Office of Personnel Management of the amounts owed; and''; and

(5) in subsection (m)(2), by striking ''once every 3 years'' and all that follows and inserting ''once every 2 years, to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science, Space, and Technology and the Committee on Oversight and Reform of the House of Representatives a report, including—''

(A) ''the results of the evaluation under paragraph (1);''

(B) ''the disparity in any reporting between scholarship recipients and their respective institutions of higher education; and''

(C) ''any recent statistics regarding the size, composition, and educational requirements of the Federal cyber workforce.''

SEC. 5235. CYBERSECURITY IN PROGRAMS OF THE NATIONAL SCIENCE FOUNDATION.

(a) COMPUTER SCIENCE AND CYBERSECURITY EDUCATION RESEARCH.—Section 310 of the American Innovation and Competitiveness Act (42 U.S.C. 1862s–7) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''and cybersecurity'' after ''computer science''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) tools and models for the integration of cybersecurity and other interdisciplinary efforts into computer science education and computational thinking at secondary and postsecondary levels of education.''; and

(2) in subsection (c), by inserting '', cybersecurity,'' after ''computing''.

(b) SCIENTIFIC AND TECHNICAL EDUCATION.—Section 3(j)(9) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i(j)(9)) is amended by inserting ''and cybersecurity'' after ''computer science''.

(c) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d) of the American Competitiveness and Workforce Improvement Act of 1998 (42 U.S.C. 1869c) is amended—

(1) in paragraph (1), by striking ''or computer science'' and inserting ''computer science, or cybersecurity''; and

(2) in paragraph (2)(A)(iii), by inserting ''cybersecurity,'' after ''computer science,''.

(d) SCHOLARSHIPS AND GRADUATE FELLOWSHIPS.—The Director of the National Science Foundation shall ensure that students pursuing master's degrees and doctoral degrees in fields relating to cybersecurity are considered as applicants for scholarships and graduate fellowships under the Graduate Research Fellowship Program under section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869).

(e) PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE.—The Director of the National Science Foundation shall ensure that educators and mentors in fields relating to cybersecurity can be considered for—

(1) Presidential Awards for Excellence in Mathematics and Science Teaching made under section 117 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b); and

(2) Presidential Awards for Excellence in STEM Mentoring administered under section 307 of the American Innovation and Competitiveness Act (42 U.S.C. 1862s–6).

SEC. 5236. CYBERSECURITY IN STEM PROGRAMS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

In carrying out any STEM education program of the National Aeronautics and Space Administration (referred to in this section as ''NASA''), including a program of the Office of STEM Engagement, the Administrator of NASA shall, to the maximum extent practicable, encourage the inclusion of cybersecurity education opportunities in such program.

SEC. 5237. CYBERSECURITY IN DEPARTMENT OF TRANSPORTATION PROGRAMS.

(a) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—Section 5505 of title 49, United States Code, is amended—

(1) in subsection (a)(2)(C), by inserting ''in the matters described in subparagraphs (A) through (G) of section 6503(c)(1)'' after ''transportation leaders''; and

(2) in subsection (c)(3)(E)—

(A) by inserting '', including the cybersecurity implications of technologies relating to connected vehicles, connected infrastructure, and autonomous vehicles'' after ''autonomous vehicles''; and

(B) by striking ''The Secretary'' and inserting the following:

''(i) IN GENERAL.—A regional university transportation center receiving a grant under this paragraph shall carry out research focusing on 1 or more of the matters described in subparagraphs (A) through (G) of section 6503(c)(1).

''(ii) FOCUSED OBJECTIVES.—The Secretary''.

(b) TRANSPORTATION RESEARCH AND DEVELOPMENT 5-YEAR STRATEGIC PLAN.—Section 6503(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by inserting ''and'' after the semicolon at the end; and

(3) by adding at the end the following:

''(G) reducing transportation cybersecurity risks;''.

SEC. 5238. NATIONAL CYBERSECURITY CHALLENGES.

(a) IN GENERAL.—Title II of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7431 et seq.) is amended by adding at the end the following:

''SEC. 205. NATIONAL CYBERSECURITY CHALLENGES.

''(a) ESTABLISHMENT OF NATIONAL CYBERSECURITY CHALLENGES.—

''(1) IN GENERAL.—To achieve high-priority breakthroughs in cybersecurity by 2028, the Secretary of Commerce shall establish the following national cybersecurity challenges:

''(A) ECONOMICS OF A CYBER ATTACK.—Building more resilient systems that measurably and exponentially raise adversary costs of carrying out common cyber attacks.

''(B) CYBER TRAINING.—

''(i) Empowering the people of the United States with an appropriate and measurably sufficient level of digital literacy to make safe and secure decisions online.

''(ii) Developing a cybersecurity workforce with measurable skills to protect and maintain information systems.

''(C) EMERGING TECHNOLOGY.—Advancing cybersecurity efforts in response to emerging technology, such as artificial intelligence, quantum science, and next generation communications technologies.

''(D) REIMAGINING DIGITAL IDENTITY.—Maintaining a high sense of usability while improving the security and safety of online activity of individuals in the United States.

''(E) FEDERAL AGENCY RESILIENCE.—Reducing cybersecurity risks to Federal networks and systems, and improving the response of Federal agencies to cybersecurity incidents on such networks and systems.

''(2) COORDINATION.—In establishing the challenges under paragraph (1), the Secretary shall coordinate with the Secretary of Homeland Security on the challenges under subparagraphs (B) and (E) of such paragraph.

''(b) PURSUIT OF NATIONAL CYBERSECURITY CHALLENGES.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Under Secretary of Commerce for Standards and Technology, shall commence efforts to pursue the national cybersecurity challenges established under subsection (a).

''(2) COMPETITIONS.—The efforts required by paragraph (1) shall include carrying out programs to award prizes, including cash and noncash prizes, competitively pursuant to the authorities and processes established under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) or any other applicable provision of law.

''(3) ADDITIONAL AUTHORITIES.—In carrying out paragraph (1), the Secretary may enter into and perform such other transactions as the Secretary considers necessary and on such terms as the Secretary considers appropriate.

''(4) COORDINATION.—In pursuing national cybersecurity challenges under paragraph (1), the Secretary shall coordinate with the following:

''(A) The Director of the National Science Foundation.

''(B) The Secretary of Homeland Security.

''(C) The Director of the Defense Advanced Research Projects Agency.

''(D) The Director of the Office of Science and Technology Policy.

''(E) The Director of the Office of Management and Budget.

''(F) The Administrator of the General Services Administration.

''(G) The Federal Trade Commission.

''(H) The heads of such other Federal agencies as the Secretary of Commerce considers appropriate for purposes of this section.

''(5) SOLICITATION OF ACCEPTANCE OF FUNDS.—

''(A) IN GENERAL.—Pursuant to section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Secretary shall request and accept funds from other Federal agencies, State, United States territory, local, or tribal government agencies, private sector for-profit entities, and nonprofit entities to support efforts to pursue a national cybersecurity challenge under this section.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to require any person or entity to provide funds or otherwise participate in an effort or competition under this section.

''(c) RECOMMENDATIONS.—

''(1) IN GENERAL.—In carrying out this section, the Secretary of Commerce shall designate an advisory council to seek recommendations.

''(2) ELEMENTS.—The recommendations required by paragraph (1) shall include the following:

''(A) A scope for efforts carried out under subsection (b).

''(B) Metrics to assess submissions for prizes under competitions carried out under subsection (b) as the submissions pertain to the national cybersecurity challenges established under subsection (a).

''(3) NO ADDITIONAL COMPENSATION.—The Secretary may not provide any additional compensation, except for travel expenses, to a member of the advisory council designated under paragraph (1) for participation in the advisory council.''.

(b) CONFORMING AMENDMENTS.—Section 201(a)(1) of such Act is amended—

(1) in subparagraph (J), by striking ''; and'' and inserting a semicolon;

(2) by redesignating subparagraph (K) as subparagraph (L); and

(3) by inserting after subparagraph (J) the following:

''(K) implementation of section 205 through research and development on the topics identified under subsection (a) of such section; and''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 204 the following:

''Sec. 205. National Cybersecurity Challenges.''.

SEC. 5239. INTERNET OF THINGS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(3) STEERING COMMITTEE.—The term ''steering committee'' means the steering committee established under subsection (b)(5)(A).

(4) WORKING GROUP.—The term ''working group'' means the working group convened under subsection (b)(1).

(b) FEDERAL WORKING GROUP.—

(1) IN GENERAL.—The Secretary shall convene a working group of Federal stakeholders for the purpose of providing recommendations and a report to Congress relating to the aspects of the Internet of Things described in paragraph (2).

(2) DUTIES.—The working group shall—

(A) identify any Federal regulations, statutes, grant practices, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development or deployment of the Internet of Things;

(B) consider policies or programs that encourage and improve coordination among Federal agencies that have responsibilities that are relevant to the objectives of this section;

(C) consider any findings or recommendations made by the steering committee and, where appropriate, act to implement those recommendations;

(D) examine—

(i) how Federal agencies can benefit from utilizing the Internet of Things;

(ii) the use of Internet of Things technology by Federal agencies as of the date on which the working group performs the examination;

(iii) the preparedness and ability of Federal agencies to adopt Internet of Things

technology as of the date on which the working group performs the examination and in the future; and

(iv) any additional security measures that Federal agencies may need to take to—

(I) safely and securely use the Internet of Things, including measures that ensure the security of critical infrastructure; and

(II) enhance the resiliency of Federal systems against cyber threats to the Internet of Things; and

(E) in carrying out the examinations required under subclauses (I) and (II) of subparagraph (D)(iv), ensure to the maximum extent possible the coordination of the current and future activities of the Federal Government relating to security with respect to the Internet of Things.

(3) AGENCY REPRESENTATIVES.—In convening the working group under paragraph (1), the Secretary shall have discretion to appoint representatives from Federal agencies and departments as appropriate and shall specifically consider seeking representation from—

(A) the Department of Commerce, including—

(i) the National Telecommunications and Information Administration;

(ii) the National Institute of Standards and Technology; and

(iii) the National Oceanic and Atmospheric Administration;

(B) the Department of Transportation;

(C) the Department of Homeland Security;

(D) the Office of Management and Budget;

(E) the National Science Foundation;

(F) the Commission;

(G) the Federal Trade Commission;

(H) the Office of Science and Technology Policy;

(I) the Department of Energy; and

(J) the Federal Energy Regulatory Commission.

(4) NONGOVERNMENTAL STAKEHOLDERS.—The working group shall consult with nongovernmental stakeholders with expertise relating to the Internet of Things, including—

(A) the steering committee;

(B) information and communications technology manufacturers, suppliers, service providers, and vendors;

(C) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;

(D) small, medium, and large businesses;

(E) think tanks and academia;

(F) nonprofit organizations and consumer groups;

(G) security experts;

(H) rural stakeholders; and

(I) other stakeholders with relevant expertise, as determined by the Secretary.

(5) STEERING COMMITTEE.—

(A) ESTABLISHMENT.—There is established within the Department of Commerce a steering committee to advise the working group.

(B) DUTIES.—The steering committee shall advise the working group with respect to—

(i) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(ii) situations in which the use of the Internet of Things is likely to deliver significant and scalable economic and societal benefits to the United States, including benefits from or to—

(I) smart traffic and transit technologies;

(II) augmented logistics and supply chains;

(III) sustainable infrastructure;

(IV) precision agriculture;

(V) environmental monitoring;

(VI) public safety; and

(VII) health care;

(iii) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum needed in the future;

(iv) policies, programs, or multi-stakeholder activities that—

(I) promote or are related to the privacy of individuals who use or are affected by the Internet of Things;

(II) may enhance the security of the Internet of Things, including the security of critical infrastructure;

(III) may protect users of the Internet of Things; and

(IV) may encourage coordination among Federal agencies with jurisdiction over the Internet of Things;

(v) the opportunities and challenges associated with the use of Internet of Things technology by small businesses; and

(vi) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(C) MEMBERSHIP.—The Secretary shall appoint to the steering committee members representing a wide range of stakeholders outside of the Federal Government with expertise relating to the Internet of Things, including—

(i) information and communications technology manufacturers, suppliers, service providers, and vendors;

(ii) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;

(iii) small, medium, and large businesses;

(iv) think tanks and academia;

(v) nonprofit organizations and consumer groups;

(vi) security experts;

(vii) rural stakeholders; and

(viii) other stakeholders with relevant expertise, as determined by the Secretary.

(D) REPORT.—Not later than 1 year after the date of enactment of this Act, the steering committee shall submit to the working group a report that includes any findings or recommendations of the steering committee.

(E) INDEPENDENT ADVICE.—

(i) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under subparagraph (B).

(ii) SUGGESTIONS.—The working group may suggest topics or items for the steering committee to study, and the steering committee shall take those suggestions into consideration in carrying out the duties of the steering committee.

(iii) REPORT.—The steering committee shall ensure that the report submitted under subparagraph (D) is the result of the independent judgment of the steering committee.

(F) NO COMPENSATION FOR MEMBERS.—A member of the steering committee shall serve without compensation.

(G) TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under paragraph (6).

(6) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

(i) the findings and recommendations of the working group with respect to the duties of the working group under paragraph (2);

(ii) the report submitted by the steering committee under paragraph (5)(D), as the report was received by the working group;

(iii) recommendations for action or reasons for inaction, as applicable, with respect to each recommendation made by the steering committee in the report submitted under paragraph (5)(D); and

(iv) an accounting of any progress made by Federal agencies to implement recommendations made by the working group or the steering committee.

(B) COPY OF REPORT.—The working group shall submit a copy of the report described in subparagraph (A) to—

(i) the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Energy and Commerce of the House of Representatives; and

(iii) any other committee of Congress, upon request to the working group.

(c) ASSESSING SPECTRUM NEEDS.—

(1) IN GENERAL.—The Commission, in consultation with the National Telecommunications and Information Administration, shall issue a notice of inquiry seeking public comment on the current, as of the date of enactment of this Act, and future spectrum needs to enable better connectivity relating to the Internet of Things.

(2) REQUIREMENTS.—In issuing the notice of inquiry under paragraph (1), the Commission shall seek comments that consider and evaluate—

(A) whether adequate spectrum is available, or is planned for allocation, for commercial wireless services that could support the growing Internet of Things;

(B) if adequate spectrum is not available for the purposes described in subparagraph (A), how to ensure that adequate spectrum is available for increased demand with respect to the Internet of Things;

(C) what regulatory barriers may exist to providing any needed spectrum that would support uses relating to the Internet of Things; and

(D) what the role of unlicensed and licensed spectrum is and will be in the growth of the Internet of Things.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the comments submitted in response to the notice of inquiry issued under paragraph (1).

Subtitle E—Plans, Reports, and Other Matters

SEC. 5241. REPORT ON DEPARTMENT OF DEFENSE STRATEGY ON ARTIFICIAL INTELLIGENCE STANDARDS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the role of the Department of Defense in the development of artificial intelligence standards.

(b) CONTENTS.—The report required by subsection (a) shall include an assessment of each of the following:

(1) The need for the Department of Defense to develop an artificial intelligence standards strategy.

(2) Any efforts to date on the development of such a strategy.

(3) The ways in which an artificial intelligence standards strategy will improve the national security.

(4) How the Secretary intends to collaborate with—

(A) the Director of the National Institute of Standards and Technology;

(B) the Secretary of Homeland Security;

(C) the intelligence community;

(D) the Secretary of State;

(E) representatives of private industry, specifically representatives of the defense industrial base; and

(F) representatives of any other agencies, entities, organizations, or persons the Secretary considers appropriate.

SEC. 5242. STUDY ON ESTABLISHMENT OF ENERGETICS PROGRAM OFFICE.

The Under Secretary of Defense for Research and Engineering shall conduct a study to assess the feasibility and advisability of establishing a program office to coordinate energetics research and to ensure a robust and sustained energetics material enterprise.

SEC. 5243. DEEPFAKE REPORT.

(a) DEFINITIONS.—In this section:

(1) DIGITAL CONTENT FORGERY.—The term ''digital content forgery'' means the use of emerging technologies, including artificial intelligence and machine learning techniques, to fabricate or manipulate audio, visual, or text content with the intent to mislead.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) REPORTS ON DIGITAL CONTENT FORGERY TECHNOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary, acting through the Under Secretary for Science and Technology, shall produce a report on the state of digital content forgery technology.

(2) CONTENTS.—Each report produced under paragraph (1) shall include—

(A) an assessment of the underlying technologies used to create or propagate digital content forgeries, including the evolution of such technologies;

(B) a description of the types of digital content forgeries, including those used to commit fraud, cause harm, or violate civil rights recognized under Federal law;

(C) an assessment of how foreign governments, and the proxies and networks thereof, use, or could use, digital content forgeries to harm national security;

(D) an assessment of how non-governmental entities in the United States use, or could use, digital content forgeries;

(E) an assessment of the uses, applications, dangers, and benefits of deep learning technologies used to generate high fidelity artificial content of events that did not occur, including the impact on individuals;

(F) an analysis of the methods used to determine whether content is genuinely created by a human or through digital content forgery technology and an assessment of any effective heuristics used to make such a determination, as well as recommendations on how to identify and address suspect content and elements to provide warnings to users of the content;

(G) a description of the technological counter-measures that are, or could be, used to address concerns with digital content forgery technology; and

(H) any additional information the Secretary determines appropriate.

(3) CONSULTATION AND PUBLIC HEARINGS.—In producing each report required under paragraph (1), the Secretary may—

(A) consult with any other agency of the Federal Government that the Secretary considers necessary; and

(B) conduct public hearings to gather, or otherwise allow interested parties an opportunity to present, information and advice relevant to the production of the report.

(4) FORM OF REPORT.—Each report required under paragraph (1) shall be produced in unclassified form, but may contain a classified annex.

(5) APPLICABILITY OF FOIA.—Nothing in this section, or in a report produced under this section, shall be construed to allow the disclosure of information or a record that is exempt from public disclosure under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(6) APPLICABILITY OF THE PAPERWORK REDUCTION ACT.—Subchapter I of chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act''), shall not apply to this section.

SEC. 5244. CISA DIRECTOR.

Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5313, by inserting after the item relating to ''Administrator of the Transportation Security Administration'' the following:

''Director, Cybersecurity and Infrastructure Security Agency.''; and

(2) in section 5314, by striking the item relating to ''Director, Cybersecurity and Infrastructure Security Agency.''.

SEC. 5245. AGENCY REVIEW.

(a) REQUIREMENT OF COMPREHENSIVE REVIEW.—In order to strengthen the Cybersecurity and Infrastructure Security Agency, the Secretary of Homeland Security shall conduct a comprehensive review of the ability of the Cybersecurity and Infrastructure Security Agency to fulfill—

(1) the missions of the Cybersecurity and Infrastructure Security Agency; and

(2) the recommendations detailed in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include the following elements:

(1) An assessment of how additional budget resources could be used by the Cybersecurity and Infrastructure Security Agency for projects and programs that—

(A) support the national risk management mission;

(B) support public and private-sector cybersecurity;

(C) promote public-private integration; and

(D) provide situational awareness of cybersecurity threats.

(2) A comprehensive force structure assessment of the Cybersecurity and Infrastructure Security Agency including—

(A) a determination of the appropriate size and composition of personnel to accomplish the mission of the Cybersecurity and Infrastructure Security Agency, as well as the recommendations detailed in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232);

(B) an assessment of whether existing personnel are appropriately matched to the prioritization of threats in the cyber domain and risks in critical infrastructure;

(C) an assessment of whether the Cybersecurity and Infrastructure Security Agency has the appropriate personnel and resources to—

(i) perform risk assessments, threat hunting, incident response to support both private and public cybersecurity;

(ii) carry out the responsibilities of the Cybersecurity and Infrastructure Security Agency related to the security of Federal information and Federal information systems; and

(iii) carry out the critical infrastructure responsibilities of the Cybersecurity and Infrastructure Security Agency, including national risk management; and

(D) an assessment of whether current structure, personnel, and resources of regional field offices are sufficient in fulfilling agency responsibilities and mission requirements.

(c) SUBMISSION OF REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress detailing the results of the assessments required under subsection (b), including recommendations to address any identified gaps.

SEC. 5246. GENERAL SERVICES ADMINISTRATION REVIEW.

(a) REVIEW.—The Administrator of the General Services Administration shall—

(1) conduct a review of current Cybersecurity and Infrastructure Security Agency facilities and assess the suitability of such facilities to fully support current and projected mission requirements nationally and regionally; and

(2) make recommendations regarding resources needed to procure or build a new facility or augment existing facilities to ensure sufficient size and accommodations to fully support current and projected mission requirements, including the integration of personnel from the private sector and other departments and agencies.

(b) SUBMISSION OF REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the General Services Administration shall submit the review required under subsection (a) to—

(1) the President;

(2) the Secretary of Homeland Security; and

(3) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

TITLE LIII—OPERATION AND MAINTENANCE

Subtitle C—Logistics and Sustainment

SEC. 5331. USE OF COST SAVINGS REALIZED FROM INTERGOVERNMENTAL SERVICES AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.

(a) REQUIREMENT.—Section 2679 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

''(d) USE OF COST SAVINGS REALIZED.—(1) With respect to a fiscal year in which cost savings are realized as a result of entering into an intergovernmental support agreement under this section for a military installation, the Secretary concerned shall make not less than 25 percent of the amount of such savings available for use by the commander of the installation solely for sustainment restoration and modernization requirements that have been approved by the major subordinate command or equivalent component.

''(2) Not less frequently than annually, the Secretary concerned shall certify to the congressional defense committee the amount of the cost savings achieved, the source and type of intergovernmental support agreement that achieved the savings, and the manner in which those savings were deployed, disaggregated by installation.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2021 and each subsequent fiscal year.

Subtitle D—Reports

SEC. 5351. REPORT ON NON-PERMISSIVE, GLOBAL POSITIONING SYSTEM DENIED AIRFIELD CAPABILITIES.

(a) IN GENERAL.—Not later than February 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report assessing the ability of each combatant command to conduct all-weather, day-

night airfield operations in a non-permissive, global positioning system denied environment.

(b) ELEMENTS.—The report required under subsection (a) shall include, at a minimum, the following:

(1) An assessment of current air traffic control and landing systems at existing airfields and contingency airfields.

(2) An assessment of the ability of each combatant command to conduct all-weather, day-night airfield flight operations in a non-permissive, global positioning system denied environment at existing and contingency airfields, including aircraft tracking and precision landing.

(3) An assessment of the ability of each combatant command to rapidly set up and conduct operations at alternate airfields, including the ability to receive and deploy forces in a non-permissive, global positioning system denied environment.

(4) A list of backup systems in place or prepositioned to be able to reconstitute operations after an attack.

Subtitle E—Other Matters

SEC. 5371. INCREASE OF AMOUNTS AVAILABLE TO MARINE CORPS FOR BASE OPERATIONS AND SUPPORT.

(a) INCREASE OF BASE OPERATIONS AND SUPPORT.—The amount authorized to be appropriated for fiscal year 2021 for operation and maintenance for the Marine Corps, is hereby increased by $47,600,000, with the amount of the increase to be available for base operations and support (SAG BSS1).

(b) OFFSETS.—

(1) OPERATION AND MAINTENANCE.—The amount authorized to be appropriated for fiscal year 2021 for operation and maintenance for the Marine Corps, is hereby reduced by $4,700,000, with the amount of the reduction to be derived from SAG 1A1A.

(2) MODIFICATION KIT PROCUREMENT.—The amount authorized to be appropriated for fiscal year 2021 for procurement for the Marine Corps, is hereby reduced by $3,100,000, with the amount of the reduction to be derived from Line 7, Modification Kits.

(3) DIRECT SUPPORT MUNITION PROCUREMENT.—The amount authorized to be appropriated for fiscal year 2021 for procurement and ammunition for the Marine Corps, is hereby reduced by $39,800,000, with the amount of the reduction to be derived from Line 17, Direct Support Munitions.

SEC. 5372. MODERNIZATION OF CONGRESSIONAL REPORTS PROCESS.

(a) INCREASE IN O&M, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated for fiscal year 2021 by section 301 is hereby increased by $2,000,000, with the amount of the increase to be available for operation and maintenance, Defense-wide activities, for SAG 4GTN Office of the Secretary of Defense for modernization of the congressional reports process.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2021 by section 301 is hereby decreased by $2,000,000, with the amount of the decrease to be applied against amounts available for operation and maintenance, Army, for SAG 421 for Servicewide Transportation for historical underexecution.

TITLE LV—MILITARY PERSONNEL POLICY

Subtitle C—General Service Authorities

SEC. 5516. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPTROLLER GENERAL OF THE UNITED STATES ON RECRUITMENT AND RETENTION OF FEMALE MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to implement and accomplish the recommendations for the Department of Defense in keeping with the May 2020 report of the Government Accountability Office titled ''Female Active-Duty Personnel: Guidance and Plans Needed for Recruitment and Retention Efforts'', namely the recommendations as follows:

(1) The Secretary of Defense must ensure that the Under Secretary of Defense for Personnel and Readiness provides guidance to each of the Armed Forces to develop plans, with clearly defined goals, performance measures, and timeframes, to guide and monitor the efforts in connection with the recruitment and retention of female members.

(2) Each Secretary of a military department must develop a plan, with clearly defined goals, performance measures, and timeframes, to guide and monitor the efforts of each Armed Force under the jurisdiction of such Secretary in connection with the recruitment and retention of female members in such Armed Force.

Subtitle F—Decorations and Awards

SEC. 5551. REPORT ON REGULATIONS AND PROCEDURES TO IMPLEMENT PROGRAMS ON AWARD OF MEDALS OR COMMENDATIONS TO HANDLERS OF MILITARY WORKING DOGS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the regulations and other procedures prescribed by the Secretaries of the military departments in order to implement and carry out the programs of the military departments on the award of medals or other commendations to handlers of military working dogs required by section 582 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1787; 10 U.S.C. 1121 note prec.).

Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

PART II—MILITARY FAMILY READINESS MATTERS

SEC. 5571. INDEPENDENT STUDY AND REPORT ON MILITARY SPOUSE UNDEREMPLOYMENT.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a Federally funded research and development center to conduct a study on underemployment among military spouses. The study shall consider, at a minimum, the following:

(1) The prevalence of unemployment and underemployment among military spouses, including differences by Armed Force, region, State, education level, and income level.

(2) The causes of unemployment and underemployment among military spouses.

(3) The differences in unemployment and underemployment between military spouses and civilians.

(4) Barriers to small business ownership and entrepreneurship faced by military spouses.

(b) SUBMITTAL TO DoD.—Not later than 240 days after the date of the enactment of this Act, the Federally funded research and development center with which the Secretary contracts pursuant to subsection (a) shall submit to the Secretary a report containing the results of the study conducted pursuant to that subsection.

(c) TRANSMITTAL TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall transmit to the appropriate committees of Congress the report under subsection (b), without change.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means the following—

(1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, the Committee on Small Business and Entrepreneurship, and Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Education and Labor, the Committee on Small Business, and Committee on Appropriations of the House of Representatives.

Subtitle H—Other Matters

SEC. 5586. QUESTIONS REGARDING RACISM, ANTI-SEMITISM, AND SUPREMACISM IN WORKPLACE SURVEYS ADMINISTERED BY THE SECRETARY OF DEFENSE.

Section 593 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by inserting ''(a) QUESTIONS REQUIRED.—'' before ''The Secretary'';

(2) in paragraph (1), by inserting '', racist, anti-Semitic, or supremacist'' after ''extremist''; and

(3) by adding at the end the following new subsection:

''(b) REPORT.—Not later than March 1, 2021, the Secretary shall submit to Congress a report including—

''(1) the text of the questions included in surveys under subsection (a); and

''(2) which surveys include such questions.''.

SEC. 5587. BRIEFING ON THE IMPLEMENTATION OF REQUIREMENTS ON CONNECTIONS OF RETIRING AND SEPARATING MEMBERS OF THE ARMED FORCES WITH COMMUNITY-BASED ORGANIZATIONS AND RELATED ENTITIES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall brief Congress on the current status of the implementation of the requirements of section 570F of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1401; 10 U.S.C. 1142 note), relating to connections of retiring and separating members of the Armed Forces with community-based organizations and related entities.

SEC. 5590. PILOT PROGRAMS ON REMOTE PROVISION BY NATIONAL GUARD TO STATE GOVERNMENTS AND NATIONAL GUARDS OF OTHER STATES OF CYBERSECURITY TECHNICAL ASSISTANCE IN TRAINING, PREPARATION, AND RESPONSE TO CYBER INCIDENTS.

(a) INEFFECTIVENESS OF SECTION 590.—Section 590 shall have no force or effect.

(b) PILOT PROGRAMS AUTHORIZED.—The Secretary of the Army and the Secretary of the Air Force may each, in coordination with the Secretary of Homeland Security and in consultation with the Chief of the National Guard Bureau, conduct a pilot program to assess the feasibility and advisability of the development of a capability within the National Guard through which a National Guard of a State remotely provides State governments and National Guards of other States (whether or not in the same Armed Force as the providing National Guard) with cybersecurity technical assistance in training, preparation, and response to cyber incidents. If such Secretary elects to conduct such a pilot program, such Secretary shall be known as an ''administering Secretary'' for purposes of this section, and any reference in this section to ''the pilot program'' shall be treated as a reference to the pilot program conducted by such Secretary.

(c) ASSESSMENT PRIOR TO COMMENCEMENT.—For purposes of evaluating existing

platforms, technologies, and capabilities under subsection (d), and for establishing eligibility and participation requirements under subsection (d), for purposes of the pilot program, an administering Secretary, in consultation with the Chief of the National Guard Bureau, shall, prior to commencing the pilot program—

(1) conduct an assessment of—

(A) existing cyber response capacities of the Army National Guard or Air National Guard, as applicable, in each State; and

(B) any existing platform, technology, or capability of a National Guard that provides the capability described in subsection (b); and

(2) determine whether a platform, technology, or capability described in paragraph (1)(B) is suitable for expansion for purposes of the pilot program.

(d) ELEMENTS.—A pilot program under subsection (b) shall include the following:

(1) A technical capability that enables the National Guard of a State to remotely provide cybersecurity technical assistance to State governments and National Guards of other States, without the need to deploy outside its home State.

(2) Policies, processes, procedures, and authorities for use of such a capability, including with respect to the following:

(A) The roles and responsibilities of both requesting and deploying State governments and National Guards with respect to such technical assistance, taking into account the matters specified in subsection (g).

(B) Necessary updates to the Defense Cyber Incident Coordinating Procedure, or any other applicable Department of Defense instruction, for purposes of implementing the capability.

(C) Program management and governance structures for deployment and maintenance of the capability.

(D) Security when performing remote support, including such in matters such as authentication and remote sensing.

(3) The conduct, in coordination with the Chief of the National Guard Bureau and the Secretary of Homeland Security and in consultation with the Director of the Federal Bureau of Investigation, other Federal agencies, and appropriate non-Federal entities, of at least one exercise to demonstrate the capability, which exercise shall include the following:

(A) Participation of not fewer than two State governments and their National Guards.

(B) Circumstances designed to test and validate the policies, processes, procedures, and authorities developed pursuant to paragraph (2).

(C) An after action review of the exercise.

(e) USE OF EXISTING TECHNOLOGY.—An administering Secretary may use an existing platform, technology, or capability to provide the capability described in subsection (b) under the pilot program.

(f) ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau, establish requirements with respect to eligibility and participation of State governments and their National Guards in the pilot program.

(g) CONSTRUCTION WITH CERTAIN CURRENT AUTHORITIES.—

(1) COMMAND AUTHORITIES.—Nothing in a pilot program under subsection (b) may be construed as affecting or altering the command authorities otherwise applicable to any unit of the National Guard unit participating in the pilot program.

(2) EMERGENCY MANAGEMENT ASSISTANCE COMPACT.—Nothing in a pilot program may be construed as affecting or altering any current agreement under the Emergency Management Assistance Compact, or any other State agreements, or as determinative of the future content of any such agreement.

(h) EVALUATION METRICS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau and the Secretary of Homeland Security, establish metrics to evaluate the effectiveness of the pilot program.

(i) TERM.—A pilot program under subsection (b) shall terminate on the date that is three years after the date of the commencement of the pilot program.

(j) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the commencement of the pilot program, the administering Secretary, in coordination with the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report setting forth a description of the pilot program and such other matters in connection with the pilot program as the Secretary considers appropriate.

(2) FINAL REPORT.—Not later than 180 days after the termination of the pilot program, the administering Secretary, in coordination with the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report on the pilot program. The report shall include the following:

(A) A description of the pilot program, including any partnerships entered into by the Chief of the National Guard Bureau under the pilot program.

(B) A summary of the assessment performed prior to the commencement of the pilot program in accordance with subsection (c).

(C) A summary of the evaluation metrics established in accordance with subsection (h).

(D) An assessment of the effectiveness of the pilot program, and of the capability described in subsection (b) under the pilot program.

(E) A description of costs associated with the implementation and conduct of the pilot program.

(F) A recommendation as to the termination or extension of the pilot program, or the making of the pilot program permanent with an expansion nationwide.

(G) An estimate of the costs of making the pilot program permanent and expanding it nationwide in accordance with the recommendation in subparagraph (F).

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(k) STATE DEFINED.—In this section, the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE LVII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Provisions

SEC. 5707. PILOT PROGRAM ON RECEIPT OF NON-GENERIC PRESCRIPTION MAINTENANCE MEDICATIONS UNDER TRICARE PHARMACY BENEFITS PROGRAM.

The reference in section 707(c) to section 1074g(a)(9)(C)(i) of title 10, United States Code, is deemed to be a reference to section 1074g(a)(9)(C)(ii) of title 10, United States Code.

Subtitle B—Health Care Administration

SEC. 5723. AUTHORITY OF SECRETARY OF DEFENSE TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES FOR PURPOSES OF PROVISION OF HEALTH CARE.

Section 723 and the amendments made by that section shall have no force or effect.

Subtitle C—Reports and Other Matters

SEC. 5741. STUDY AND REPORT ON SURGE CAPACITY OF DEPARTMENT OF DEFENSE TO ESTABLISH NEGATIVE AIR ROOM CONTAINMENT SYSTEMS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) STUDY.—The Director of the Defense Health Agency shall conduct a study on the use, scalability, and military requirements for commercial off the shelf negative air pressure room containment systems in order to improve pandemic preparedness at military medical treatment facilities worldwide, to include an assessment of whether such systems would improve the readiness of the Department of Defense to expand capability and capacity to evaluate and treat patients at such facilities during a pandemic.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Health Agency shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the study conducted under subsection (a).

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

Subtitle A—Industrial Base Matters

SEC. 5801. REPORT ON USE OF DOMESTIC NONAVAILABILITY DETERMINATIONS.

Not later than September 30, 2021, and annually thereafter, the Secretary of Defense shall submit a report to congressional defense committees—

(1) describing in detail the use of any waiver or exception to the requirements of section 2533a of title 10, United States Code, relating to domestic nonavailability determinations;

(2) providing reasoning for the use of each such waiver or exception; and

(3) providing an assessment of the impact on the use of such waivers or exceptions due to the COVID–19 pandemic and associated challenges with investments in domestic sources.

SEC. 5802. REPORT ON THE EFFECT OF THE DEFENSE MANUFACTURING COMMUNITIES SUPPORT PROGRAM ON THE DEFENSE SUPPLY CHAIN.

Not later than September 30, 2021, the Secretary of Defense shall submit to Congress a report evaluating the effect of the Defense Manufacturing Communities Support Program on the defense supply chain. The evaluation should consider the program's effect on—

(1) the diversification of the supply chain;

(2) procurement costs; and

(3) efficient procurement processes.

SEC. 5803. IMPROVING IMPLEMENTATION OF POLICY PERTAINING TO THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

Section 803(d)(2) is deemed amended as follows:

(1) Subparagraph (A) of such section is deemed to read as follows:

''(A) analysis of the national security impacts, cost, and benefits to the United States and allies of the inclusion of such additional member nation in the national technology and industrial base, including criticality to program and mission accomplishment;''.

(2) In the stem of subparagraph (B) of such section, ''costs,'' is deemed to be read ''impacts, costs,''.

(3) In clause (ii) of subparagraph (B) of such section ''base;'' is deemed to read ''base, including costs to reconstitute capability should such capability be lost to competition;''.

SEC. 5808. ADDITIONAL REQUIREMENTS PERTAINING TO PRINTED CIRCUIT BOARDS.

Section 808 is deemed to include at the end the following:

''(h) SENSE OF CONGRESS ON MITIGATING RISKS OF RELIANCE ON CERTAIN SOURCES OF SUPPLY AND MANUFACTURING FOR PRINTED CIRCUIT BOARDS.—It is the sense of Congress that—

''(1) the Department of Defense must take steps to reduce and mitigate risks of reliance on certain sources of supply and manufacturing for printed circuit boards; and

''(2) the provisions of this section are intended to augment, rather than reduce or supersede, current efforts to reduce and mitigate such risks.''.

SEC. 5812. MISCELLANEOUS LIMITATIONS ON THE PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS.

Notwithstanding the amendments made by section 812—

(1) the subparagraph (A) proposed to be included in subsection (a)(2) of section 2534 of title 10, United States Code, shall not be included;

(2) subsection (b) of such section is deemed to read as follows:

''(b) MANUFACTURER IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—A manufacturer meets the requirements of this subsection if the manufacturer is part of the national technology and industrial base.''; and

(3) the amendment to subsection (h) of such section is deemed to insert the following: ''subsection (a)(2)''.

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

SEC. 5841. WAIVERS OF CERTAIN CONDITIONS FOR PROGRESS PAYMENTS UNDER CERTAIN CONTRACTS DURING THE COVID–19 NATIONAL EMERGENCY.

During the national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (commonly referred to as ''COVID–19''), the Secretary of Defense may waive section 2307(e)(2) of title 10, United States Code, with respect to progress payments for any undefinitized contract.

Subtitle E—Small Business Matters

SEC. 5871. OFFICE OF SMALL BUSINESS AND DISADVANTAGED BUSINESS UTILIZATION.

Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended, in the matter preceding paragraph (1)—

(1) by inserting after the first sentence the following: ''If the Government Accountability Office has determined that a Federal agency is not in compliance with all of the requirements under this subsection, the Federal agency shall, not later than 120 days after that determination or 120 days after the date of enactment of this sentence, whichever is later, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes the reasons why the Federal agency is not in compliance and the specific actions that the Federal agency will take to comply with the requirements under this subsection.''; and

(2) by striking ''The management of each such office'' and inserting ''The management of each Office of Small Business and Disadvantaged Business Utilization''.

SEC. 5872. ELIGIBILITY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR CERTAIN SMALL BUSINESS ADMINISTRATION PROGRAMS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 21(a) (15 U.S.C. 648(a))—

(A) in paragraph (1), by inserting before ''The Administration shall require'' the following new sentence: ''The previous sentence shall not apply to an applicant that has its principal office located in the Commonwealth of the Northern Mariana Islands.''; and

(B) in paragraph (4)(C)(ix), by striking ''and American Samoa'' and inserting ''American Samoa, and the Commonwealth of the Northern Mariana Islands''; and

(2) in section 34(a)(9) (15 U.S.C. 657d(a)(9)), by striking ''and American Samoa'' and inserting ''American Samoa, and the Commonwealth of the Northern Mariana Islands''.

SEC. 5873. DISASTER DECLARATION IN RURAL AREAS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (15) the following:

''(16) DISASTER DECLARATION IN RURAL AREAS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'rural area' means an area with a population of less than 200,000 outside an urbanized area; and

''(ii) the term 'significant damage' means, with respect to property, uninsured losses of not less than 40 percent of the estimated fair replacement value or pre-disaster fair market value of the damaged property, whichever is lower.

''(B) DISASTER DECLARATION.—Notwithstanding section 123.3(a) of title 13, Code of Federal Regulations, or any successor regulation, the Administrator may declare a disaster in a rural area for which a major disaster was declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) if—

''(i) the Governor of the State in which the rural area is located requests such a declaration; and

''(ii) any home, small business concern, private nonprofit organization, or small agricultural cooperative has incurred significant damage in the rural area.

''(C) SBA REPORT.—Not later than 120 days after the date of enactment of this Act, and every year thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on, with respect to the 1-year period preceding submission of the report—

''(i) any economic injury that resulted from a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in a rural area;

''(ii) each request for assistance made by the Governor of a State under subparagraph (B)(i) and the response of the Administrator, including the timeline for each response; and

''(iii) any regulatory changes that will impact the ability of communities in rural areas to obtain disaster assistance under this subsection.''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue regulations to carry out the amendment made by subsection (a).

(c) GAO REPORT.—

(1) DEFINITION OF RURAL AREA.—In this subsection, the term ''rural area'' means an area with a population of less than 200,000 outside an urbanized area.

(2) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on—

(A) any unique challenges that communities in rural areas face compared to communities in metropolitan areas when seeking to obtain disaster assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

(B) legislative recommendations for improving access to disaster assistance for communities in rural areas.

SEC. 5874. TEMPORARY EXTENSION FOR 8(A) PARTICIPANTS.

The Administrator of the Small Business Administration shall allow a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) participating in the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) on the date of enactment of this section to extend such participation by a period of 1 year.

SEC. 5875. MAXIMUM AWARD PRICE FOR SOLE SOURCE MANUFACTURING CONTRACTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 8 (15 U.S.C. 637)—

(A) in subsection (a)(1)(D)(i)(II), by striking ''$5,000,000'' and inserting ''$7,000,000''; and

(B) in subsection (m)—

(i) in paragraph (7)(B)(i), by striking ''$6,500,000'' and inserting ''$7,000,000''; and

(ii) in paragraph (8)(B)(i), by striking ''$6,500,000'' and inserting ''$7,000,000'';

(2) in section 31(c)(2)(A)(ii)(I) (15 U.S.C. 657a(c)(2)(A)(ii)(I)), by striking ''$5,000,000'' and inserting ''$7,000,000''; and

(3) in section 36(a)(2)(A) (15 U.S.C. 657f(a)(2)(A)), by striking ''$5,000,000'' and inserting ''$7,000,000''.

SEC. 5876. ANNUAL REPORTS REGARDING THE SBIR PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) DEFINITIONS.—In this section—

(1) the term ''SBIR'' has the meaning given the term in section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)); and

(2) the term ''Secretary'' means the Secretary of Defense.

(b) REPORTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, and not later than 120 days after the end of each fiscal year that begins after that date of enactment, the Secretary, after consultation with the Secretary of each branch of the Armed Forces, shall submit, through the Under Secretary of Defense for Research and Engineering, to Congress a report that addresses—

(1) the ways in which the Secretary, as of the date on which the report is submitted, is using incentives to Department of Defense program managers under section 9(y)(6)(B) of the Small Business Act (15 U.S.C. 638(y)(6)(B)) to increase the number of Phase II SBIR contracts awarded by the Secretary that lead to technology transition into programs of record or fielded systems, which shall include the judgment of the Secretary regarding the potential effect of providing monetary incentives to those officers for that purpose;

(2) the extent to which the Department of Defense has developed simplified and standardized procedures and model contracts throughout the agency for Phase I, Phase II, and Phase III SBIR awards, as required under section 9(hh)(2)(A)(i) of the Small Business Act (15 U.S.C. 638(hh)(2)(A)(i));

(3) with respect to each report submitted under this section after the submission of

the first such report, the extent to which any incentives described in this section and implemented by the Secretary have resulted in an increased number of Phase II contracts under the SBIR program of the Department of Defense leading to technology transition into programs of record or fielded systems;

(4) the extent to which Phase I, Phase II, and Phase III projects under the SBIR program of the Department of Defense align with the modernization priorities of the Department, including with respect to artificial intelligence, biotechnology, autonomy, cybersecurity, directed energy, fully networked command, control, and communication systems, microelectronics, quantum science, hypersonics, and space; and

(5) any other action taken, and proposed to be taken, to increase the number of Department of Defense Phase II SBIR contracts leading to technology transition into programs of record or fielded systems.

SEC. 5877. SMALL BUSINESS LOANS FOR NONPROFIT CHILD CARE PROVIDERS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(10) NONPROFIT CHILD CARE PROVIDERS.—

''(A) DEFINITION.—In this paragraph, the term 'covered nonprofit child care provider' means an organization—

''(i) that—

''(I) is in compliance with licensing requirements for child care providers of the State in which the organization is located;

''(II) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

''(III) is primarily engaged in providing child care for children from birth to compulsory school age;

''(ii) for which each employee and regular volunteer complies with the criminal background check requirements under section 658H(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f(b)); and

''(iii) that may—

''(I) provide care for school-age children outside of school hours or outside of the school year; or

''(II) offer preschool or prekindergarten educational programs.

''(B) ELIGIBILITY FOR LOAN PROGRAMS.—Notwithstanding any other provision of this subsection, a covered nonprofit child care provider shall be deemed to be a small business concern for purposes of any program under this Act or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) under which—

''(i) the Administrator may make loans to small business concerns;

''(ii) the Administrator may guarantee timely payment of loans to small business concerns; or

''(iii) the recipient of a loan made or guaranteed by the Administrator may make loans to small business concerns.''.

Subtitle G—Other Matters

SEC. 5891. LISTING OF OTHER TRANSACTION AUTHORITY CONSORTIA.

Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall maintain on the government-wide point of entry for contracting opportunities, Beta.SAM.gov (or any successor system), a list of the consortia used by the Department of Defense to announce or otherwise make available contracting opportunities using other transaction authority (OTA).

SEC. 5892. REPORT RECOMMENDING DISPOSITION OF NOTES TO CERTAIN SECTIONS OF TITLE 10, UNITED STATES CODE.

(a) IN GENERAL.—Not later than March 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report recommending the disposition of provisions of law found in the notes to the following sections of title 10, United States Code:

(1) Section 2313.

(2) Section 2364.

(3) Section 2432.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) for each provision of law included as a note to a section listed in such subsection, a recommendation whether such provision—

(A) should be repealed because the provision is no longer operative or is otherwise obsolete;

(B) should be codified as a section to title 10, United States Code, because the section has, and is anticipated to continue to have in the future, significant relevance; or

(C) should remain as a note to such section; and

(2) any legislative proposals appropriate to improve the intent and effect of the sections listed in such subsection.

(c) TECHNICAL CORRECTIONS.—(1) Section 2362(a) of title 10, United States Code, is amended by striking ''Assistant Secretary of Defense for Research and Engineering'' both places it appears and inserting ''Under Secretary of Defense for Research and Engineering''.

(2) Section 804(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended by striking ''The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics,'' and inserting ''The Under Secretary of Defense for Acquisition and Sustainment''.

SEC. 5893. APPLICABILITY OF REPORTING REQUIREMENT RELATED TO NOTIONAL MILESTONES AND STANDARD TIMELINES FOR FOREIGN MILITARY SALES.

Section 887 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115 –91; 22 U.S.C. 2761 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) APPLICABILITY.—The reporting requirements under this section apply only to foreign military sales processes within the Department of Defense.''.

SEC. 5894. ADDITIONAL REQUIREMENTS RELATED TO MITIGATING RISKS RELATED TO FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE OF DEPARTMENT OF DEFENSE CONTRACTORS AND SUBCONTRACTORS.

(a) COMPLIANCE ASSESSMENT.—Subparagraph (A) of paragraph (2) of section 847(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following new clause:

''(v) A requirement for the Secretary to require reports and conduct examinations on a periodic basis of covered contractors and subcontractors in order to assess compliance with the requirements of this section.''.

(b) ADDITIONAL REQUIREMENTS FOR RESPONSIBILITY DETERMINATIONS.—Subparagraph (B) of such paragraph is amended—

(1) in clause (ii), by striking ''; and'' and inserting a semicolon;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

''(iii) procedures for appropriately responding to changes in contractor or subcontractor beneficial ownership status based on changes in disclosures of their beneficial ownership relating to whether they are under FOCI and based on the reports and examinations required by subparagraph (A)(v); and''.

(c) TIMELINES AND MILESTONES FOR IMPLEMENTATION.—

(1) IMPLEMENTATION PLAN.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a plan and schedule for implementation of the requirements of section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), including—

(A) a timeline for issuance of regulations, development of training for appropriate officials, and development of systems for reporting of beneficial ownership and FOCI by contractors and subcontractors;

(B) designation of officials and organizations responsible for execution; and

(C) interim milestones to be met in implementing the plan.

(2) REVISION OF REGULATIONS, DIRECTIVES, GUIDANCE, TRAINING, AND POLICIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise relevant directives, guidance, training, and policies, including revising the Defense Federal Acquisition Regulation Supplement as needed, to fully implement section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), as amended by this section.

TITLE LIX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle D—Organization and Management of Other Department of Defense Offices and Elements

SEC. 5951. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON VULNERABILITIES OF THE DEPARTMENT OF DEFENSE RESULTING FROM OFFSHORE TECHNICAL SUPPORT CALL CENTERS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on vulnerabilities in connection with the provision of services by offshore technical support call centers to the Department of Defense.

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

(1) A description and assessment of the location of all offshore technical support call centers.

(2) A description and assessment of the types of information shared by the Department with foreign nationals at offshore technical support call centers.

(3) An assessment of the extent to which access to such information by foreign nationals creates vulnerabilities to the information technology network of the Department.

(c) OFFSHORE TECHNICAL SUPPORT CALL CENTER DEFINED.—In this section, the term ''offshore technical support call center'' means a call center that—

(1) is physically located outside the United States;

(2) employs individuals who are foreign nationals; and

(3) may be contacted by personnel of the Department to provide technical support relating to technology used by the Department.

TITLE LX—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 6001. UNDER SECRETARY OF DEFENSE (COMPTROLLER) REPORTS ON IMPROVING THE BUDGET JUSTIFICATION AND RELATED MATERIALS OF THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than April 1 of each of 2021 through 2025, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on improving the following:

(1) Modernization of covered materials, including the following:

(A) Updating the format of such materials in order to account for significant improvements in document management and data visualization.

(B) Expanding the scope and quality of data included in such materials.

(2) Streamlining of the production of covered materials within the Department of Defense.

(3) Transmission of covered materials to Congress.

(4) Availability of adequate resources and capabilities to permit the Department to integrate changes to covered materials together with its submittal of current covered materials.

(5) Promotion of the flow between the Department and the congressional defense committees of other information required by Congress for its oversight of budgeting for the Department and the future-years defense programs.

(b) COVERED MATERIALS DEFINED.—In this section, the term ''covered materials'' means the following:

(1) Materials submitted in support of the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code.

(2) Materials submitted in connection with the future-years defense program for a fiscal year under section 221 of title 10, United States Code.

SEC. 6002. REPORT ON FISCAL YEAR 2022 BUDGET REQUEST REQUIREMENTS IN CONNECTION WITH AIR FORCE OPERATIONS IN THE ARCTIC.

The Secretary of the Air Force shall submit to the congressional defense committees, not later than 30 days after submission of the budget justification documents submitted to Congress in support of the budget of the President for fiscal year 2022 (as submitted pursuant to section 1105 of title 31, United States Code), a report that includes the following:

(1) A description of the manner in which amounts requested for the Air Force in the budget for fiscal year 2022 support Air Force operations in the Arctic.

(2) A list of the procurement initiatives and research, development, test, and evaluation initiatives funded by that budget that are primarily intended to enhance the ability of the Air Force to deploy to or operate in the Arctic region, or to defend the northern approach to the United States homeland.

(3) An assessment of the adequacy of the infrastructure of Air Force installations in Alaska and in the States along the northern border of the continental United States to support deployments to and operations in the Arctic region, including an assessment of runways, fuel lines, and aircraft maintenance capacity for purposes of such support.

SEC. 6003. PROVIDING INFORMATION TO STATES REGARDING UNDELIVERED SAVINGS BONDS.

Section 3105 of title 31, United States Code, is amended by adding at the end the following:

''(f)(1) Notwithstanding any other law to the contrary, the Secretary shall provide each State, as digital or other electronically searchable forms become available (including digital images), with sufficient information to identify the registered owner of any applicable savings bond with a registration address that is within such State, including the serial number of the bond, the name and registered address of such owner, and any registered beneficiaries.

''(2) The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this subsection, including rules to—

''(A) protect the privacy of the owners of applicable savings bonds;

''(B) ensure that any information provided to a State under this subsection shall be used solely to locate such owners and assist them in redeeming such bonds with the United States Treasury; and

''(C) ensure that owners of applicable savings bonds seeking to redeem such bonds with the United States Treasury are able to do so in an expeditious manner.

''(3) Not later than 12 months after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Appropriations and the Committee on Finance of the Senate a report assessing all efforts to satisfy the requirement under paragraph (1).

''(4) For purposes of this subsection, the term 'applicable savings bond' means a matured and unredeemed savings bond.''.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 6046. CONDITIONS FOR PERMANENTLY BASING UNITED STATES EQUIPMENT OR ADDITIONAL MILITARY UNITS IN HOST COUNTRIES WITH AT-RISK VENDORS IN 5G OR 6G NETWORKS.

(a) INEFFECTIVENESS OF SECTION 1046.—Section 1046 shall have no force or effect.

(b) IN GENERAL.—Prior to a decision for basing a major weapon system or an additional military unit comparable to or larger than a battalion, squadron, or naval combatant for permanent basing to a host nation with at-risk 5th generation (5G) or sixth generation (6G) wireless network equipment, software, and services, including the use of telecommunications equipment, software, and services provided by vendors such as Huawei and ZTE, where United States military personnel and their families will be directly connected or subscribers to networks that include such at-risk equipment, software, and services in their official duties or in the conduct of personal affairs, the Secretary of Defense shall provide a certification to Congress that includes—

(1) an acknowledgment by the host nation of the risk posed by the network architecture;

(2) a description of steps being taken by the host nation to mitigate any potential risks to the weapon systems, military units, or personnel, and the Department of Defense's assessment of those efforts;

(3) a description of steps being taken by the United States Government to mitigate any potential risks to the weapon systems, military units, or personnel; and

(4) a description of any defense mutual agreements between the host nation and the United States intended to allay the costs of risk mitigation posed by the at-risk infrastructure.

(c) APPLICABILITY.—The conditions in subsection (b) apply to the permanent long-term stationing of equipment and personnel, and do not apply to short-term deployments or rotational presence to military installations outside the United States in connection with exercises, dynamic force employment, contingency operations, or combat operations.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains an assessment of—

(1) the risk to personnel, equipment, and operations of the Department of Defense in host countries posed by the current or intended use by such countries of 5G or 6G telecommunications architecture provided by at-risk vendors; and

(2) measures required to mitigate the risk described in paragraph (1), including the merit and feasibility of the relocation of certain personnel or equipment of the Department to another location without the presence of 5G or 6G telecommunications architecture provided by at-risk vendors.

(e) FORM.—The report required by subsection (c) shall be submitted in a classified form with an unclassified summary.

SEC. 6047. ANTIDISCRIMINATION.

(a) SHORT TITLE.—This section may be cited as the ''Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020''.

(b) SENSE OF CONGRESS.—Section 102 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) accountability in the enforcement of the rights of Federal employees is furthered when Federal agencies agree to take appropriate disciplinary action against Federal employees who are found to have intentionally committed discriminatory (including retaliatory) acts;''; and

(2) in paragraph (5)(A)—

(A) by striking ''nor is accountability'' and inserting ''accountability is not''; and

(B) by inserting ''for what, by law, the agency is responsible'' after ''under this Act''.

(c) NOTIFICATION OF VIOLATION.—Section 202 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

''(d) NOTIFICATION OF FINAL AGENCY ACTION.—

''(1) IN GENERAL.—Not later than 90 days after the date on which an event described in paragraph (2) occurs with respect to a finding of discrimination (including retaliation), the head of the Federal agency subject to the finding shall provide notice—

''(A) on the public internet website of the agency, in a clear and prominent location linked directly from the home page of that website;

''(B) stating that a finding of discrimination (including retaliation) has been made; and

''(C) which shall remain posted for not less than 1 year.

''(2) EVENTS DESCRIBED.—An event described in this paragraph is any of the following:

''(A) All appeals of a final action by a Federal agency involving a finding of discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a) have been exhausted.

''(B) All appeals of a final decision by the Equal Employment Opportunity Commission involving a finding of discrimination (including if the finding included a finding of retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a) have been exhausted.

''(C) A court of jurisdiction issues a final judgment involving a finding of discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a).

''(3) CONTENTS.—A notification provided under paragraph (1) with respect to a finding of discrimination (including retaliation) shall—

''(A) identify the date on which the finding was made, the date on which each discriminatory act occurred, and the law violated by each such discriminatory act; and

''(B) advise Federal employees of the rights and protections available under the provisions of law covered by paragraphs (1) and (2) of section 201(a).''.

(d) REPORTING REQUIREMENTS.—

(1) ELECTRONIC FORMAT REQUIREMENT.—

(A) IN GENERAL.—Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended, in the matter preceding paragraph (1)—

(i) by inserting ''Homeland Security and'' before ''Governmental Affairs'';

(ii) by striking ''on Government Reform'' and inserting ''on Oversight and Reform'';

(iii) by inserting ''any Member of Congress (upon request to the agency),'' before ''the Equal Employment Opportunity Commission''; and

(iv) by inserting ''(in an electronic format prescribed by the Director of the Office of Personnel Management),'' after ''an annual report''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A)(iii) shall take effect on the date that is 1 year after the date of enactment of this Act.

(C) TRANSITION PERIOD.—Notwithstanding the requirements of section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note), the report required under such section 203(a) may be submitted in an electronic format, as prescribed by the Director of the Office of Personnel Management, during the period beginning on the date of enactment of this Act and ending on the effective date in subparagraph (B).

(2) REPORTING REQUIREMENT FOR DISCIPLINARY ACTION.—Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

''(c) DISCIPLINARY ACTION REPORT.—Not later than 120 days after the date on which a Federal agency takes final action, or a Federal agency receives a final decision issued by the Equal Employment Opportunity Commission, involving a finding of discrimination (including retaliation) in violation of a provision of law covered by paragraph (1) or (2) of section 201(a), as applicable, the applicable Federal agency shall submit to the Commission a report stating—

''(1) whether disciplinary action has been proposed against a Federal employee as a result of the violation; and

''(2) the reasons for any disciplinary action proposed under paragraph (1).''.

(e) DATA TO BE POSTED BY EMPLOYING FEDERAL AGENCIES.—Section 301(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(1) in paragraph (9)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B)(ii), by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following:

''(C) with respect to each finding described in subparagraph (A)—

''(i) the date of the finding,

''(ii) the affected Federal agency,

''(iii) the law violated, and

''(iv) whether a decision has been made regarding disciplinary action as a result of the finding.''; and

(2) by adding at the end the following:

''(11) Data regarding each class action complaint filed against the agency alleging discrimination (including retaliation), including—

''(A) information regarding the date on which each complaint was filed,

''(B) a general summary of the allegations alleged in the complaint,

''(C) an estimate of the total number of plaintiffs joined in the complaint, if known,

''(D) the current status of the complaint, including whether the class has been certified, and

''(E) the case numbers for the civil actions in which discrimination (including retaliation) has been found.''.

(f) DATA TO BE POSTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.—Section 302(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by striking ''(10)'' and inserting ''(11)''.

(g) NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002 AMENDMENTS.—

(1) NOTIFICATION REQUIREMENTS.—Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

''SEC. 207. COMPLAINT TRACKING.

''Not later than 1 year after the date of enactment of the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2019, each Federal agency shall establish a system to track each complaint of discrimination arising under section 2302(b)(1) of title 5, United States Code, and adjudicated through the Equal Employment Opportunity process from the filing of a complaint with the Federal agency to resolution of the complaint, including whether a decision has been made regarding disciplinary action as the result of a finding of discrimination.

''SEC. 208. NOTATION IN PERSONNEL RECORD.

''If a Federal agency takes an adverse action covered under section 7512 of title 5, United States Code, against a Federal employee for an act of discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a), the agency shall, after all appeals relating to that action have been exhausted, include a notation of the adverse action and the reason for the action in the personnel record of the employee.''.

(2) PROCESSING AND REFERRAL.—The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

''TITLE IV—PROCESSING AND REFERRAL

''SEC. 401. PROCESSING AND RESOLUTION OF COMPLAINTS.

''Each Federal agency shall—

''(1) be responsible for the fair and impartial processing and resolution of complaints of employment discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a); and

''(2) establish a model Equal Employment Opportunity Program that—

''(A) is not under the control, either structurally or practically, of the agency's Office of Human Capital or Office of the General Counsel (or the equivalent);

''(B) is devoid of internal conflicts of interest and ensures fairness and inclusiveness within the agency; and

''(C) ensures the efficient and fair resolution of complaints alleging discrimination (including retaliation).

''SEC. 402. NO LIMITATION ON ADVICE OR COUNSEL.

''Nothing in this title shall prevent a Federal agency or a subcomponent of a Federal agency, or the Department of Justice, from providing advice or counsel to employees of that agency (or subcomponent, as applicable) in the resolution of a complaint.

''SEC. 403. HEAD OF PROGRAM SUPERVISED BY HEAD OF AGENCY.

''The head of each Federal agency's Equal Employment Opportunity Program shall report directly to the head of the agency.

''SEC. 404. REFERRALS OF FINDINGS OF DISCRIMINATION.

''(a) EEOC FINDINGS OF DISCRIMINATION.—

''(1) IN GENERAL.—Not later than 30 days after the date on which the Equal Employment Opportunity Commission (referred to in this section as the 'Commission') receives, or should have received, a Federal agency report required under section 203(c), the Commission may refer the matter to which the report relates to the Office of Special Counsel if the Commission determines that the Federal agency did not take appropriate action with respect to the finding that is the subject of the report.

''(2) NOTIFICATIONS.—The Commission shall—

''(A) notify the applicable Federal agency if the Commission refers a matter to the Office of Special Counsel under paragraph (1); and

''(B) with respect to a fiscal year, include in the Annual Report of the Federal Workforce of the Commission covering that fiscal year—

''(i) the number of referrals made under paragraph (1) during that fiscal year; and

''(ii) a brief summary of each referral described in clause (i).

''(b) REFERRALS TO SPECIAL COUNSEL.—The Office of Special Counsel shall accept and review a referral from the Commission under subsection (a)(1) for purposes of pursuing disciplinary action under the authority of the Office against a Federal employee who commits an act of discrimination (including retaliation).

''(c) NOTIFICATION.—The Office of Special Counsel shall notify the Commission and the applicable Federal agency in a case in which—

''(1) the Office of Special Counsel pursues disciplinary action under subsection (b); and

''(2) the Federal agency imposes some form of disciplinary action against a Federal employee who commits an act of discrimination (including retaliation).

''(d) SPECIAL COUNSEL APPROVAL.—A Federal agency may not take disciplinary action against a Federal employee for an alleged act of discrimination (including retaliation) referred by the Commission under this section, except in accordance with the requirements of section 1214(f) of title 5, United States Code.''.

(3) CONFORMING AMENDMENTS.—The table of contents in section 1(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(A) by inserting after the item relating to section 206 the following:

''Sec. 207. Complaint tracking.
''Sec. 208. Notation in personnel record.''; and

(B) by adding at the end the following:

''TITLE IV—PROCESSING AND REFERRAL
''Sec. 401. Processing and resolution of complaints.
''Sec. 402. No limitation on advice or counsel.
''Sec. 403. Head of Program supervised by head of agency.
''Sec. 404. Referrals of findings of discrimination.''.

(h) NONDISCLOSURE AGREEMENT LIMITATION.—Section 2302(b)(13) of title 5, United States Code, is amended—

(1) by striking ''agreement does not'' and inserting the following: ''agreement—

''(A) does not'';

(2) in subparagraph (A), as so designated, by inserting ''or the Office of Special Counsel'' after ''Inspector General''; and

(3) by adding at the end the following:

''(B) prohibits or restricts an employee or applicant for employment from disclosing to Congress, the Special Counsel, the Inspector General of an agency, or any other agency component responsible for internal investigation or review any information that relates to any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or any other whistleblower protection; or''.

Subtitle F—Studies and Reports

SEC. 6061. MARITIME SECURITY AND DOMAIN AWARENESS.

(a) PROGRESS REPORT ON MARITIME SECURITY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, the Secretary of the Department in which the Coast Guard is operating, and the heads of other appropriate Federal agencies, shall submit to the congressional defense committees a report on the steps taken since December 20, 2019, to make further use of the following mechanisms to combat IUU fishing:

(A) Inclusion of counter-IUU fishing in existing shiprider agreements to which the United States is a party.

(B) Entry into shiprider agreements that include counter-IUU fishing with priority flag states and countries in priority regions with which the United States does not already have such agreements.

(C) Inclusion of counter-IUU fishing in the mission of the Combined Maritime Forces.

(D) Inclusion of counter-IUU fishing exercises in the annual at-sea exercises conducted by the Department of Defense, in coordination with the United States Coast Guard.

(E) Development of partnerships similar to the Oceania Maritime Security Initiative and the Africa Maritime Law Enforcement Partnership in other priority regions.

(2) ELEMENT.—The report required by paragraph (1) shall include a description of specific steps taken by the Secretary of the Navy with respect to each mechanism described in paragraph (1), including a detailed description of any security cooperation engagement undertaken to combat IUU fishing by such mechanisms and resulting coordination between the Department of the Navy and the Coast Guard.

(b) ASSESSMENT OF SERVICE COORDINATION ON MARITIME DOMAIN AWARENESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall enter into an agreement with the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, to assess the available commercial solutions for collecting, sharing, and disseminating among United States maritime services and partner countries maritime domain awareness information relating to illegal maritime activities, including IUU fishing.

(2) ELEMENTS.—The assessment carried out pursuant to an agreement under paragraph (1) shall—

(A) build on the ongoing Coast Guard assessment related to autonomous vehicles;

(B) consider appropriate commercially and academically available technological solutions; and

(C) consider any limitation related to affordability, exportability, maintenance, and sustainment requirements and any other factor that may constrain the suitability of such solutions for use in a joint and combined environment, including the potential provision of such solutions to one or more partner countries.

(3) SUBMITTAL TO CONGRESS.—Not later than one year after entering into an agreement under paragraph (1), the Secretary of the Navy shall submit to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives the assessment prepared in accordance with the agreement.

(c) REPORT ON USE OF FISHING FLEETS BY FOREIGN GOVERNMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Naval Intelligence shall submit to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives a report on the use by governments of foreign countries of distant-water fishing fleets as extensions of the official maritime security forces of such countries.

(2) ELEMENT.—The report required by paragraph (1) shall include the following:

(A) An analysis of the manner in which fishing fleets are leveraged in support of the naval operations and policies of foreign countries more generally.

(B) A consideration of—

(i) threats posed, on a country-by-country basis, to the fishing vessels and other vessels of the United States and partner countries;

(ii) risks to Navy and Coast Guard operations of the United States, and the naval and coast guard operations of partner countries; and

(iii) the broader challenge to the interests of the United States and partner countries.

(3) FORM.—The report required by paragraph (1) shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section, any term that is also used in the Maritime SAFE Act (Public Law 116–92) shall have the meaning given such term in that Act.

SEC. 6062. REPORT ON PANDEMIC PREPAREDNESS AND PLANNING OF THE NAVY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing a description of the plans of the Navy to prepare for and respond to future pandemics, including future outbreaks of the Coronavirus Disease 2019 (COVID–19). The report shall include a written description of plans, including any necessary corresponding budgetary actions, for the following:

(1) Efforts to prevent and mitigate the impacts of future pandemics at both private and public shipyards, and to protect the health and safety of both military personnel and civilian workers at such shipyards.

(2) Protocol and mitigation strategies once an outbreak of a highly contagious illness occurs aboard a Navy vessel while underway.

(3) Development and adoption of technologies and protocols to prevent and mitigate the spread of future pandemics aboard Navy ships and among Navy personnel, including technologies and protocols in connection with the following:

(A) Artificial intelligence and data-driven infectious disease modeling and interventions.

(B) Shipboard airflow management and disinfectant technologies.

(C) Personal protective equipment, sensors, and diagnostic systems.

(D) Minimally crewed and autonomous supply vehicles.

SEC. 6063. STUDY AND REPORT ON THE AFFORDABILITY OF INSULIN.

The Secretary of Health and Human Services, acting through the Assistant Secretary for Planning and Evaluation, shall—

(1) conduct a study that examines, for each type or classification of diabetes (including type 1 diabetes, type 2 diabetes, gestational diabetes, and other conditions causing reliance on insulin), the effect of the affordability of insulin on—

(A) adherence to insulin prescriptions;

(B) rates of diabetic ketoacidosis;

(C) downstream impacts of insulin adherence, including rates of dialysis treatment and end-stage renal disease;

(D) spending by Federal health programs on acute episodes that could have been averted by adhering to an insulin prescription; and

(E) other factors, as appropriate, to understand the impacts of insulin affordability on health outcomes, Federal Government spending (including under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)), and insured and uninsured individuals with diabetes; and

(2) not later than 2 years after the date of enactment of this Act, submit to Congress a report on the study conducted under paragraph (1).

Subtitle G—Other Matters

SEC. 6081. MODIFICATION TO FIRST DIVISION MONUMENT.

(a) AUTHORIZATION.—The Society of the First Infantry Division may make modifications to the First Division Monument located on Federal land in President's Park in the District of Columbia to honor the dead of the First Infantry Division, United States Forces, in—

(1) Operation Desert Storm;

(2) Operation Iraqi Freedom and New Dawn; and

(3) Operation Enduring Freedom.

(b) MODIFICATIONS.—Modifications to the First Division Monument may include construction of additional plaques and stone plinths on which to put plaques.

(c) APPLICABILITY OF COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act''), shall apply to the design and placement of the commemorative elements authorized by this section, except that subsections (b) and (c) of section 8903 shall not apply.

(d) COLLABORATION.—The First Infantry Division of the Department of the Army shall collaborate with the Secretary of Defense to provide to the Society of the First Infantry Division the list of names to be added to the First Division Monument in accordance with subsection (a).

(e) FUNDING.—Federal funds may not be used for modifications of the First Division Monument authorized by this section.

SEC. 6082. ESTIMATE OF DAMAGES FROM FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

Section 1083 is deemed to include at the end the following:

''(d) DISTRIBUTION OF ESTIMATE.—As soon as practicable after submitting an estimate as described in paragraph (1) of subsection (a) and making the certification described in paragraph (2) of such subsection, the Secretary shall make such estimate available to

any licensee operating under the order and authorization described in such subsection.

''(e) AUTHORITY OF SECRETARY OF DEFENSE TO SEEK RECOVERY OF COSTS.—The Secretary of Defense may work directly with any licensee (or any future assignee, successor, or purchaser) affected by the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48) to seek recovery of costs incurred by the Department of Defense as a result of the effect of such order and authorization.

''(f) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary shall establish and facilitate a process for any licensee (or any future assignee, successor, or purchaser) subject to the authorization and order described in subsection (a) to provide reimbursement to the Department of Defense, only to the extent provided in appropriations Acts, for the covered costs and eligible reimbursable costs submitted and certified to the congressional defense committees under such subsection.

''(2) USE OF FUNDS.—The Secretary shall use any funds received under this subsection, to the extent and in such amounts as are provided in advance in appropriations Acts, for covered costs described in subsection (b) and the range of eligible reimbursable costs identified under subsection (a)(1).

''(3) REPORT.—Not later than 90 days after the date on which the Secretary establishes the process required by paragraph (1), the Secretary shall submit to the congressional defense committees a report on such process.

''(g) GOOD FAITH.—The execution of the responsibilities of this section by the Department of Defense shall be considered to be good faith actions pursuant to paragraph 104 of the Order and Authorization (FCC 20–48) described in subsection (a).''.

SEC. 6083. DIESEL EMISSIONS REDUCTION.

(a) REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION PROGRAM.—Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking ''2016'' and inserting ''2024''.

(b) RECOGNIZING DIFFERENCES IN DIESEL VEHICLE, ENGINE, EQUIPMENT, AND FLEET USE.—

(1) NATIONAL GRANT, REBATE, AND LOAN PROGRAMS.—Section 792(c)(4)(D) of the Energy Policy Act of 2005 (42 U.S.C. 16132(c)(4)(D)) is amended by inserting '', recognizing differences in typical vehicle, engine, equipment, and fleet use throughout the United States'' before the semicolon.

(2) STATE GRANT, REBATE, AND LOAN PROGRAMS.—Section 793(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16133(b)(1)) is amended—

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon; and

(B) by adding at the end the following:

''(D) the recognition, for purposes of implementing this section, of differences in typical vehicle, engine, equipment, and fleet use throughout the United States, including expected useful life; and''.

(c) REALLOCATION OF UNUSED STATE FUNDS.—Section 793(c)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16133(c)(2)(C)) is amended beginning in the matter preceding clause (i) by striking ''to each remaining'' and all that follows through ''this paragraph'' in clause (ii) and inserting ''to carry out section 792''.

SEC. 6084. UTILIZING SIGNIFICANT EMISSIONS WITH INNOVATIVE TECHNOLOGIES.

(a) SHORT TITLE.—This section may be cited as the ''Utilizing Significant Emissions with Innovative Technologies Act'' or the ''USE IT Act''.

(b) RESEARCH, INVESTIGATION, TRAINING, AND OTHER ACTIVITIES.—Section 103 of the Clean Air Act (42 U.S.C. 7403) is amended—

(1) in subsection (c)(3), in the first sentence of the matter preceding subparagraph (A), by striking ''percursors'' and inserting ''precursors''; and

(2) in subsection (g)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting appropriately;

(B) in the undesignated matter following subparagraph (D) (as so redesignated)—

(i) in the second sentence, by striking ''The Administrator'' and inserting the following:

''(5) COORDINATION AND AVOIDANCE OF DUPLICATION.—The Administrator''; and

(ii) in the first sentence, by striking ''Nothing'' and inserting the following:

''(4) EFFECT OF SUBSECTION.—Nothing'';

(C) in the matter preceding subparagraph (A) (as so redesignated)—

(i) in the third sentence, by striking ''Such program'' and inserting the following:

''(3) PROGRAM INCLUSIONS.—The program under this subsection'';

(ii) in the second sentence—

(I) by inserting ''States, institutions of higher education,'' after ''scientists,''; and

(II) by striking ''Such strategies and technologies shall be developed'' and inserting the following:

''(2) PARTICIPATION REQUIREMENT.—Such strategies and technologies described in paragraph (1) shall be developed''; and

(iii) in the first sentence, by striking ''In carrying out'' and inserting the following:

''(1) IN GENERAL.—In carrying out''; and

(D) by adding at the end the following:

''(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—

''(A) IN GENERAL.—In carrying out paragraph (3)(A) with respect to carbon dioxide, the Administrator shall carry out the activities described in each of subparagraphs (B), (C), (D), and (E).

''(B) DIRECT AIR CAPTURE RESEARCH.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) BOARD.—The term 'Board' means the Direct Air Capture Technology Advisory Board established by clause (iii)(I).

''(II) DILUTE.—The term 'dilute' means a concentration of less than 1 percent by volume.

''(III) DIRECT AIR CAPTURE.—

''(aa) IN GENERAL.—The term 'direct air capture', with respect to a facility, technology, or system, means that the facility, technology, or system uses carbon capture equipment to capture carbon dioxide directly from the air.

''(bb) EXCLUSION.—The term 'direct air capture' does not include any facility, technology, or system that captures carbon dioxide—

''(AA) that is deliberately released from a naturally occurring subsurface spring; or

''(BB) using natural photosynthesis.

''(IV) INTELLECTUAL PROPERTY.—The term 'intellectual property' means—

''(aa) an invention that is patentable under title 35, United States Code; and

''(bb) any patent on an invention described in item (aa).

''(ii) TECHNOLOGY PRIZES.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of the USE IT Act, the Administrator, in consultation with the Secretary of Energy, shall establish a program to provide, and shall provide, financial awards on a competitive basis for direct air capture from media in which the concentration of carbon dioxide is dilute.

''(II) DUTIES.—In carrying out this clause, the Administrator shall—

''(aa) subject to subclause (III), develop specific requirements for—

''(AA) the competition process; and

''(BB) the demonstration of performance of approved projects;

''(bb) offer financial awards for a project designed—

''(AA) to the maximum extent practicable, to capture more than 10,000 tons of carbon dioxide per year; and

''(BB) to operate in a manner that would be commercially viable in the foreseeable future (as determined by the Board); and

''(cc) to the maximum extent practicable, make financial awards to geographically diverse projects, including at least—

''(AA) 1 project in a coastal State; and

''(BB) 1 project in a rural State.

''(III) PUBLIC PARTICIPATION.—In carrying out subclause (II)(aa), the Administrator shall—

''(aa) provide notice of and, for a period of not less than 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in subclause (II)(aa); and

''(bb) take into account public comments received in developing the final version of those requirements.

''(iii) DIRECT AIR CAPTURE TECHNOLOGY ADVISORY BOARD.—

''(I) ESTABLISHMENT.—There is established an advisory board to be known as the 'Direct Air Capture Technology Advisory Board'.

''(II) COMPOSITION.—The Board shall be composed of 9 members appointed by the Administrator, who shall provide expertise in—

''(aa) climate science;

''(bb) physics;

''(cc) chemistry;

''(dd) biology;

''(ee) engineering;

''(ff) economics;

''(gg) business management; and

''(hh) such other disciplines as the Administrator determines to be necessary to achieve the purposes of this subparagraph.

''(III) TERM; VACANCIES.—

''(aa) TERM.—A member of the Board shall serve for a term of 6 years.

''(bb) VACANCIES.—A vacancy on the Board—

''(AA) shall not affect the powers of the Board; and

''(BB) shall be filled in the same manner as the original appointment was made.

''(IV) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

''(V) MEETINGS.—The Board shall meet at the call of the Chairperson or on the request of the Administrator.

''(VI) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

''(VII) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

''(VIII) COMPENSATION.—Each member of the Board may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Board.

''(IX) DUTIES.—The Board shall advise the Administrator on carrying out the duties of the Administrator under this subparagraph.

''(X) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board.

''(iv) INTELLECTUAL PROPERTY.—

''(I) IN GENERAL.—As a condition of receiving a financial award under this subparagraph, an applicant shall agree to vest the

intellectual property of the applicant derived from the technology in 1 or more entities that are incorporated in the United States.

''(II) RESERVATION OF LICENSE.—The United States—

''(aa) may reserve a nonexclusive, nontransferable, irrevocable, paid-up license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subclause (I); but

''(bb) shall not, in the exercise of a license reserved under item (aa), publicly disclose proprietary information relating to the license.

''(III) TRANSFER OF TITLE.—Title to any intellectual property described in subclause (I) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

''(v) AUTHORIZATION OF APPROPRIATIONS.—

''(I) IN GENERAL.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, $35,000,000 shall be available to carry out this subparagraph, to remain available until expended.

''(II) REQUIREMENT.—Research carried out using amounts made available under subclause (I) may not duplicate research funded by the Department of Energy.

''(vi) TERMINATION OF AUTHORITY.—The Board and all authority provided under this subparagraph shall terminate not later than 10 years after the date of enactment of the USE IT Act.

''(C) CARBON DIOXIDE UTILIZATION RESEARCH.—

''(i) DEFINITION OF CARBON DIOXIDE UTILIZATION.—In this subparagraph, the term 'carbon dioxide utilization' refers to technologies or approaches that lead to the use of carbon dioxide—

''(I) through the fixation of carbon dioxide through photosynthesis or chemosynthesis, such as through the growing of algae or bacteria;

''(II) through the chemical conversion of carbon dioxide to a material or chemical compound in which the carbon dioxide is securely stored; or

''(III) through the use of carbon dioxide for any other purpose for which a commercial market exists, as determined by the Administrator.

''(ii) PROGRAM.—The Administrator, in consultation with the Secretary of Energy, shall carry out a research and development program for carbon dioxide utilization to promote existing and new technologies that transform carbon dioxide generated by industrial processes into a product of commercial value, or as an input to products of commercial value.

''(iii) TECHNICAL AND FINANCIAL ASSISTANCE.—Not later than 2 years after the date of enactment of the USE IT Act, in carrying out this subsection, the Administrator, in consultation with the Secretary of Energy, shall support research and infrastructure activities relating to carbon dioxide utilization by providing technical assistance and financial assistance in accordance with clause (iv).

''(iv) ELIGIBILITY.—To be eligible to receive technical assistance and financial assistance under clause (iii), a carbon dioxide utilization project shall—

''(I) have access to an emissions stream generated by a stationary source within the United States that is capable of supplying not less than 250 metric tons per day of carbon dioxide for research;

''(II) have access to adequate space for a laboratory and equipment for testing small-scale carbon dioxide utilization technologies, with onsite access to larger test bays for scale-up; and

''(III) have existing partnerships with institutions of higher education, private companies, States, or other government entities.

''(v) COORDINATION.—In supporting carbon dioxide utilization projects under this paragraph, the Administrator shall consult with the Secretary of Energy, and, as appropriate, with the head of any other relevant Federal agency, States, the private sector, and institutions of higher education to develop methods and technologies to account for the carbon dioxide emissions avoided by the carbon dioxide utilization projects.

''(vi) AUTHORIZATION OF APPROPRIATIONS.—

''(I) IN GENERAL.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, $50,000,000 shall be available to carry out this subparagraph, to remain available until expended.

''(II) REQUIREMENT.—Research carried out using amounts made available under subclause (I) may not duplicate research funded by the Department of Energy.

''(D) DEEP SALINE FORMATION REPORT.—

''(i) DEFINITION OF DEEP SALINE FORMATION.—

''(I) IN GENERAL.—In this subparagraph, the term 'deep saline formation' means a formation of subsurface geographically extensive sedimentary rock layers saturated with waters or brines that have a high total dissolved solids content and that are below the depth where carbon dioxide can exist in the formation as a supercritical fluid.

''(II) CLARIFICATION.—In this subparagraph, the term 'deep saline formation' does not include oil and gas reservoirs.

''(ii) REPORT.—In consultation with the Secretary of Energy, and, as appropriate, with the head of any other relevant Federal agency and relevant stakeholders, not later than 1 year after the date of enactment of the USE IT Act, the Administrator shall prepare, submit to Congress, and make publicly available a report that includes—

''(I) a comprehensive identification of potential risks and benefits to project developers associated with increased storage of carbon dioxide captured from stationary sources in deep saline formations, using existing research;

''(II) recommendations, if any, for managing the potential risks identified under subclause (I), including potential risks unique to public land; and

''(III) recommendations, if any, for Federal legislation or other policy changes to mitigate any potential risks identified under subclause (I).

''(E) REPORT ON CARBON DIOXIDE NONREGULATORY STRATEGIES AND TECHNOLOGIES.—

''(i) IN GENERAL.—Not less frequently than once every 2 years, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

''(I) the recipients of assistance under subparagraphs (B) and (C); and

''(II) a plan for supporting additional nonregulatory strategies and technologies that could significantly prevent carbon dioxide emissions or reduce carbon dioxide levels in the air, in conjunction with other Federal agencies.

''(ii) INCLUSIONS.—The plan submitted under clause (i) shall include—

''(I) a methodology for evaluating and ranking technologies based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air; and

''(II) a description of any nonair-related environmental or energy considerations regarding the technologies.

''(F) GAO REPORT.—The Comptroller General of the United States shall submit to Congress a report that—

''(i) identifies all Federal grant programs in which a purpose of a grant under the program is to perform research on carbon capture and utilization technologies, including direct air capture technologies; and

''(ii) examines the extent to which the Federal grant programs identified pursuant to clause (i) overlap or are duplicative.''.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall submit to Congress a report describing how funds appropriated to the Administrator during the 5 most recent fiscal years have been used to carry out section 103 of the Clean Air Act (42 U.S.C. 7403), including a description of—

(1) the amount of funds used to carry out specific provisions of that section; and

(2) the practices used by the Administrator to differentiate funding used to carry out that section, as compared to funding used to carry out other provisions of law.

(d) INCLUSION OF CARBON CAPTURE INFRASTRUCTURE PROJECTS.—Section 41001(6) of the FAST Act (42 U.S.C. 4370m(6)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting ''carbon capture,'' after ''manufacturing,'';

(B) in clause (i)(III), by striking ''or'' at the end;

(C) by redesignating clause (ii) as clause (iii); and

(D) by inserting after clause (i) the following:

''(ii) is covered by a programmatic plan or environmental review developed for the primary purpose of facilitating development of carbon dioxide pipelines; or''; and

(2) by adding at the end the following:

''(C) INCLUSION.—For purposes of subparagraph (A), construction of infrastructure for carbon capture includes construction of—

''(i) any facility, technology, or system that captures, utilizes, or sequesters carbon dioxide emissions, including projects for direct air capture (as defined in paragraph (6)(B)(i) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g)); and

''(ii) carbon dioxide pipelines.''.

(e) DEVELOPMENT OF CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION REPORT, PERMITTING GUIDANCE, AND REGIONAL PERMITTING TASK FORCE.—

(1) DEFINITIONS.—In this subsection:

(A) CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION PROJECTS.—The term ''carbon capture, utilization, and sequestration projects'' includes projects for direct air capture (as defined in paragraph (6)(B)(i) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g))).

(B) EFFICIENT, ORDERLY, AND RESPONSIBLE.—The term ''efficient, orderly, and responsible'' means, with respect to development or the permitting process for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, a process that is completed in an expeditious manner while maintaining environmental, health, and safety protections.

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chair of the Council on Environmental Quality (referred to in this section as the ''Chair''), in consultation with the Administrator of the Environmental Protection

Agency, the Secretary of Energy, the Secretary of the Interior, the Executive Director of the Federal Permitting Improvement Council, and the head of any other relevant Federal agency (as determined by the President), shall prepare a report that—

(i) compiles all existing relevant Federal permitting and review information and resources for project applicants, agencies, and other stakeholders interested in the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including—

(I) the appropriate points of interaction with Federal agencies;

(II) clarification of the permitting responsibilities and authorities among Federal agencies; and

(III) best practices and templates for permitting;

(ii) inventories current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value;

(iii) inventories existing initiatives and recent publications that analyze or identify priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects at increased scale;

(iv) identifies gaps in the current Federal regulatory framework for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and

(v) identifies Federal financing mechanisms available to project developers.

(B) SUBMISSION; PUBLICATION.—The Chair shall—

(i) submit the report under subparagraph (A) to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(ii) as soon as practicable, make the report publicly available.

(3) GUIDANCE.—

(A) IN GENERAL.—After submission of the report under paragraph (2)(B), but not later than 1 year after the date of enactment of this Act, the Chair shall submit guidance consistent with that report to all relevant Federal agencies that—

(i) facilitates reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and

(ii) supports the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The guidance under subparagraph (A) shall address requirements under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(III) the Clean Air Act (42 U.S.C. 7401 et seq.);

(IV) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(V) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(VI) division A of subtitle III of title 54, United States Code (formerly known as the ''National Historic Preservation Act'');

(VII) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(VIII) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the ''Bald and Golden Eagle Protection Act''); and

(IX) any other Federal law that the Chair determines to be appropriate.

(ii) ENVIRONMENTAL REVIEWS.—The guidance under subparagraph (A) shall include direction to States and other interested parties for the development of programmatic environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(iii) PUBLIC INVOLVEMENT.—The guidance under subparagraph (A) shall be subject to the public notice, comment, and solicitation of information procedures under section 1506.6 of title 40, Code of Federal Regulations (or a successor regulation).

(C) SUBMISSION; PUBLICATION.—The Chair shall—

(i) submit the guidance under subparagraph (A) to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(ii) as soon as practicable, make the guidance publicly available.

(D) EVALUATION.—The Chair shall—

(i) periodically evaluate the reports of the task forces under paragraph (4)(E) and, as necessary, revise the guidance under subparagraph (A); and

(ii) each year, submit to the Committee on Environment and Public Works of the Senate, the Committee on Energy and Commerce of the House of Representatives, and relevant Federal agencies a report that describes any recommendations for legislation, rules, revisions to rules, or other policies that would address the issues identified by the task forces under paragraph (4)(E).

(4) TASK FORCE.—

(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Chair shall establish not less than 2 task forces, which shall each cover a different geographical area with differing demographic, land use, or geological issues—

(i) to identify permitting and other challenges and successes that permitting authorities and project developers and operators face; and

(ii) to improve the performance of the permitting process and regional coordination for the purpose of promoting the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(B) MEMBERS AND SELECTION.—

(i) IN GENERAL.—The Chair shall—

(I) develop criteria for the selection of members to each task force; and

(II) select members for each task force in accordance with subclause (I) and clause (ii).

(ii) MEMBERS.—Each task force—

(I) shall include not less than 1 representative of each of—

(aa) the Environmental Protection Agency;

(bb) the Department of Energy;

(cc) the Department of the Interior;

(dd) any other Federal agency the Chair determines to be appropriate;

(ee) any State that requests participation in the geographical area covered by the task force;

(ff) developers or operators of carbon capture, utilization, and sequestration projects or carbon dioxide pipelines; and

(gg) nongovernmental membership organizations, the primary mission of which concerns protection of the environment; and

(II) at the request of a Tribal or local government, may include a representative of—

(aa) not less than 1 local government in the geographical area covered by the task force; and

(bb) not less than 1 Tribal government in the geographical area covered by the task force.

(C) MEETINGS.—

(i) IN GENERAL.—Each task force shall meet not less than twice each year.

(ii) JOINT MEETING.—To the maximum extent practicable, the task forces shall meet collectively not less than once each year.

(D) DUTIES.—Each task force shall—

(i) inventory existing or potential Federal and State approaches to facilitate reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including best practices that—

(I) avoid duplicative reviews;

(II) engage stakeholders early in the permitting process; and

(III) make the permitting process efficient, orderly, and responsible;

(ii) develop common models for State-level carbon dioxide pipeline regulation and oversight guidelines that can be shared with States in the geographical area covered by the task force;

(iii) provide technical assistance to States in the geographical area covered by the task force in implementing regulatory requirements and any models developed under clause (ii);

(iv) inventory current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value;

(v) identify any priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects at increased scale;

(vi) identify gaps in the current Federal and State regulatory framework and in existing data for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines;

(vii) identify Federal and State financing mechanisms available to project developers; and

(viii) develop recommendations for relevant Federal agencies on how to develop and research technologies that—

(I) can capture carbon dioxide; and

(II) would be able to be deployed within the region covered by the task force, including any projects that have received technical or financial assistance for research under paragraph (6) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g)).

(E) REPORT.—Each year, each task force shall prepare and submit to the Chair and to the other task forces a report that includes—

(i) any recommendations for improvements in efficient, orderly, and responsible issuance or administration of Federal permits and other Federal authorizations required under a law described in paragraph (3)(B)(i); and

(ii) any other nationally relevant information that the task force has collected in carrying out the duties under subparagraph (D).

(F) EVALUATION.—Not later than 5 years after the date of enactment of this Act, the Chair shall—

(i) reevaluate the need for the task forces; and

(ii) submit to Congress a recommendation as to whether the task forces should continue.

SEC. 6085. LEGAL ASSISTANCE FOR VETERANS AND SURVIVING SPOUSES AND DEPENDENTS.

(a) AVAILABILITY OF LEGAL ASSISTANCE AT FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Chapter 59 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 5906. Availability of legal assistance at Department facilities

''(a) IN GENERAL.—Not less frequently than three times each year, the Secretary shall facilitate the provision by a qualified legal assistance clinic of pro bono legal assistance described in subsection (c) to eligible individuals at not fewer than one medical center

of the Department of Veterans Affairs, or such other facility of the Department as the Secretary considers appropriate, in each State.

''(b) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is—

''(1) any veteran;

''(2) any surviving spouse; or

''(3) any child of a veteran who has died.

''(c) PRO BONO LEGAL ASSISTANCE DESCRIBED.—The pro bono legal assistance described in this subsection is the following:

''(1) Legal assistance with any program administered by the Secretary.

''(2) Legal assistance associated with—

''(A) improving the status of a military discharge or characterization of service in the Armed Forces, including through a discharge review board; or

''(B) seeking a review of a military record before a board of correction for military or naval records.

''(3) Such other legal assistance as the Secretary—

''(A) considers appropriate; and

''(B) determines may be needed by eligible individuals.

''(d) LIMITATION ON USE OF FACILITIES.—Space in a medical center or facility designated under subsection (a) shall be reserved for and may only be used by the following, subject to review and removal from participation by the Secretary:

''(1) A veterans service organization or other nonprofit organization.

''(2) A legal assistance clinic associated with an accredited law school.

''(3) A legal services organization.

''(4) A bar association.

''(5) Such other attorneys and entities as the Secretary considers appropriate.

''(e) LEGAL ASSISTANCE IN RURAL AREAS.—In carrying out this section, the Secretary shall ensure that pro bono legal assistance is provided under subsection (a) in rural areas.

''(f) DEFINITION OF VETERANS SERVICE ORGANIZATION.—The term 'veterans service organization' means any organization recognized by the Secretary for the representation of veterans under section 5902 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by adding at the end the following new item:

''5906. Availability of legal assistance at Department facilities.''.

(b) PILOT PROGRAM TO ESTABLISH AND SUPPORT LEGAL ASSISTANCE CLINICS.—

(1) PILOT PROGRAM REQUIRED.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a pilot program to assess the feasibility and advisability of awarding grants to eligible entities to establish new legal assistance clinics, or enhance existing legal assistance clinics or other pro bono efforts, for the provision of pro bono legal assistance described in subsection (c) of section 5906 of title 38, United States Code, as added by subsection (a), on a year-round basis to individuals who served in the Armed Forces, including individuals who served in a reserve component of the Armed Forces, and who were discharged or released therefrom, regardless of the conditions of such discharge or release, at locations other than medical centers and facilities described in subsection (a) of such section.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to limit or affect—

(i) the provision of pro bono legal assistance to eligible individuals at medical centers and facilities of the Department of Veterans Affairs under section 5906(a) of title 38, United States Code, as added by subsection (a); or

(ii) any other legal assistance provided pro bono at medical centers or facilities of the Department as of the date of the enactment of this Act.

(2) ELIGIBLE ENTITIES.—For purposes of the pilot program, an eligible entity is—

(A) a veterans service organization or other nonprofit organization specifically focused on assisting veterans;

(B) an entity specifically focused on assisting veterans and associated with an accredited law school;

(C) a legal services organization or bar association; or

(D) such other type of entity as the Secretary considers appropriate for purposes of the pilot program.

(3) LOCATIONS.—The Secretary shall ensure that at least one grant is awarded under paragraph (1)(A) to at least one eligible entity in each State, if the Secretary determines that there is such an entity in a State that has applied for, and meets requirements for the award of, such a grant.

(4) DURATION.—The Secretary shall carry out the pilot program during the five-year period beginning on the date on which the Secretary establishes the pilot program.

(5) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary an application therefore at such time, in such manner, and containing such information as the Secretary may require.

(6) SELECTION.—The Secretary shall select eligible entities who submit applications under paragraph (5) for the award of grants under the pilot program using a competitive process that takes into account the following:

(A) Capacity of the applicant entity to serve veterans and ability of the entity to provide sound legal advice.

(B) Demonstrated need of the veteran population the applicant entity would serve.

(C) Demonstrated need of the applicant entity for assistance from the grants.

(D) Geographic diversity of applicant entities.

(E) Such other criteria as the Secretary considers appropriate.

(7) GRANTEE REPORTS.—Each recipient of a grant under the pilot program shall, in accordance with such criteria as the Secretary may establish, submit to the Secretary a report on the activities of the recipient and how the grant amounts were used.

(c) REVIEW OF PRO BONO ELIGIBILITY OF FEDERAL WORKERS.—

(1) IN GENERAL.—The Secretary shall, in consultation with the Attorney General and the Director of the Office of Government Ethics, conduct a review of the rules and regulations governing the circumstances under which attorneys employed by the Federal Government can provide pro bono legal assistance.

(2) RECOMMENDATIONS.—In conducting the review required by paragraph (1), the Secretary shall develop recommendations for such legislative or administrative action as the Secretary considers appropriate to facilitate greater participation by Federal employees in pro bono legal and other volunteer services for veterans.

(3) SUBMITTAL TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress—

(A) the findings of the Secretary with respect to the review conducted under paragraph (1); and

(B) the recommendations developed by the Secretary under paragraph (2).

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the status of the implementation of this section.

(e) DEFINITIONS.—In this section:

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

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(2) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 6086. SILVER STAR SERVICE BANNER DAY.

(a) FINDINGS.—Congress finds the following:

(1) Congress is committed to honoring the sacrifices of wounded and ill members of the Armed Forces.

(2) The Silver Star Service Banner recognizes the members of the Armed Forces and veterans who were wounded or became ill while serving in combat for the United States.

(3) The sacrifices made by members of the Armed Forces and veterans on behalf of the United States should never be forgotten.

(4) May 1 is an appropriate date to designate as ''Silver Star Service Banner Day''.

(b) DESIGNATION.—

(1) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following:

''§ 146. Silver Star Service Banner Day

''(a) DESIGNATION.—May 1 is Silver Star Service Banner Day.

''(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on the people of the United States to observe Silver Star Service Banner Day with appropriate programs, ceremonies, and activities.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 145 the following:

''146. Silver Star Service Banner Day.''.

SEC. 6087. ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 2203(b) of the Energy Policy Act of 1992 (42 U.S.C. 13503(b)) is amended by striking paragraph (3) and inserting the following:

''(3) ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE JURISDICTION.—The term 'eligible jurisdiction' means a State that is determined to be eligible for a grant under this paragraph in accordance with subparagraph (D).

''(ii) EPSCOR.—The term 'EPSCoR' means the Established Program to Stimulate Competitive Research operated under subparagraph (B).

''(iii) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''(iv) STATE.—The term 'State' means—

''(I) a State;

''(II) the District of Columbia;

''(III) the Commonwealth of Puerto Rico;

''(IV) Guam; and

''(V) the United States Virgin Islands.

''(B) PROGRAM OPERATION.—The Secretary shall operate an Established Program to Stimulate Competitive Research.

''(C) OBJECTIVES.—The objectives of EPSCoR shall be—

''(i) to increase the number of researchers in eligible jurisdictions, especially at institutions of higher education, capable of performing nationally competitive science and

engineering research in support of the mission of the Department of Energy in the areas of applied energy research, environmental management, and basic science;

''(ii) to improve science and engineering research and education programs at institutions of higher education in eligible jurisdictions and enhance the capabilities of eligible jurisdictions to develop, plan, and execute research that is competitive, including through investing in research equipment and instrumentation; and

''(iii) to increase the probability of long-term growth of competitive funding to eligible jurisdictions.

''(D) ELIGIBLE JURISDICTIONS.—

''(i) IN GENERAL.—The Secretary may establish criteria for determining whether a State is eligible for a grant under this paragraph.

''(ii) REQUIREMENT.—Except as provided in clause (iii), in establishing criteria under clause (i), the Secretary shall ensure that a State is eligible for a grant under this paragraph if the State, as determined by the Secretary, is a State that—

''(I) historically has received relatively little Federal research and development funding; and

''(II) has demonstrated a commitment—

''(aa) to develop the research bases in the State; and

''(bb) to improve science and engineering research and education programs at institutions of higher education in the State.

''(iii) ELIGIBILITY UNDER NSF EPSCOR.—At the election of the Secretary, or if the Secretary determines not to establish criteria under clause (i), a State is eligible for a grant under this paragraph if the State is eligible to receive funding under the Established Program to Stimulate Competitive Research of the National Science Foundation.

''(E) GRANTS IN AREAS OF APPLIED ENERGY RESEARCH, ENVIRONMENTAL MANAGEMENT, AND BASIC SCIENCE.—

''(i) IN GENERAL.—EPSCoR shall make grants to eligible jurisdictions to carry out and support applied energy research and research in all areas of environmental management and basic science sponsored by the Department of Energy, including—

''(I) energy efficiency, fossil energy, renewable energy, and other applied energy research;

''(II) electricity delivery research;

''(III) cybersecurity, energy security, and emergency response;

''(IV) environmental management; and

''(V) basic science research.

''(ii) ACTIVITIES.—EPSCoR shall make grants under this subparagraph for activities consistent with the objectives described in subparagraph (C) in the areas of applied energy research, environmental management, and basic science described in clause (i), including—

''(I) to support research that is carried out in partnership with the National Laboratories;

''(II) to provide for graduate traineeships;

''(III) to support research by early career faculty; and

''(IV) to improve research capabilities through biennial research implementation grants.

''(iii) NO COST SHARING.—EPSCoR shall not impose any cost-sharing requirement with respect to a grant made under this subparagraph, but may require letters of commitment from National Laboratories.

''(F) OTHER ACTIVITIES.—EPSCoR may carry out such activities as may be necessary to meet the objectives described in subparagraph (C) in the areas of applied energy research, environmental management, and basic science described in subparagraph (E)(i).

''(G) PROGRAM IMPLEMENTATION.—

''(i) IN GENERAL.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a plan describing how the Secretary shall implement EPSCoR.

''(ii) CONTENTS OF PLAN.—The plan described in clause (i) shall include a description of—

''(I) the management structure of EPSCoR, which shall ensure that all research areas and activities described in this paragraph are incorporated into EPSCoR;

''(II) efforts to conduct outreach to inform eligible jurisdictions and faculty of changes to, and opportunities under, EPSCoR;

''(III) how EPSCoR plans to increase engagement with eligible jurisdictions, faculty, and State committees, including by holding regular workshops, to increase participation in EPSCoR; and

''(IV) any other issues relating to EPSCoR that the Secretary determines appropriate.

''(H) PROGRAM EVALUATION.—

''(i) IN GENERAL.—Not later than 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary shall contract with a federally funded research and development center, the National Academy of Sciences, or a similar organization to carry out an assessment of the effectiveness of EPSCoR, including an assessment of—

''(I) the tangible progress made towards achieving the objectives described in subparagraph (C);

''(II) the impact of research supported by EPSCoR on the mission of the Department of Energy; and

''(III) any other issues relating to EPSCoR that the Secretary determines appropriate.

''(ii) LIMITATION.—The organization with which the Secretary contracts under clause (i) shall not be a National Laboratory.

''(iii) REPORT.—Not later than 6 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a report describing the results of the assessment carried out under clause (i), including recommendations for improvements that would enable the Secretary to achieve the objectives described in subparagraph (C).''.

SEC. 6088. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

''(6) the term 'security vulnerability' has the meaning given that term in section 102(17) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17)); and'';

(2) in subsection (c)—

(A) in paragraph (10), by striking ''and'' at the end;

(B) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(12) detecting, identifying, and receiving information about security vulnerabilities relating to critical infrastructure in the information systems and devices for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).''; and

(3) by adding at the end the following:

''(o) SUBPOENA AUTHORITY.—

''(1) DEFINITION.—In this subsection, the term 'covered device or system'—

''(A) means a device or system commonly used to perform industrial, commercial, scientific, or governmental functions or processes that relate to critical infrastructure, including operational and industrial control systems, distributed control systems, and programmable logic controllers; and

''(B) does not include personal devices and systems, such as consumer mobile devices, home computers, residential wireless routers, or residential internet enabled consumer devices.

''(2) AUTHORITY.—

''(A) IN GENERAL.—If the Director identifies a system connected to the internet with a specific security vulnerability and has reason to believe that the security vulnerability relates to critical infrastructure and affects a covered device or system, and the Director is unable to identify the entity at risk that owns or operates the covered device or system, the Director may issue a subpoena for the production of information necessary to identify and notify the entity at risk, in order to carry out a function authorized under subsection (c)(12).

''(B) LIMIT ON INFORMATION.—A subpoena issued under the authority under subparagraph (A) may seek information—

''(i) only in the categories set forth in subparagraphs (A), (B), (D), and (E) of section 2703(c)(2) of title 18, United States Code; and

''(ii) for not more than 20 covered devices or systems.

''(C) LIABILITY PROTECTIONS FOR DISCLOSING PROVIDERS.—The provisions of section 2703(e) of title 18, United States Code, shall apply to any subpoena issued under the authority under subparagraph (A).

''(3) COORDINATION.—

''(A) IN GENERAL.—If the Director decides to exercise the subpoena authority under this subsection, and in the interest of avoiding interference with ongoing law enforcement investigations, the Director shall coordinate the issuance of any such subpoena with the Department of Justice, including the Federal Bureau of Investigation, pursuant to inter-agency procedures which the Director, in coordination with the Attorney General, shall develop not later than 60 days after the date of enactment of this subsection.

''(B) CONTENTS.—The inter-agency procedures developed under this paragraph shall provide that a subpoena issued by the Director under this subsection shall be—

''(i) issued in order to carry out a function described in subsection (c)(12); and

''(ii) subject to the limitations under this subsection.

''(4) NONCOMPLIANCE.—If any person, partnership, corporation, association, or entity fails to comply with any duly served subpoena issued under this subsection, the Director may request that the Attorney General seek enforcement of the subpoena in any judicial district in which such person, partnership, corporation, association, or entity resides, is found, or transacts business.

''(5) NOTICE.—Not later than 7 days after the date on which the Director receives information obtained through a subpoena issued under this subsection, the Director shall notify any entity identified by information obtained under the subpoena regarding the subpoena and the identified vulnerability.

''(6) AUTHENTICATION.—

''(A) IN GENERAL.—Any subpoena issued by the Director under this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Agency, or other comparable successor technology, that allows the Agency to demonstrate that the subpoena was issued by the Agency and has not been altered or modified since it was issued by the Agency.

''(B) INVALID IF NOT AUTHENTICATED.—Any subpoena issued by the Director under this subsection that is not authenticated in accordance with subparagraph (A) shall not be considered to be valid by the recipient of the subpoena.

''(7) PROCEDURES.—Not later than 90 days after the date of enactment of this subsection, the Director shall establish internal procedures and associated training, applicable to employees and operations of the Agency, regarding subpoenas issued under this subsection, which shall address—

''(A) the protection of and restriction on dissemination of nonpublic information obtained through a subpoena issued under this subsection, including a requirement that the Agency shall not disseminate nonpublic information obtained through a subpoena issued under this subsection that identifies the party that is subject to the subpoena or the entity at risk identified by information obtained, except that the Agency may share the nonpublic information of the entity at risk with another the Department of Justice for the purpose of enforcing the subpoena in accordance with paragraph (4) or with a Federal agency if—

''(i) the Agency identifies or is notified of a cybersecurity incident involving the entity, which relates to the vulnerability which led to the issuance of the subpoena;

''(ii) the Director determines that sharing the nonpublic information with another Federal agency is necessary to allow that Federal agency to take a law enforcement or national security action, subject to the interagency procedures under paragraph (3)(A), or actions related to mitigating or otherwise resolving such incident;

''(iii) the entity to which the information pertains is notified of the Director's determination, to the extent practicable consistent with national security or law enforcement interests, subject to the interagency procedures under paragraph (3)(A); and

''(iv) the entity consents, except that the entity's consent shall not be required if another Federal agency identifies the entity to the Agency in connection with a suspected cybersecurity incident;

''(B) the restriction on the use of information obtained through the subpoena for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);

''(C) the retention and destruction of nonpublic information obtained through a subpoena issued under this subsection, including—

''(i) destruction of information obtained through the subpoena that the Director determines is unrelated to critical infrastructure immediately upon providing notice to the entity pursuant to paragraph (5); and

''(ii) destruction of any personally identifiable information not later than 6 months after the date on which the Director receives information obtained through the subpoena, unless otherwise agreed to by the individual identified by the subpoena respondent;

''(D) the processes for providing notice to each party that is subject to the subpoena and each entity identified by information obtained under a subpoena issued under this subsection;

''(E) the processes and criteria for conducting critical infrastructure security risk assessments to determine whether a subpoena is necessary prior to being issued under this subsection; and

''(F) the information to be provided to an entity at risk at the time of the notice of the vulnerability, which shall include—

''(i) a discussion or statement that responding to, or subsequent engagement with, the Agency, is voluntary; and

''(ii) to the extent practicable, information regarding the process through which the Director identifies security vulnerabilities.

''(8) LIMITATION ON PROCEDURES.—The internal procedures established under paragraph (7) may not require an owner or operator of critical infrastructure to take any action as a result of a notice of vulnerability made pursuant to this Act.

''(9) REVIEW OF PROCEDURES.—Not later than 1 year after the date of enactment of this subsection, the Privacy Officer of the Agency shall—

''(A) review the procedures developed by the Director under paragraph (7) to ensure that—

''(i) the procedures are consistent with fair information practices; and

''(ii) the operations of the Agency comply with the procedures; and

''(B) notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of the results of the review.

''(10) PUBLICATION OF INFORMATION.—Not later than 120 days after establishing the internal procedures under paragraph (7), the Director shall publish information on the website of the Agency regarding the subpoena process under this subsection, including regarding—

''(A) the purpose for subpoenas issued under this subsection;

''(B) the subpoena process;

''(C) the criteria for the critical infrastructure security risk assessment conducted prior to issuing a subpoena;

''(D) policies and procedures on retention and sharing of data obtained by subpoena;

''(E) guidelines on how entities contacted by the Director may respond to notice of a subpoena; and

''(F) the procedures and policies of the Agency developed under paragraph (7).

''(11) ANNUAL REPORTS.—The Director shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report (which may include a classified annex but with the presumption of declassification) on the use of subpoenas under this subsection by the Director, which shall include—

''(A) a discussion of—

''(i) the effectiveness of the use of subpoenas to mitigate critical infrastructure security vulnerabilities;

''(ii) the critical infrastructure security risk assessment process conducted for subpoenas issued under this subsection;

''(iii) the number of subpoenas issued under this subsection by the Director during the preceding year;

''(iv) to the extent practicable, the number of vulnerable covered devices or systems mitigated under this subsection by the Agency during the preceding year; and

''(v) the number of entities notified by the Director under this subsection, and their response, during the previous year; and

''(B) for each subpoena issued under this subsection—

''(i) the source of the security vulnerability detected, identified, or received by the Director;

''(ii) the steps taken to identify the entity at risk prior to issuing the subpoena; and

''(iii) a description of the outcome of the subpoena, including discussion on the resolution or mitigation of the critical infrastructure security vulnerability.

''(12) PUBLICATION OF THE ANNUAL REPORTS.—The Director shall publish a version of the annual report required by paragraph (11) on the website of the Agency, which shall, at a minimum, include the findings described in clauses (iii), (iv) and (v) of paragraph (11)(A).

''(13) PROHIBITION ON USE OF INFORMATION FOR UNAUTHORIZED PURPOSES.—Any information obtained pursuant to a subpoena issued under this subsection shall not be provided to any other Federal agency for any purpose other than a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501) or for the purpose of enforcing a subpoena under paragraph (4).''.

(b) RULES OF CONSTRUCTION.—

(1) PROHIBITION ON NEW REGULATORY AUTHORITY.—Nothing in this section or the amendments made by this section shall be construed to grant the Secretary of Homeland Security (in this subsection referred to as the ''Secretary''), or another Federal agency, any authority to promulgate regulations or set standards relating to the cybersecurity of private sector critical infrastructure that was not in effect on the day before the date of enactment of this Act.

(2) PRIVATE ENTITIES.—Nothing in this section or the amendments made by this section shall be construed to require any private entity—

(A) toto request assistance from the Secretary; or

(B) that requested such assistance from the Secretary to implement any measure or recommendation suggested by the Secretary.

SEC. 6089. THAD COCHRAN HEADQUARTERS BUILDING.

(a) IN GENERAL.—The headquarters building of the Engineer Research and Development Center of the Corps of Engineers located at 3909 Halls Ferry Road in Vicksburg, Mississippi, shall be known and designated as the ''Thad Cochran Headquarters Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Thad Cochran Headquarters Building''.

SEC. 6090. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON HANDLING BY DEPARTMENT OF VETERANS AFFAIRS OF DISABILITY-RELATED BENEFITS CLAIMS BY VETERANS WITH TYPE 1 DIABETES WHO WERE EXPOSED TO A HERBICIDE AGENT.

The Comptroller General of the United States shall submit to Congress a report evaluating how the Department of Veterans Affairs has handled claims for disability-related benefits under laws administered by the Secretary of Veterans Affairs of veterans with type 1 diabetes who have been exposed to a herbicide agent (as defined in section 1116(a)(3) of title 38, United States Code).

SEC. 6091. SPECIAL RULES FOR CERTAIN MONTHLY WORKERS' COMPENSATION PAYMENTS AND OTHER PAYMENTS FOR FEDERAL GOVERNMENT PERSONNEL UNDER CHIEF OF MISSION AUTHORITY.

Section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) is amended—

(1) in subsection (a), by inserting ''or other designated heads of Federal agencies'' after ''The Secretary of State''; and

(2) in subsection (e)(2), by striking ''Department of State'' and inserting ''Federal Government''.

Subtitle H—Industries of the Future

SEC. 6094A. SHORT TITLE.

This subtitle may be cited as the ''Industries of the Future Act of 2020''.

SEC. 6094B. REPORT ON FEDERAL RESEARCH AND DEVELOPMENT FOCUSED ON INDUSTRIES OF THE FUTURE.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to Congress a report on research and development investments, infrastructure, and workforce development investments of the Federal Government that enable continued United States leadership in industries of the future.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) A definition, for purposes of this Act, of the term ''industries of the future'' that includes emerging technologies.

(2) An assessment of the current baseline of investments in civilian research and development investments of the Federal Government in the industries of the future.

(3) A plan to double such baseline investments in artificial intelligence and quantum information science by fiscal year 2022.

(4) A detailed plan to increase investments described in paragraph (2) in industries of the future to $10,000,000,000 per year by fiscal year 2025.

(5) A plan to leverage investments described in paragraphs (2), (3), and (4) in industries of the future to elicit complimentary investments by non-Federal entities to the greatest extent practicable.

(6) Proposed legislation to implement such plans.

SEC. 6094C. INDUSTRIES OF THE FUTURE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The President shall establish or designate a council to advise the Director of the Office of Science and Technology Policy on matters relevant to the Director and the industries of the future.

(2) DESIGNATION.—The council established or designated under paragraph (1) shall be known as the ''Industries of the Future Coordination Council'' (in this section the ''Council'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of members from the Federal Government as follows:

(A) One member appointed by the Director.

(B) A chairperson of the Select Committee on Artificial Intelligence of the National Science and Technology Council.

(C) A chairperson of the Subcommittee on Advanced Manufacturing of the National Science and Technology Council.

(D) A chairperson of the Subcommittee on Quantum Information Science of the National Science and Technology Council.

(E) Such other members as the President considers appropriate.

(2) CHAIRPERSON.—The member appointed to the Council under paragraph (1)(A) shall serve as the chairperson of the Council.

(c) DUTIES.—The duties of the Council are as follows:

(1) To provide the Director with advice on ways in which in the Federal Government can ensure the United States continues to lead the world in developing emerging technologies that improve the quality of life of the people of the United States, increase economic competitiveness of the United States, and strengthen the national security of the United States, including identification of the following:

(A) Investments required in fundamental research and development, infrastructure, and workforce development of the United States workers who will support the industries of the future.

(B) Actions necessary to create and further develop the workforce that will support the industries of the future.

(C) Actions required to leverage the strength of the research and development ecosystem of the United States, which includes academia, industry, and nonprofit organizations.

(D) Ways that the Federal Government can consider leveraging existing partnerships and creating new partnerships and other multisector collaborations to advance the industries of the future.

(2) To provide the Director with advice on matters relevant to the report required by section 6092B.

(d) COORDINATION.—The Council shall coordinate with and utilize relevant existing National Science and Technology Council committees to the maximum extent feasible in order to minimize duplication of effort.

(e) SUNSET.—The Council shall terminate on the date that is 6 years after the date of the enactment of this Act.

Subtitle I—READI Act

SEC. 6096. SHORT TITLE.

This subtitle may be cited as the ''Reliable Emergency Alert Distribution Improvement Act of 2020'' or ''READI Act''.

SEC. 6096A. DEFINITIONS.

In this subtitle—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

(2) the term ''Commission'' means the Federal Communications Commission;

(3) the term ''Emergency Alert System'' means the national public warning system, the rules for which are set forth in part 11 of title 47, Code of Federal Regulations (or any successor regulation); and

(4) the term ''Wireless Emergency Alerts System'' means the wireless national public warning system established under the Warning, Alert, and Response Network Act (47 U.S.C. 1201 et seq.), the rules for which are set forth in part 10 of title 47, Code of Federal Regulations (or any successor regulation).

SEC. 6096B. WIRELESS EMERGENCY ALERTS SYSTEM OFFERINGS.

(a) AMENDMENT.—Section 602(b)(2)(E) of the Warning, Alert, and Response Network Act (47 U.S.C. 1201(b)(2)(E)) is amended—

(1) by striking the second and third sentences; and

(2) by striking ''other than an alert issued by the President.'' and inserting the following: ''other than an alert issued by—

''(i) the President; or

''(ii) the Administrator of the Federal Emergency Management Agency.''.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall adopt regulations to implement the amendment made by subsection (a)(2).

SEC. 6096C. STATE EMERGENCY ALERT SYSTEM PLANS AND EMERGENCY COMMUNICATIONS COMMITTEES.

(a) DEFINITIONS.—In this section—

(1) the term ''SECC'' means a State Emergency Communications Committee;

(2) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States; and

(3) the term ''State EAS Plan'' means a State Emergency Alert System Plan.

(b) STATE EMERGENCY COMMUNICATIONS COMMITTEE.—Not later than 180 days after the date of enactment of this Act, the Commission shall adopt regulations that—

(1) encourage the chief executive of each State—

(A) to establish an SECC if the State does not have an SECC; or

(B) if the State has an SECC, to review the composition and governance of the SECC;

(2) provide that—

(A) each SECC, not less frequently than annually, shall—

(i) meet to review and update its State EAS Plan;

(ii) certify to the Commission that the SECC has met as required under clause (i); and

(iii) submit to the Commission an updated State EAS Plan; and

(B) not later than 60 days after the date on which the Commission receives an updated State EAS Plan under subparagraph (A)(iii), the Commission shall—

(i) approve or disapprove the updated State EAS Plan; and

(ii) notify the chief executive of the State of the Commission's findings; and

(3) establish a State EAS Plan content checklist for SECCs to use when reviewing and updating a State EAS Plan for submission to the Commission under paragraph (2)(A).

(c) CONSULTATION.—The Commission shall consult with the Administrator regarding the adoption of regulations under subsection (b)(3).

SEC. 6096D. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM GUIDANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and issue guidance on how State, Tribal, and local governments can participate in the integrated public alert and warning system of the United States described in section 526 of the Homeland Security Act of 2002 (6 U.S.C. 321o) (referred to in this section as the ''public alert and warning system'') while maintaining the integrity of the public alert and warning system, including—

(1) guidance on the categories of public emergencies and appropriate circumstances that warrant an alert and warning from State, Tribal, and local governments using the public alert and warning system;

(2) the procedures for State, Tribal, and local government officials to authenticate civil emergencies and initiate, modify, and cancel alerts transmitted through the public alert and warning system, including protocols and technology capabilities for—

(A) the initiation, or prohibition on the initiation, of alerts by a single authorized or unauthorized individual;

(B) testing a State, Tribal, or local government incident management and warning tool without accidentally initiating an alert through the public alert and warning system; and

(C) steps a State, Tribal, or local government official should take to mitigate the possibility of the issuance of a false alert through the public alert and warning system;

(3) the standardization, functionality, and interoperability of incident management and warning tools used by State, Tribal, and local governments to notify the public of an emergency through the public alert and warning system;

(4) the annual training and recertification of emergency management personnel on requirements for originating and transmitting an alert through the public alert and warning system;

(5) the procedures, protocols, and guidance concerning the protective action plans that State, Tribal, and local governments should issue to the public following an alert issued under the public alert and warning system;

(6) the procedures, protocols, and guidance concerning the communications that State, Tribal, and local governments should issue to the public following a false alert issued under the public alert and warning system;

(7) a plan by which State, Tribal, and local government officials may, during an emergency, contact each other as well as Federal officials and participants in the Emergency Alert System and the Wireless Emergency Alerts System, when appropriate and necessary, by telephone, text message, or other means of communication regarding an alert that has been distributed to the public; and

(8) any other procedure the Administrator considers appropriate for maintaining the integrity of and providing for public confidence in the public alert and warning system.

(b) COORDINATION WITH NATIONAL ADVISORY COUNCIL REPORT.—The Administrator shall ensure that the guidance developed under subsection (a) does not conflict with recommendations made for improving the public alert and warning system provided in the report submitted by the National Advisory Council under section 2(b)(7)(B) of the Integrated Public Alert and Warning System Modernization Act of 2015 (Public Law 114–143; 130 Stat. 332).

(c) PUBLIC CONSULTATION.—In developing the guidance under subsection (a), the Administrator shall ensure appropriate public consultation and, to the extent practicable, coordinate the development of the guidance with stakeholders of the public alert and warning system, including—

(1) appropriate personnel from Federal agencies, including the National Institute of Standards and Technology, the Federal Emergency Management Agency, and the Commission;

(2) representatives of State and local governments and emergency services personnel, who shall be selected from among individuals nominated by national organizations representing those governments and personnel;

(3) representatives of federally recognized Indian Tribes and national Indian organizations;

(4) communications service providers;

(5) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(6) third-party service bureaus;

(7) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(8) technical experts from the broadcasting industry, including representatives of both the non-commercial and commercial radio broadcast industries and non-commercial and commercial television broadcast industries;

(9) educators from the Emergency Management Institute; and

(10) other individuals with technical expertise as the Administrator determines appropriate.

(d) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the public consultation with stakeholders under subsection (c).

(e) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to amend, supplement, or abridge the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.) or in any other manner give the Administrator authority over communications service providers participating in the Emergency Alert System or the Wireless Emergency Alerts System.

SEC. 6096E. FALSE ALERT REPORTING.

Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to establish a system to receive from the Administrator or State, Tribal, or local governments reports of false alerts under the Emergency Alert System or the Wireless Emergency Alerts System for the purpose of recording such false alerts and examining their causes.

SEC. 6096F. REPEATING EMERGENCY ALERT SYSTEM MESSAGES FOR NATIONAL SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to modify the Emergency Alert System to provide for repeating Emergency Alert System messages while an alert remains pending that is issued by—

(1) the President;

(2) the Administrator; or

(3) any other entity under specified circumstances as determined by the Commission, in consultation with the Administrator.

(b) SCOPE OF RULEMAKING.—Subsection (a)—

(1) shall apply to warnings of national security events, meaning emergencies of national significance, such as a missile threat, terror attack, or other act of war; and

(2) shall not apply to more typical warnings, such as a weather alert, AMBER Alert, or disaster alert.

SEC. 6096G. INTERNET AND ONLINE STREAMING SERVICES EMERGENCY ALERT EXAMINATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, and after providing public notice and opportunity for comment, the Commission shall complete an inquiry to examine the feasibility of updating the Emergency Alert System to enable or improve alerts to consumers provided through the internet, including through streaming services.

(b) REPORT.—Not later than 90 days after completing the inquiry under subsection (a), the Commission shall submit a report on the findings and conclusions of the inquiry to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Energy and Commerce of the House of Representatives.

TITLE LXII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 6211. CONGRESSIONAL OVERSIGHT OF UNITED STATES TALKS WITH TALIBAN OFFICIALS AND AFGHANISTAN'S COMPREHENSIVE PEACE PROCESS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

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

(2) GOVERNMENT OF AFGHANISTAN.—The term ''Government of Afghanistan'' means the Government of the Islamic Republic of Afghanistan and its agencies, instrumentalities, and controlled entities.

(3) THE TALIBAN.—The term ''the Taliban''—

(A) refers to the organization that refers to itself as the ''Islamic Emirate of Afghanistan'', that was founded by Mohammed Omar, and that is currently led by Mawlawi Hibatullah Akhundzada; and

(B) includes subordinate organizations, such as the Haqqani Network, and any successor organization.

(4) FEBRUARY 29 AGREEMENT.—The term ''February 29 Agreement'' refers to the political arrangement between the United States and the Taliban titled ''Agreement for Bringing Peace to Afghanistan Between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America'' signed at Doha, Qatar February 29, 2020.

(b) OVERSIGHT OF PEACE PROCESS AND OTHER AGREEMENTS.—

(1) TRANSMISSION TO CONGRESS OF MATERIALS RELEVANT TO THE FEBRUARY 29 AGREEMENT.—The Secretary of State, in consultation with the Secretary of Defense, shall continue to submit to the appropriate congressional committees materials relevant to the February 29 Agreement.

(2) SUBMISSION TO CONGRESS OF ANY FUTURE DEALS INVOLVING THE TALIBAN.—The Secretary of State shall submit to the appropriate congressional committees, within 5 days of conclusion and on an ongoing basis thereafter, any future agreement or arrangement involving the Taliban in any manner, as well as materials relevant to any future agreement or arrangement involving the Taliban in any manner.

(3) DEFINITIONS.—In this subsection, the terms ''materials relevant to the February 29 Agreement'' and ''materials relevant to any future agreement or arrangement'' include all annexes, appendices, and instruments for implementation of the February 29 Agreement or a future agreement or arrangement, as well as any understandings or expectations related to the Agreement or a future agreement or arrangement.

(c) REPORT AND BRIEFING ON VERIFICATION AND COMPLIANCE.—

(1) IN GENERAL.—

(A) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 120 days thereafter, the President shall submit to the appropriate congressional committees a report verifying whether the key tenets of the February 29 Agreement, or future agreements, and accompanying implementing frameworks are being preserved and honored.

(B) BRIEFING.—At the time of each report submitted under subparagraph (A), the Secretary of State shall direct a Senate-confirmed Department of State official and other appropriate officials to brief the appropriate congressional committees on the contents of the report. The Director of National Intelligence shall also direct an appropriate official to participate in the briefing.

(2) ELEMENTS.—The report and briefing required under paragraph (1) shall include—

(A) an assessment—

(i) of the Taliban's compliance with counterterrorism guarantees, including guarantees to deny safe haven and freedom of movement to al-Qaeda and other terrorist threats from operating on territory under its influence; and

(ii) whether the United States intelligence community has collected any intelligence indicating the Taliban does not intend to uphold its commitments;

(B) an assessment of Taliban actions against terrorist threats to United States national security interests;

(C) an assessment of whether Taliban officials have made a complete, transparent, public, and verifiable breaking of all ties with al-Qaeda;

(D) an assessment of the current relationship between the Taliban and al-Qaeda, including any interactions between members of the two groups in Afghanistan, Pakistan, or other countries, and any change in

Taliban conduct towards al-Qaeda since February 29, 2020;

(E) an assessment of the relationship between the Taliban and any other terrorist group that is assessed to threaten the security of the United States or its allies, including any change in conduct since February 29, 2020;

(F) an assessment of whether the Haqqani Network has broken ties with al-Qaeda, and whether the Haqqani Network's leader Sirajuddin Haqqani remains part of the leadership structure of the Taliban;

(G) an assessment of threats emanating from Afghanistan against the United States homeland and United States partners, and a description of how the United States Government is responding to those threats;

(H) an assessment of intra-Afghan discussions, political reconciliation, and progress towards a political roadmap that seeks to serve all Afghans;

(I) an assessment of the viability of any intra-Afghan governing agreement;

(J) an assessment as to whether the terms of any reduction in violence or ceasefire are being met by all sides in the conflict;

(K) a detailed overview of any United States and NATO presence remaining in Afghanistan and any planned changes to such force posture;

(L) an assessment of the status of human rights, including the rights of women, minorities, and youth;

(M) an assessment of the access of women, minorities, and youth to education, justice, and economic opportunities in Afghanistan;

(N) an assessment of the status of the rule of law and governance structures at the central, provincial, and district levels of government;

(O) an assessment of the media and of the press and civil society's operating space in Afghanistan;

(P) an assessment of illicit narcotics production in Afghanistan, its linkages to terrorism, corruption, and instability, and policies to counter illicit narcotics flows;

(Q) an assessment of corruption in Government of Afghanistan institutions at the district, provincial, and central levels of government;

(R) an assessment of the number of Taliban and Afghan prisoners and any plans for the release of such prisoners from either side;

(S) an assessment of any malign Iranian, Chinese, and Russian influence in Afghanistan;

(T) an assessment of how other regional actors, such as Pakistan, are engaging with Afghanistan;

(U) a detailed overview of national-level efforts to promote transitional justice, including forensic efforts and documentation of war crimes, mass killings, or crimes against humanity, redress to victims, and reconciliation activities;

(V) A detailed overview of United States support for Government of Afghanistan and civil society efforts to promote peace and justice at the local level and how these efforts are informing government-level policies and negotiations;

(W) an assessment of the progress made by the Afghanistan Ministry of Interior and the Office of the Attorney General to address gross violations of human rights (GVHRs) by civilian security forces, Taliban, and non-government armed groups, including—

(i) a breakdown of resources provided by the Government of Afghanistan towards these efforts; and

(ii) a summary of assistance provided by the United States Government to support these efforts; and

(X) an overview of civilian casualties caused by the Taliban, non-government armed groups, and Afghan National Defense and Security Forces, including—

(i) an estimate of the number of destroyed or severely damaged civilian structures;

(ii) a description of steps taken by the Government of Afghanistan to minimize civilian casualties and other harm to civilians and civilian infrastructure;

(iii) an assessment of the Government of Afghanistan's capacity and mechanisms for investigating reports of civilian casualties; and

(iv) an assessment of the Government of Afghanistan's efforts to hold local militias accountable for civilian casualties.

(3) COUNTERTERRORISM STRATEGY.—In the event that the Taliban does not meet its counterterrorism obligations under the February 29 Agreement, the report and briefing required under this subsection shall include information detailing the United States' counterterrorism strategy in Afghanistan and Pakistan.

(4) FORM.—The report required under subparagraph (A) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex, and the briefing required under subparagraph (B) of such paragraph shall be conducted at the appropriate classification level.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall prejudice whether a future deal involving the Taliban in any manner constitutes a treaty for purposes of Article II of the Constitution of the United States.

(e) SUNSET.—Except for subsections (b) and (d), the provisions of this section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

Subtitle D—Matters Relating to Europe and the Russian Federation

SEC. 6231. CLARIFICATION AND EXPANSION OF SANCTIONS RELATING TO CONSTRUCTION OF NORD STREAM 2 OR TURKSTREAM PIPELINE PROJECTS.

(a) IN GENERAL.—Subsection (a)(1) of section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92) is amended—

(1) in subparagraph (A), by inserting ''or pipe-laying activities'' after ''pipe-laying''; and

(2) in subparagraph (B)—

(A) in clause (i)—

(i) by inserting '', or facilitated selling, leasing, or providing,'' after ''provided''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) provided underwriting services or insurance or reinsurance for those vessels;

''(iv) provided services or facilities for technology upgrades or installation of welding equipment for, or retrofitting or tethering of, those vessels; or

''(v) provided services for the testing, inspection, or certification necessary for, or associated with the operation of, the Nord Stream 2 pipeline.''.

(b) DEFINITIONS.—Subsection (i) of such section is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

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

''(5) PIPE-LAYING ACTIVITIES.—The term 'pipe-laying activities' means activities that facilitate pipe-laying, including site preparation, trenching, surveying, placing rocks, backfilling, stringing, bending, welding, coating, and lowering of pipe.''.

SEC. 6235. SENSE OF SENATE ON ADMISSION OF UKRAINE TO THE NORTH ATLANTIC TREATY ORGANIZATION ENHANCED OPPORTUNITIES PARTNERSHIP PROGRAM.

(a) INEFFECTIVENESS OF SECTION 1235.—Section 1235 shall have no force or effect.

(b) FINDINGS.—Congress makes the following findings:

(1) On August 24, 1991, Ukraine became a free and independent country after declaring its independence from the Soviet Union.

(2) The Russian Federation is required to respect the independence, sovereignty, and territorial integrity of Ukraine through its signed commitments to the 1994 Budapest Memorandum, the 1975 Helsinki Accords, and the Charter of the United Nations.

(3) On February 8, 1994, Ukraine was among the first post-Soviet states to join the North Atlantic Treaty Organization's Partnership for Peace, and Ukraine subsequently participated in numerous North Atlantic Treaty Organization-led security assistance, peacekeeping, counterterror, and maritime initiatives.

(4) The North Atlantic Treaty Organization and Ukraine have continuously deepened their cooperation through the establishment of—

(A) the North Atlantic Treaty Organization-Ukraine Charter on a Distinctive Partnership and the North Atlantic Treaty Organization-Ukraine Commission in 1997;

(B) the North Atlantic Treaty Organization-Ukraine Joint Working Group on Defense Reform in 1998; and

(C) the North Atlantic Treaty Organization-Ukraine Action Plan in 2002.

(5) In the Bucharest Summit Declaration of April 2008, heads of state and governments of North Atlantic Treaty Organization member countries declared, ''NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. We agreed today that these countries will become members of NATO.''.

(6) Beginning on November 21, 2013, and ending on February 22, 2014, during a period that became known as the Revolution of Dignity, the people of Ukraine peacefully protested the decision of then President Viktor Yanukovych to suspend the signing of the Ukraine-European Union Association Agreement, resulting in the unanimous removal from office of Yanukovych by the Verkhovna Rada.

(7) On May 25, 2014, Peter Poroshenko was elected democratically to become the President of Ukraine based on a pro-European Union and pro-North Atlantic Treaty Organization platform, which laid the foundation for progress on the European Union Association Agreement.

(8) In response to Ukraine's Revolution of Dignity, the Russian Federation launched an overt and covert military campaign against Ukraine, illegally occupied Ukraine's Crimean Peninsula, and instigated war in eastern Ukraine, resulting in the deaths of approximately 14,000 Ukrainians.

(9) The Russian Federation's invasion and illegal occupation of the Crimean Peninsula and instigation of conflict in eastern Ukraine in 2014 was widely viewed as an effort to stifle pro-democracy and pro-Western developments across Ukraine in the wake of the Revolution of Dignity.

(10) At the 2014 Wales Summit, the North Atlantic Treaty Organization adopted the Enhanced Opportunities Partnership Program as a component of the North Atlantic Treaty Organization Partnership Interoperability Initiative, which would ''encourage, facilitate, and sustain'' Ukraine's contributions to the North Atlantic Treaty Organization.

(11) In 2016, as a result of the Warsaw Summit, the North Atlantic Treaty Organization

pledged additional training and technical support for the military forces of Ukraine and endorsed a comprehensive assistance package that included ''tailored capability and capacity building measures . . . to enhance Ukraine's resilience against a wide array of threats, including hybrid threats''.

(12) In 2017, in the face of continued Russian Federation aggression in the eastern region of Ukraine and the continued occupation of Crimea, the Government of Ukraine rejected cooperation with the Russian Federation and voted to make cooperation with the North Atlantic Treaty Organization a foreign policy priority.

(13) On September 1, 2017, the Ukraine-European Union Association Agreement entered into force.

(14) On April 21, 2019, the new president of Ukraine, Volodymyr Zelenskyy—

(A) reaffirmed to European Union and North Atlantic Treaty Organization leaders that Ukraine's strategic course was to achieve full membership in the European Union and the North Atlantic Treaty Organization; and

(B) championed the adoption of an amendment to the Constitution of Ukraine declaring that the Government of Ukraine is responsible for implementing such strategic course toward membership in the European Union and the North Atlantic Treaty Organization.

(15) In January 2020, the Government of Ukraine requested that the North Atlantic Treaty Organization grant Ukraine the status of an Enhanced Opportunities Partner.

(16) Since Ukraine's Revolution of Dignity and in recognition of the United States-Ukraine strategic partnership, the United States has—

(A) provided Ukraine with more than $1,600,000,000 in security assistance, including critical defense items;

(B) collaborated closely with the military forces of Ukraine; and

(C) imposed strong sanctions on the Russian Federation in response to continued Russian Federation aggression in Ukraine.

(17) On June 12, 2020, the North Atlantic Treaty Organization welcomed Ukraine into the Enhanced Opportunities Partnership program, joining Australia, Finland, Sweden, Georgia, and Jordan.

(c) SENSE OF SENATE.—It is the sense of the Senate that the Senate—

(1) applauds the progress of Ukraine and the Revolution of Dignity with respect to strengthening the rule of law and combating corruption, aligning with Euro-Atlantic norms and standards, and improving Ukraine's military combat readiness and interoperability with the North Atlantic Treaty Organization;

(2) affirms the unwavering commitment of the United States to—

(A) supporting the continued efforts of Ukraine to implement democratic and free market reforms;

(B) restoring the territorial integrity of Ukraine; and

(C) providing additional lethal and nonlethal security assistance to strengthen the defense capabilities of Ukraine and to deter further Russian Federation aggression;

(3) condemns the Russian Federation's ongoing use of force and other malign activities against Ukraine and renews its call on the Government of the Russian Federation to immediately cease all activities that seek to undermine Ukraine and destabilize Europe; and

(4) congratulates Ukraine on its inclusion in the North Atlantic Treaty Organization Enhanced Opportunities Partnership program and on the establishment of a roadmap to full NATO accession for Ukraine.

Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 6251. PILOT PROGRAM TO IMPROVE CYBER COOPERATION WITH VIETNAM, THAILAND, AND INDONESIA.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, may establish a pilot program in Vietnam, Thailand, and Indonesia—

(1) to enhance the cyber security, resilience, and readiness of Vietnam, Thailand, and Indonesia; and

(2) to increase regional cooperation between the United States and Vietnam, Thailand, and Indonesia on cyber issues.

(b) ELEMENTS.—The activities of the pilot program under subsection (a) shall include the following:

(1) Provision of training to cybersecurity and computer science professionals in Vietnam, Thailand, and Indonesia.

(2) An expansion of the capacity of organizations involved in the training of such cybersecurity and computer science professionals.

(3) The facilitation of regular policy dialogues between and among the United States Government and the governments of Vietnam, Thailand, and Indonesia with respect to the development of infrastructure to protect against cyber attacks.

(4) An evaluation of legal and other barriers to reforms relevant to cybersecurity and technology in Vietnam, Thailand, and Indonesia.

(5) A feasibility study on establishing a public-private partnership to build cloud-computing capacity in Vietnam, Thailand, and Indonesia and in Southeast Asia more broadly.

(6) The development of cooperative exercises, to be carried out in future years, to enhance collaboration between the United States Government and the governments of Vietnam, Thailand, and Indonesia.

(c) FUNDING.—The Secretary of Defense may enter into cooperative agreements with entities that receive funds under section 211 of the Vietnam Education Foundation Act of 2000 (title II of division B of H.R. 5666, as enacted by section 1(a)(4) of Public Law 106–554 and contained in appendix D of that Act; 114 Stat. 2763A–254; 22 U.S.C. 2452 note), as added by section 7085 of the Consolidated and Further Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2685), to carry out the pilot program under subsection (a).

(d) REPORTS.—

(1) DESIGN OF PILOT PROGRAM.—Not later than June 1, 2021, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the design of the pilot program under subsection (a).

(2) PROGRESS REPORT.—Not later than December 31, 2021, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the pilot program under subsection (a) that includes—

(A) a description of the activities conducted and the results of such activities; and

(B) an assessment of legal and other barriers to reforms relevant to cybersecurity and technology in Vietnam, Thailand, and Indonesia.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for fiscal year 2021 to carry out this section.

(f) OFFSET.—The amount authorized to be appropriated by this Act for operation and maintenance, Navy, and available for SAG 1CCS for military information support operations, is hereby reduced by $5,000,000.

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

Subtitle F—Reports

SEC. 6273. REPORT ON RISK TO PERSONNEL, EQUIPMENT, AND OPERATIONS DUE TO HUAWEI 5G ARCHITECTURE IN HOST COUNTRIES.

Section 1273 shall have no force or effect.

Subtitle G—Other Matters

SEC. 6281. COMPARATIVE STUDIES ON DEFENSE BUDGET TRANSPARENCY OF THE PEOPLE'S REPUBLIC OF CHINA, THE RUSSIAN FEDERATION, AND THE UNITED STATES.

(a) STUDIES REQUIRED.—

(1) DEPARTMENT OF DEFENSE STUDY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Defense Intelligence Agency, in consultation with the Under Secretary of Defense (Comptroller), the Director of the Office of Cost Assessment and Program Evaluation, the Director of the Office of Net Assessment, the Assistant Secretary of Defense for Indo-Pacific Security Affairs, and the Assistant Secretary of Defense for International Security Affairs, shall complete a comparative study on the defense budgets of the People's Republic of China, the Russian Federation, and the United States.

(2) INDEPENDENT STUDY.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall offer to enter into an agreement with not more than two entities independent of the Department to conduct a comparative study on the defense budgets of the People's Republic of China, the Russian Federation, and the United States, to be completed not later than 270 days after the date of the enactment of this Act.

(B) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—Not fewer than one entity described in subparagraph (A) shall be a federally funded research and development center.

(b) GOAL.—The goal of the studies required by subsection (a) shall be to develop a methodologically sound set of assumptions to underpin a comparison of the defense spending of the People's Republic of China, the Russian Federation, and the United States.

(c) ELEMENTS.—Each study required by subsection (a) shall do the following:

(1) Develop consistent functional categories for spending, including—

(A) defense-related research and development;

(B) weapons procurement;

(C) operations and maintenance; and

(D) pay and benefits.

(2) Consider the effects of purchasing power parity and market exchange rates, particularly on nontraded goods.

(3) Consider differences in the relative prices of goods and labor within each subject country.

(4) Compare the costs of labor and benefits for the defense workforce of each subject country.

(5) Account for discrepancies in the manner in which each subject country accounts for certain functional types of defense-related spending.

(6) Explicitly estimate the magnitude of omitted spending from official defense budget information.

(7) Evaluate the adequacy of the United Nations database on military expenditures.

(8) Exclude spending related to veterans' benefits.

(d) REPORT.—Not later than 30 days after the date on which the studies required by subsection (a) are completed, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of each study, together with the views of the Secretary on each study.

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

SEC. 6282. MODIFICATION TO INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note) is amended—

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

(2) by adding after subsection (e) the following new subsection (f):

''(f) DESIGNATION OF ACADEMIC LIAISON.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary, acting through the Under Secretary of Defense for Research and Engineering, shall designate an academic liaison with principal responsibility for working with the academic community to protect Department-sponsored academic research of concern from undue foreign influence.

''(2) QUALIFICATION.—The Secretary shall designate an individual under paragraph (1) who is an official of the Office of the Under Secretary of Defense for Research and Engineering.

''(3) DUTIES.—The duties of the academic liaison designated under paragraph (1) shall be as follows:

''(A) To serve as the liaison of the Department with the academic community.

''(B) To conduct annual outreach and education activities for the academic community on undue foreign influence and threats to Department-sponsored academic research of concern.

''(C) To coordinate and align academic security policies with Department component agencies, the Office of Science and Technology Policy, the intelligence community, Federal science agencies, and Federal regulatory agencies, including agencies involved in export controls.

''(D) To the extent practicable, to coordinate on an annual basis with the intelligence community to share, not less frequently than annually, with the academic community unclassified information, including counterintelligence information, on threats from undue foreign influence.

''(E) Any other related responsibility, as determined by the Secretary in consultation with the Under Secretary of Defense for Research and Engineering.

''(F) Any other duty, as determined by the Secretary.''.

SEC. 6283. SENSE OF SENATE ON UNITED STATES-ISRAEL COOPERATION ON PRECISION-GUIDED MUNITIONS.

It is the sense of the Senate that—

(1) the Department of Defense has cooperated extensively with Israel to assist in the procurement of precision-guided munitions, and such cooperation represents an important example of robust United States support for Israel;

(2) to the extent practicable, the Secretary of Defense should take further measures to expedite deliveries of precision-guided munitions to Israel; and

(3) regularized annual purchases of precision-guided munitions by Israel, in accordance with existing requirements and practices regarding the export of defense articles and defense services, coordinated with the United States Air Force annual purchase of precision-guided munitions, would enhance the security of both the United States and Israel by—

(A) promoting a more efficient use of defense resources by taking advantage of economies of scale;

(B) enabling the United States and Israel to address crisis requirements for precision-guided munitions in a timely and flexible manner; and

(C) encouraging the defense industrial base to maintain routine production lines of precision-guided munitions.

SEC. 6284. BLOCKING DEADLY FENTANYL IMPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Blocking Deadly Fentanyl Imports Act''.

(b) DEFINITIONS.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''in which'';

(B) in subparagraph (A), by inserting ''in which'' before ''1,000'';

(C) in subparagraph (B)—

(i) by inserting ''in which'' before ''1,000''; and

(ii) by striking ''or'' at the end;

(D) in subparagraph (C)—

(i) by inserting ''in which'' before ''5,000''; and

(ii) by inserting ''or'' after the semicolon; and

(E) by adding at the end the following:

''(D) that is a significant source of illicit synthetic opioids significantly affecting the United States;''; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(E) assistance that furthers the objectives set forth in paragraphs (1) through (4) of section 664(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2151n–2(b));

''(F) assistance to combat trafficking authorized under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 et seq.)); and

''(G) global health assistance authorized under sections 104 through 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b through 22 U.S.C. 2151b–4).''.

(c) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following:

''(9) A separate section that contains the following:

''(A) An identification of the countries, to the extent feasible, that are the most significant sources of illicit fentanyl and fentanyl analogues significantly affecting the United States during the preceding calendar year.

''(B) A description of the extent to which each country identified pursuant to subparagraph (A) has cooperated with the United States to prevent the articles or chemicals described in subparagraph (A) from being exported from such country to the United States.

''(C) A description of whether each country identified pursuant to subparagraph (A) has adopted and utilizes scheduling or other procedures for illicit drugs that are similar in effect to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;

''(D) A description of whether each country identified pursuant to subparagraph (A) is following steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)); and

''(E) A description of whether each country identified pursuant to subparagraph (A) requires the registration of tableting machines and encapsulating machines or other measures similar in effect to the registration requirements set forth in part 1310 of title 21, Code of Federal Regulations, and has not made good faith efforts, in the opinion of the Secretary, to improve regulation of tableting machines and encapsulating machines.''.

(d) WITHHOLDING OF BILATERAL AND MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—Section 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)) is amended—

(A) in paragraph (1), by striking ''or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act'' and inserting ''country identified pursuant to section 489(a)(8)(A), or country thrice identified during a 5-year period pursuant to section 489(a)(9)(A)''; and

(B) in paragraph (2), by striking ''or major drug-transit country (as determined under subsection (h)) or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act'' and inserting '', major drug-transit country, country identified pursuant to section 489(a)(8)(A), or country thrice identified during a 5-year period pursuant to section 489(a)(9)(A)''.

(2) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT SCHEDULING PROCEDURES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''also'';

(B) in subparagraph (A)(ii), by striking ''and'' at the end;

(C) by redesignating subparagraph (B) as subparagraph (D);

(D) by inserting after subparagraph (A) the following:

''(B) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that has failed to adopt and utilize scheduling procedures for illicit drugs that are comparable to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;''; and

(E) in subparagraph (D), as redesignated, by striking ''so designated'' and inserting ''designated under subparagraph (A), (B), or (C)''.

(3) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT ABILITY TO PROSECUTE CRIMINALS FOR THE MANUFACTURE OR DISTRIBUTION OF FENTANYL ANALOGUES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)), as amended by paragraph (2), is further amended by inserting after subparagraph (B) the following:

''(C) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that has not taken significant steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32));''.

(4) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—Section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(3)) is amended by

striking ''also designated under paragraph (2) in the report'' and inserting ''designated in the report under paragraph (2)(A) or thrice designated during a 5-year period in the report under subparagraph (B) or (C) of paragraph (2)''.

(5) EXCEPTION TO THE LIMITATION ON ASSISTANCE.—Section 706(5) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(5)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (F);

(B) by inserting after subparagraph (B) the following:

''(C) Notwithstanding paragraph (3), assistance to promote democracy (as described in section 481(e)(4)(E) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)(E))) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

''(D) Notwithstanding paragraph (3), assistance to combat trafficking (as described in section 481(e)(4)(F) of such Act) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

''(E) Notwithstanding paragraph (3), global health assistance (as described in section 481(e)(4)(G) of such Act) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph''; and

(C) in subparagraph (F), as redesignated, by striking ''section clause (i) or (ii) of'' and inserting ''clause (i) or (ii) of section''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 6286. ESTABLISHMENT OF UNITED STATES-ISRAEL OPERATIONS-TECHNOLOGY WORKING GROUP.

The reference in section 1286(b)(5)(A) to the ''Minister of Defense of Israel'' is deemed to refer to the ''Secretary of State and the Minister of Defense of Israel''.

Subtitle H—United States-Israel Security Assistance

SEC. 6290. SHORT TITLE.

This subtitle may be cited as the ''United States-Israel Security Assistance Authorization Act of 2020''.

SEC. 6290A. DEFINITION.

In this subtitle, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Armed Services of the House of Representatives.

CHAPTER 1—SECURITY ASSISTANCE FOR ISRAEL

SEC. 6291. FINDINGS.

Congress makes the following findings:

(1) On September 14, 2016, the United States and Israel signed a 10-year Memorandum of Understanding to reaffirm the importance of continuing annual United States military assistance to Israel and cooperative missile defense programs in a way that enhances Israel's security and strengthens the bilateral relationship between the 2 countries.

(2) The 2016 Memorandum of Understanding reflects United States support of Foreign Military Financing grant assistance to Israel over a 10-year period beginning in fiscal year 2019 and ending in fiscal year 2028.

(3) The 2016 Memorandum of Understanding also reflects United States support for funding for cooperative programs to develop, produce, and procure missile, rocket, and projectile defense capabilities during such 10-year period at an average funding level of $500,000,000 per year, totaling $5,000,000,000 for such period.

SEC. 6292. STATEMENT OF POLICY.

It is the policy of the United States to provide assistance to the Government of Israel for the development and acquisition of advanced capabilities that Israel requires to meet its security needs and to enhance United States capabilities.

SEC. 6293. SECURITY ASSISTANCE FOR ISRAEL.

Section 513(c) of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856) is amended—

(1) in paragraph (1), by striking ''2002 and 2003'' and inserting ''2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028'';

(2) in paragraph (2), by striking ''equal to—'' and all that follows and inserting ''not less than $3,300,000,000.''; and

(3) by amending paragraph (3) to read as follows:

''(3) DISBURSEMENT OF FUNDS.—Amounts authorized to be available for Israel under paragraph (1) and subsection (b)(1) for fiscal years 2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028 shall be disbursed not later than 30 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs for the respective fiscal year, or October 31 of the respective fiscal year, whichever is later.''.

SEC. 6294. EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking ''September 30, 2020'' and inserting ''after September 30, 2025''.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking ''2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020'' and inserting ''2021, 2022, 2023, 2024, and 2025''.

SEC. 6295. EXTENSION OF LOAN GUARANTEES TO ISRAEL.

Chapter 5 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 576) is amended under the heading ''LOAN GUARANTEES TO ISRAEL''—

(1) in the matter preceding the first proviso, by striking ''September 30, 2023'' and inserting ''September 30, 2025''; and

(2) in the second proviso, by striking ''September 30, 2023'' and inserting ''September 30, 2025''.

SEC. 6296. TRANSFER OF PRECISION GUIDED MUNITIONS TO ISRAEL.

(a) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Israel precision guided munitions from reserve stocks for Israel in such quantities as may be necessary for legitimate self-defense of Israel and is otherwise consistent with the purposes and conditions for such transfers under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(b) CERTIFICATIONS.—Except in case of emergency, as determined by the President, not later than 5 days before making a transfer under subsection (a), the President shall certify to the appropriate congressional committees that the transfer of the precision guided munitions—

(1) does not affect the ability of the United States to maintain a sufficient supply of precision guided munitions;

(2) does not harm the combat readiness of the United States or the ability of the United States to meet its commitment to allies for the transfer of such munitions;

(3) is necessary for Israel to counter the threat of rockets in a timely fashion; and

(4) is in the national security interest of the United States.

SEC. 6297. SENSE OF CONGRESS ON RAPID ACQUISITION AND DEPLOYMENT PROCEDURES.

It is the sense of Congress that the President should—

(1) prescribe procedures for the rapid acquisition and deployment of precision guided munitions for United States counterterrorism missions; or

(2) assist Israel, which is an ally of the United States, to protect itself against direct missile threats.

SEC. 6298. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC TRADE AUTHORIZATION EXCEPTION TO CERTAIN EXPORT CONTROL LICENSING REQUIREMENTS.

(a) FINDINGS.—Congress finds the following:

(1) Israel has adopted high standards in the field of weapons export controls.

(2) Israel has declared its unilateral adherence to the Missile Technology Control Regime, the Australia Group, and the Nuclear Suppliers Group.

(3) Israel is a party to—

(A) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva June 17, 1925 (commonly known as the ''Geneva Protocol'');

(B) the Convention on the Physical Protection of Nuclear Material, signed at Vienna and New York March 3, 1980; and

(C) the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, signed at Geneva October 10, 1980.

(4) Section 6(b) of the United States-Israel Strategic Partnership Act of 2014 (22 U.S.C. 8603 note) directs the President, consistent with the commitments of the United States under international agreements, to take steps so that Israel may be included in the list of countries eligible for the strategic trade authorization exception under section 740.20(c)(1) of title 15, Code of Federal Regulations, to the requirement for a license for the export, re-export, or in-country transfer of an item subject to controls under the Export Administration Regulations.

(b) BRIEFING ON ELIGIBILITY FOR STRATEGIC TRADE AUTHORIZATION EXCEPTION.—Not later than 120 days after the date of the enactment of this Act, the President shall brief the appropriate congressional committees by describing the steps taken to include Israel in the list of countries eligible for the strategic trade authorization exception under section 740.20(c)(1) of title 15, Code of Federal Regulations, as required under section 6(b) of the United States-Israel Strategic Partnership Act of 2014 (Public Law 113–296).

CHAPTER 2—ENHANCED UNITED STATES-ISRAEL COOPERATION

SEC. 6299. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MEMORANDA OF UNDERSTANDING TO ENHANCE COOPERATION WITH ISRAEL.

(a) FINDINGS.—Congress finds that the United States Agency for International Development and Israel's Agency for International Development Cooperation signed memoranda of understanding in 2012, 2017, and 2019 to coordinate the agencies' respective efforts to promote common development goals in third countries.

(b) SENSE OF CONGRESS REGARDING USAID POLICY.—It is the sense of Congress that the Department of State and the United States Agency for International Development should continue to cooperate with Israel to advance common development goals in third countries across a wide variety of sectors, including energy, agriculture, food security, democracy, human rights, governance, economic growth, trade, education, environment, global health, water, and sanitation.

(c) MEMORANDA OF UNDERSTANDING.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, may enter into memoranda of understanding with Israel to advance common goals on energy, agriculture, food security, democracy, human rights, governance, economic growth, trade, education, environment, global health, water, and sanitation, with a focus on strengthening mutual ties and cooperation with nations throughout the world.

SEC. 6299A. COOPERATIVE PROJECTS AMONG THE UNITED STATES, ISRAEL, AND DEVELOPING COUNTRIES.

Section 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151d) is amended by striking subsections (e) and (f) and inserting the following:

''(e) There are authorized to be appropriated $2,000,000 for each of the fiscal years 2021 through 2025 to finance cooperative projects among the United States, Israel, and developing countries that identify and support local solutions to address sustainability challenges relating to water resources, agriculture, and energy storage, including—

''(1) establishing public-private partnerships;

''(2) supporting the identification, research, development testing, and scaling of innovations that focus on populations that are vulnerable to environmental and resource-scarcity crises, such as subsistence farming communities;

''(3) seed or transition-to-scale funding;

''(4) clear and appropriate branding and marking of United States funded assistance, in accordance with section 641; and

''(5) accelerating demonstrations or applications of local solutions to sustainability challenges, or the further refinement, testing, or implementation of innovations that have previously effectively addressed sustainability challenges.

''(f) Amounts appropriated pursuant to subsection (e) shall be obligated in accordance with the memoranda of understanding referred to in subsections (a) and (c) of section 6299 of the United States-Israel Security Assistance Authorization Act of 2020''.

SEC. 6299B. JOINT COOPERATIVE PROGRAM RELATED TO INNOVATION AND HIGH-TECH FOR THE MIDDLE EAST REGION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should help foster cooperation in the Middle East region by financing and, as appropriate, cooperating in projects related to innovation and advanced technologies; and

(2) projects referred to in paragraph (1) should—

(A) contribute to development and the quality of life in the Middle East region through the application of research and advanced technology; and

(B) contribute to Arab-Israeli cooperation by establishing strong working relationships that last beyond the life of such projects.

(b) ESTABLISHMENT.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, is authorized to seek to establish a program between the United States and appropriate regional partners to provide for cooperation in the Middle East region by supporting projects related to innovation and advanced technologies.

(c) PROJECT REQUIREMENTS.—Each project carried out under the program established pursuant to subsection (b)—

(1) shall include the participation of at least 1 entity from Israel and 1 entity from another regional partner; and

(2) shall be conducted in a manner that appropriately protects sensitive information, intellectual property, the national security interests of the United States, and the national security interests of Israel.

SEC. 6299C. SENSE OF CONGRESS ON UNITED STATES-ISRAEL ECONOMIC COOPERATION.

It is the sense of Congress that—

(1) the United States-Israel economic partnership—

(A) has achieved great tangible and intangible benefits to both countries; and

(B) is a foundational component of the strong alliance;

(2) science and technology innovations present promising new frontiers for United States-Israel economic cooperation, particularly in light of widespread drought, cybersecurity attacks, and other major challenges impacting the United States; and

(3) the President should regularize and expand existing forums of economic dialogue with Israel and foster both public and private sector participation.

SEC. 6299D. COOPERATION ON DIRECTED ENERGY CAPABILITIES.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to carry out research, development, test, and evaluation activities, on a joint basis with Israel, to establish directed energy capabilities that address threats to the United States, deployed forces of the United States, or Israel. Any activities carried out under this paragraph shall be conducted in a manner that appropriately protects sensitive information, intellectual property, the national security interests of the United States, and the national security interests of Israel.

(2) REPORT.—The activities described in paragraph (1) may be carried out after the Secretary of Defense, with the concurrence of the Secretary of State, submits a report to the appropriate congressional committees that includes—

(A) a memorandum of agreement between the United States and Israel regarding sharing of research and development costs for the capabilities described in paragraph (1), and any supporting documents; and

(B) a certification that the memorandum of agreement referred to in subparagraph (A)—

(i) requires sharing of costs of projects, including in-kind support, between the United States and Israel;

(ii) establishes a framework to negotiate the rights to any intellectual property developed under the memorandum of agreement; and

(iii) requires the United States Government to receive semiannual reports on expenditure of funds, if any, by the Government of Israel, including—

(I) a description of what the funds have been used for and when funds were expended; and

(II) the identification of entities that expended such funds.

(b) SUPPORT IN CONNECTION WITH ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to provide maintenance and sustainment support to Israel for the directed energy capabilities research, development, test, and evaluation activities authorized under subsection (a)(1), including the installation of equipment that is necessary to carry out such research, development, test, and evaluation.

(2) REPORT.—The support described in paragraph (1) may not be provided until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits a report to the appropriate congressional committees that describes in detail the support to be provided.

(3) MATCHING CONTRIBUTION.—The support described in paragraph (1) may not be provided unless the Secretary of Defense, with the concurrence of the Secretary of State, certifies to the appropriate congressional committees that the Government of Israel will contribute to such support—

(A) an amount not less than the amount of support to be so provided; or

(B) an amount that otherwise meets the best efforts of Israel, as mutually agreed to by the United States and Israel.

(c) SEMIANNUAL REPORT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall submit a semiannual report to the appropriate congressional committees that includes the most recent semiannual report provided by the Government of Israel to the United States Government.

SEC. 6299E. PLANS TO PROVIDE ISRAEL WITH NECESSARY DEFENSE ARTICLES AND SERVICES IN A CONTINGENCY.

(a) IN GENERAL.—The President shall establish and update, as appropriate, plans to provide Israel with defense articles and services that are determined by the Secretary of Defense to be necessary for the defense of Israel in a contingency.

(b) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the President shall brief the appropriate congressional committees regarding the status of the plans required under subsection (a).

SEC. 6299F. OTHER MATTERS OF COOPERATION.

(a) IN GENERAL.—Activities authorized under this section shall be carried out with the concurrence of the Secretary of State and aligned with the National Security Strategy of the United States, the United States Government Global Health Security Strategy, the Department of State Integrated Country Strategies, the USAID Country Development Cooperation Strategies, and any equivalent or successor plans or strategies, as necessary and appropriate

(b) DEVELOPMENT OF HEALTH TECHNOLOGIES.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Health and Human Services $4,000,000 for each of the fiscal years 2021 through 2023 for a bilateral cooperative program with the Government of Israel that awards grants for the development of health technologies, including health technologies listed in paragraph (2), subject to paragraph (3), with an emphasis on collaboratively advancing the use of technology and personalized medicine in relation to COVID–19.

(2) TYPES OF HEALTH TECHNOLOGIES.—The health technologies described in this paragraph may include technologies such as sensors, drugs and vaccinations, respiratory assist devices, diagnostic tests, and telemedicine.

(3) RESTRICTIONS ON FUNDING.—Amounts appropriated pursuant to paragraph (1) are subject to a matching contribution from the Government of Israel.

(4) OPTION FOR ESTABLISHING NEW PROGRAM.—Amounts appropriated pursuant to paragraph (1) may be expended for a bilateral program with the Government of Israel that—

(A) is in existence on the day before the date of the enactment of this Act for the purposes described in paragraph (1); or

(B) is established after the date of the enactment of this Act by the Secretary of Health and Human Services, in consultation with the Secretary of State, in accordance with the Agreement between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters, done at Jerusalem May 29, 2008 (or a successor agreement), for the purposes described in paragraph (1).

(c) COORDINATOR OF UNITED STATES–ISRAEL RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The President may designate the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, or another appropriate Department of State official, to act as Coordinator of United States-Israel Research and Development (referred to in this subsection as the ''Coordinator'').

(2) AUTHORITIES AND DUTIES.—The Coordinator, in conjunction with the heads of relevant Federal Government departments and agencies and in coordination with the Israel Innovation Authority, may oversee civilian science and technology programs on a joint basis with Israel.

(d) OFFICE OF GLOBAL POLICY AND STRATEGY OF THE FOOD AND DRUG ADMINISTRATION.—

(1) IN GENERAL.—It is the sense of Congress that the Commissioner of the Food and Drug Administration should seek to explore collaboration with Israel through the Office of Global Policy and Strategy.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner, acting through the head of the Office of Global Policy and Strategy, shall submit a report describing the benefits to the United States and to Israel of opening an office in Israel for the Office of Global Policy and Strategy to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Energy and Commerce of the House of Representatives.

(e) UNITED STATES–ISRAEL ENERGY CENTER.—There is authorized to be appropriated to the Secretary of Energy $4,000,000 for each of the fiscal years 2021 through 2023 to carry out the activities of the United States-Israel Energy Center established pursuant to section 917(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337(d)).

(f) UNITED STATES–ISRAEL BINATIONAL INDUSTRIAL RESEARCH AND DEVELOPMENT FOUNDATION.—It is the sense of Congress that grants to promote covered energy projects conducted by, or in conjunction with, the United States-Israel Binational Industrial Research and Development Foundation should be funded at not less than $2,000,000 annually under section 917(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337(b)).

(g) UNITED STATES–ISRAEL COOPERATION ON ENERGY, WATER, HOMELAND SECURITY, AGRICULTURE, AND ALTERNATIVE FUEL TECHNOLOGIES.—Section 7 of the United States-Israel Strategic Partnership Act of 2014 (22 U.S.C. 8606) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years 2021 through 2023.''.

(h) ANNUAL POLICY DIALOGUE.—It is the sense of Congress that the Department of Transportation and Israel's Ministry of Transportation should engage in an annual policy dialogue to implement the 2016 Memorandum of Cooperation signed by the Secretary of Transportation and the Israeli Minister of Transportation.

(i) COOPERATION ON SPACE EXPLORATION AND SCIENCE INITIATIVES.—The Administrator of the National Aeronautics and Space Administration shall continue to work with the Israel Space Agency to identify and cooperatively pursue peaceful space exploration and science initiatives in areas of mutual interest, taking all appropriate measures to protect sensitive information, intellectual property, trade secrets, and economic interests of the United States.

(j) RESEARCH AND DEVELOPMENT COOPERATION RELATING TO DESALINATION TECHNOLOGY.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall submit a report that describes research and development cooperation with international partners, such as the State of Israel, in the area of desalination technology in accordance with section 9(b)(3) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Energy and Natural Resources of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Natural Resources of the House of Representatives.

(k) RESEARCH AND TREATMENT OF POSTTRAUMATIC STRESS DISORDER.—It is the sense of Congress that the Secretary of Veterans Affairs should seek to explore collaboration between the Mental Illness Research, Education and Clinical Centers of Excellence and Israeli institutions with expertise in researching and treating posttraumatic stress disorder.

TITLE LXVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle B—Cyberspace Related Matters

SEC. 6611. REPORT ON USE OF ENCRYPTION BY DEPARTMENT OF DEFENSE NATIONAL SECURITY SYSTEMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report detailing the mission need and efficacy of full disk encryption across Non-classified Internet Protocol Router Network (NIPRNet) and Secretary Internet Protocol Router Network (SIPRNet) endpoint computer systems. Such report shall cover matters relating to cost, mission impact, and implementation timeline.

SEC. 6612. GUIDANCE AND DIRECTION ON USE OF DIRECT HIRING PROCESSES FOR ARTIFICIAL INTELLIGENCE PROFESSIONALS AND OTHER DATA SCIENCE AND SOFTWARE DEVELOPMENT PERSONNEL.

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the secretaries of the military departments and the heads of the defense components on improved use of the direct hiring processes for artificial intelligence professionals and other data science and software development personnel.

(b) OBJECTIVE.—The objective of the guidance issued under subsection (a) shall be to ensure that organizational leaders assume greater responsibility for the results of civilian hiring of artificial intelligence professionals and other data science and software development personnel.

(c) CONTENTS OF GUIDANCE.—At a minimum, the guidance required by subsection (a) shall—

(1) instruct human resources professionals and hiring authorities to utilize available direct hiring authorities (including excepted service authorities) for the hiring of artificial intelligence professionals and other data science and software development personnel, to the maximum extent practicable;

(2) instruct hiring authorities, when using direct hiring authorities, to prioritize utilization of panels of subject matter experts over human resources professionals to assess applicant qualifications and determine which applicants are best qualified for a position;

(3) authorize and encourage the use of ePortfolio reviews to provide insight into the previous work of applicants as a tangible demonstration of capabilities and contribute to the assessment of applicant qualifications by subject matter experts; and

(4) encourage the use of referral bonuses for recruitment and hiring of highly qualified artificial intelligence professionals and other data science and software development personnel in accordance with volume 451 of Department of Defense Instruction 1400.25.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date on which the guidance is issued under subsection (a), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the guidance issued pursuant to subsection (a).

(2) CONTENTS.—At a minimum, the report submitted under paragraph (1) shall address the following:

(A) The objectives of the guidance and the manner in which the guidance seeks to achieve those objectives.

(B) The effect of the guidance on the hiring process for artificial intelligence professionals and other data science and software development personnel, including the effect on—

(i) hiring time;

(ii) the use of direct hiring authority;

(iii) the use of subject matter experts; and

(iv) the quality of new hires, as assessed by hiring managers and organizational leaders.

SEC. 6613. CYBERSECURITY STATE COORDINATOR ACT.

(a) SHORT TITLE.—This section may be cited as the ''Cybersecurity State Coordinator Act of 2020''.

(b) CYBERSECURITY STATE COORDINATOR.—

(1) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(A) in section 2202(c) (6 U.S.C. 652(c))—

(i) in paragraph (10), by striking ''and'' at the end;

(ii) by redesignating paragraph (11) as paragraph (12); and

(iii) by inserting after paragraph (10) the following:

''(11) appoint a Cybersecurity State Coordinator in each State, as described in section 2215; and''; and

(B) by adding at the end the following:

"SEC. 2215. CYBERSECURITY STATE COORDINATOR.

"(a) APPOINTMENT.—The Director shall appoint an employee of the Agency in each State, with the appropriate cybersecurity qualifications and expertise, who shall serve as the Cybersecurity State Coordinator.

"(b) DUTIES.—The duties of a Cybersecurity State Coordinator appointed under subsection (a) shall include—

"(1) building strategic relationships across Federal and, on a voluntary basis, non-Federal entities by advising on establishing governance structures to facilitate the development and maintenance of secure and resilient infrastructure;

"(2) serving as a Federal cybersecurity risk advisor and coordinating between Federal and, on a voluntary basis, non-Federal entities to support preparation, response, and remediation efforts relating to cybersecurity risks and incidents;

"(3) facilitating the sharing of cyber threat information between Federal and, on a voluntary basis, non-Federal entities to improve understanding of cybersecurity risks and situational awareness of cybersecurity incidents;

"(4) raising awareness of the financial, technical, and operational resources available from the Federal Government to non-Federal entities to increase resilience against cyber threats;

"(5) supporting training, exercises, and planning for continuity of operations to expedite recovery from cybersecurity incidents, including ransomware;

"(6) serving as a principal point of contact for non-Federal entities to engage, on a voluntary basis, with the Federal Government on preparing, managing, and responding to cybersecurity incidents;

"(7) assisting non-Federal entities in developing and coordinating vulnerability disclosure programs consistent with Federal and information security industry standards; and

"(8) performing such other duties as determined necessary by the Director to achieve the goal of managing cybersecurity risks in the United States and reducing the impact of cyber threats to non-Federal entities.

"(c) FEEDBACK.—The Director shall consult with relevant State and local officials regarding the appointment, and State and local officials and other non-Federal entities regarding the performance, of the Cybersecurity State Coordinator of a State.''.

(2) OVERSIGHT.—The Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a briefing on the placement and efficacy of the Cybersecurity State Coordinators appointed under section 2215 of the Homeland Security Act of 2002, as added by paragraph (1)—

(A) not later than 1 year after the date of enactment of this Act; and

(B) not later than 2 years after providing the first briefing under this paragraph.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection or the amendments made by this subsection shall be construed to affect or otherwise modify the authority of Federal law enforcement agencies with respect to investigations relating to cybersecurity incidents.

(4) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2214 the following:

"Sec. 2215. Cybersecurity State Coordinator.''.

SEC. 6614. CYBERSECURITY ADVISORY COMMITTEE.

(a) SHORT TITLE.—This section may be cited as the "Cybersecurity Advisory Committee Authorization Act of 2020''.

(b) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by section 6613 of this Act, is further amended by adding at the end the following:

"SEC. 2216. CYBERSECURITY ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Agency a Cybersecurity Advisory Committee (referred to in this section as the 'Advisory Committee').

"(b) DUTIES.—

"(1) IN GENERAL.—The Advisory Committee shall advise, consult with, report to, and make recommendations to the Director, as appropriate, on the development, refinement, and implementation of policies, programs, planning, and training pertaining to the cybersecurity mission of the Agency.

"(2) RECOMMENDATIONS.—

"(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Director, recommendations for improvements to advance the cybersecurity mission of the Agency and strengthen the cybersecurity of the United States.

"(B) RECOMMENDATIONS OF SUBCOMMITTEES.—Recommendations agreed upon by subcommittees established under subsection (d) for any year shall be approved by the Advisory Committee before the Advisory Committee submits to the Director the annual report under paragraph (4) for that year.

"(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Director—

"(A) reports on matters identified by the Director; and

"(B) reports on other matters identified by a majority of the members of the Advisory Committee.

"(4) ANNUAL REPORT.—

"(A) IN GENERAL.—The Advisory Committee shall submit to the Director an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year.

"(B) PUBLICATION.—Not later than 180 days after the date on which the Director receives an annual report for a year under subparagraph (A), the Director shall publish a public version of the report describing the activities of the Advisory Committee and such related matters as would be informative to the public during that year, consistent with section 552(b) of title 5, United States Code.

"(5) FEEDBACK.—Not later than 90 days after receiving any recommendation submitted by the Advisory Committee under paragraph (2), (3), or (4), the Director shall respond in writing to the Advisory Committee with feedback on the recommendation. Such a response shall include—

"(A) with respect to any recommendation with which the Director concurs, an action plan to implement the recommendation; and

"(B) with respect to any recommendation with which the Director does not concur, a justification for why the Director does not plan to implement the recommendation.

"(6) CONGRESSIONAL NOTIFICATION.—Not less frequently than once per year after the date of enactment of this section, the Director shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives a briefing on feedback from the Advisory Committee.

"(7) GOVERNANCE RULES.—The Director shall establish rules for the structure and governance of the Advisory Committee and all subcommittees established under subsection (d).

"(c) MEMBERSHIP.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Cybersecurity Advisory Committee Authorization Act of 2020, the Director shall appoint the members of the Advisory Committee.

"(B) COMPOSITION.—The membership of the Advisory Committee shall consist of not more than 35 individuals.

"(C) REPRESENTATION.—

"(i) IN GENERAL.—The membership of the Advisory Committee shall—

"(I) consist of subject matter experts;

"(II) be geographically balanced; and

"(III) include representatives of State, local, and Tribal governments and of a broad range of industries, which may include the following:

"(aa) Defense.

"(bb) Education.

"(cc) Financial services and insurance.

"(dd) Healthcare.

"(ee) Manufacturing.

"(ff) Media and entertainment.

"(gg) Chemicals.

"(hh) Retail.

"(ii) Transportation.

"(jj) Energy.

"(kk) Information Technology.

"(ll) Communications.

"(mm) Other relevant fields identified by the Director.

"(ii) PROHIBITION.—Not less than 1 member nor more than 3 members may represent any 1 category under clause (i)(III).

"(iii) PUBLICATION OF MEMBERSHIP LIST.—The Advisory Committee shall publish its membership list on a publicly available website not less than once per fiscal year and shall update the membership list as changes occur.

"(2) TERM OF OFFICE.—

"(A) TERMS.—The term of each member of the Advisory Committee shall be 2 years, except that a member may continue to serve until a successor is appointed.

"(B) REMOVAL.—The Director may review the participation of a member of the Advisory Committee and remove such member any time at the discretion of the Director.

"(C) REAPPOINTMENT.—A member of the Advisory Committee may be reappointed for an unlimited number of terms.

"(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee may not receive pay or benefits from the United States Government by reason of their service on the Advisory Committee.

"(4) MEETINGS.—

"(A) IN GENERAL.—The Director shall require the Advisory Committee to meet not less frequently than semiannually, and may convene additional meetings as necessary.

"(B) PUBLIC MEETINGS.—At least one of the meetings referred to in subparagraph (A) shall be open to the public.

"(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

"(5) MEMBER ACCESS TO CLASSIFIED INFORMATION.—

"(A) IN GENERAL.—Not later than 60 days after the date on which a member is first appointed to the Advisory Committee and before the member is granted access to any classified information, the Director shall determine, for the purposes of the Advisory Committee, if the member should be restricted from reviewing, discussing, or possessing classified information.

"(B) ACCESS.—Access to classified materials shall be managed in accordance with Executive Order No. 13526 of December 29,

2009 (75 Fed. Reg. 707), or any subsequent corresponding Executive Order.

''(C) PROTECTIONS.—A member of the Advisory Committee shall protect all classified information in accordance with the applicable requirements for the particular level of classification of such information.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the security clearance of a member of the Advisory Committee or the authority of a Federal agency to provide a member of the Advisory Committee access to classified information.

''(6) CHAIRPERSON.—The Advisory Committee shall select, from among the members of the Advisory Committee—

''(A) a member to serve as chairperson of the Advisory Committee; and

''(B) a member to serve as chairperson of each subcommittee of the Advisory Committee established under subsection (d).

''(d) SUBCOMMITTEES.—

''(1) IN GENERAL.—The Director shall establish subcommittees within the Advisory Committee to address cybersecurity issues, which may include the following:

''(A) Information exchange.

''(B) Critical infrastructure.

''(C) Risk management.

''(D) Public and private partnerships.

''(2) MEETINGS AND REPORTING.—Each subcommittee shall meet not less frequently than semiannually, and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including activities, findings, and recommendations, regarding subject matter considered by the subcommittee.

''(3) SUBJECT MATTER EXPERTS.—The chair of the Advisory Committee shall appoint members to subcommittees and shall ensure that each member appointed to a subcommittee has subject matter expertise relevant to the subject matter of the subcommittee.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as so amended, is further amended by inserting after the item relating to section 2215 the following:

''Sec. 2216. Cybersecurity Advisory Committee.''.

SEC. 6615. CYBERSECURITY EDUCATION AND TRAINING ASSISTANCE PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States continues to face critical shortages in the national cybersecurity workforce;

(2) the Cybersecurity and Infrastructure Security Agency within the Department of Homeland Security has the responsibility to manage cyber and physical risks to our critical infrastructure, including by ensuring a national workforce supply to support cybersecurity through education, training, and capacity development efforts;

(3) to reestablish the technology leadership, security, and economic competitiveness of the United States, the Cybersecurity and Infrastructure Security Agency should create a sustainable pipeline by strengthening K–12 cybersecurity outreach and education nationwide.

(b) AUTHORITIES.—Section 2202(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 652(e)(1)) is amended by adding at the end the following:

''(R) To encourage and build cybersecurity awareness and competency across the United States and to develop, attract, and retain the cybersecurity workforce necessary for the cybersecurity related missions of the Department, including by—

''(i) overseeing K–12 cybersecurity education and awareness related programs at the agency;

''(ii) leading efforts to develop, attract, and retain the cybersecurity workforce necessary for the cybersecurity related missions of the Department;

''(iii) encouraging and building cybersecurity awareness and competency across the United States; and

''(iv) carrying out cybersecurity related workforce development activities, including through—

''(I) increasing the pipeline of future cybersecurity professionals through programs focused on K–12, higher education, and nontraditional students; and

''(II) building awareness of and competency in cybersecurity across the civilian Federal government workforce.''.

(c) EDUCATION, TRAINING, AND CAPACITY DEVELOPMENT.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) by redesignating paragraph (11) as paragraph (12);

(2) in paragraph (10), by striking ''and'' at the end; and

(3) by inserting after paragraph (10) the following:

''(11) provide education, training, and capacity development for Federal and non-Federal entities to enhance the security and resiliency of domestic and global cybersecurity and infrastructure security; and''.

(d) ESTABLISHMENT OF TRAINING PROGRAMS.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by section 6614 of this Act, is further amended by adding at the end the following:

''SEC. 2217. CYBERSECURITY EDUCATION AND TRAINING PROGRAMS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Cybersecurity Education and Training Assistance Program (referred to in this section as 'CETAP') is established within the Agency.

''(2) PURPOSE.—The purpose of CETAP shall be to support the effort of the Agency in building and strengthening a national cybersecurity workforce pipeline capacity through enabling K–12 cybersecurity education, including by—

''(A) providing foundational cybersecurity awareness and literacy;

''(B) encouraging cybersecurity career exploration; and

''(C) supporting the teaching of cybersecurity skills at the K–12 levels.

''(b) REQUIREMENTS.—In carrying out CETAP, the Director shall—

''(1) ensure that the program—

''(A) creates and disseminates K–12 cybersecurity-focused curricula and career awareness materials;

''(B) conducts professional development sessions for teachers;

''(C) develops resources for the teaching of K–12 cybersecurity-focused curricula;

''(D) provides direct student engagement opportunities through camps and other programming;

''(E) engages with local and State education authorities to promote awareness of the program and ensure that offerings align with State and local standards;

''(F) integrates with existing post-secondary education and workforce development programs at the Department;

''(G) establishes and maintains national standards for K–12 cyber education;

''(H) partners with cybersecurity and education stakeholder groups to expand outreach; and

''(I) any other activity the Director determines necessary to meet the purpose described in subsection (a)(2); and

''(2) enable the deployment of CETAP nationwide, with special consideration for underserved populations or communities.

''(c) BRIEFINGS.—

''(1) IN GENERAL.—Not later than 1 year after the establishment of CETAP, and annually thereafter, the Secretary shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the program.

''(2) CONTENTS.—Each briefing conducted under paragraph (1) shall include—

''(A) estimated figures on the number of students reached and teachers engaged;

''(B) information on community outreach and State engagement efforts;

''(C) information on new curricula offerings and teacher training platforms; and

''(D) information on coordination with post-secondary education and workforce development programs at the Department.

''(d) MISSION PROMOTION.—The Director may use appropriated amounts to purchase promotional and recognition items and marketing and advertising services to publicize and promote the mission and services of the Agency, support the activities of the Agency, and to recruit and retain Agency personnel.''.

(e) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as so amended, is further amended by inserting after the item relating to section 2216 the following:

''Sec. 2217. Cybersecurity Education and Training Programs.''.

Subtitle C—Nuclear Forces

SEC. 6651. REPORT ON ELECTROMAGNETIC PULSE HARDENING OF GROUND-BASED STRATEGIC DETERRENT WEAPONS SYSTEM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on establishing requirements and protocols to ensure that the ground-based strategic deterrent weapons system is hardened against electromagnetic pulses.

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

(1) The testing protocols the ground-based strategic deterrent program will use for electromagnetic pulse testing.

(2) How requirements for electromagnetic pulse hardness will be integrated into the ground-based strategic deterrent program.

(3) Plans for electromagnetic pulse verification tests of the ground-based strategic deterrent weapons system.

(4) Plans for electromagnetic pulse testing of nonmissile components of the ground-based strategic deterrent weapons system.

(5) Plans to sustain electromagnetic pulse qualification of the ground-based strategic deterrent weapons system.

TITLE LXVII—NUCLEAR ENERGY LEADERSHIP

SEC. 6701. ADVANCED NUCLEAR REACTOR RESEARCH AND DEVELOPMENT GOALS.

(a) IN GENERAL.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the end the following:

''SEC. 959A. ADVANCED NUCLEAR REACTOR RESEARCH AND DEVELOPMENT GOALS.

''(a) DEFINITIONS.—In this section:

''(1) ADVANCED NUCLEAR REACTOR.—The term 'advanced nuclear reactor' means—

''(A) a nuclear fission reactor, including a prototype plant (as defined in sections 50.2 and 52.1 of title 10, Code of Federal Regulations (or successor regulations)), with significant improvements compared to the most

recent generation of fission reactors, including improvements such as—

''(i) additional inherent safety features;

''(ii) lower waste yields;

''(iii) improved fuel performance;

''(iv) increased tolerance to loss of fuel cooling;

''(v) enhanced reliability;

''(vi) increased proliferation resistance;

''(vii) increased thermal efficiency;

''(viii) reduced consumption of cooling water;

''(ix) the ability to integrate into electric applications and nonelectric applications;

''(x) modular sizes to allow for deployment that corresponds with the demand for electricity; or

''(xi) operational flexibility to respond to changes in demand for electricity and to complement integration with intermittent renewable energy; and

''(B) a fusion reactor.

''(2) DEMONSTRATION PROJECT.—The term 'demonstration project' means an advanced nuclear reactor operated in any manner, including as part of the power generation facilities of an electric utility system, for the purpose of demonstrating the suitability for commercial application of the advanced nuclear reactor.

''(b) PURPOSE.—The purpose of this section is to direct the Secretary, as soon as practicable after the date of enactment of this section, to advance the research and development of domestic advanced, affordable, and clean nuclear energy by—

''(1) demonstrating different advanced nuclear reactor technologies that could be used by the private sector to produce—

''(A) emission-free power at a levelized cost of electricity of $60 per megawatt-hour or less;

''(B) heat for community heating, industrial purposes, or synthetic fuel production;

''(C) remote or off-grid energy supply; or

''(D) backup or mission-critical power supplies;

''(2) developing subgoals for nuclear energy research programs that would accomplish the goals of the demonstration projects carried out under subsection (c);

''(3) identifying research areas that the private sector is unable or unwilling to undertake due to the cost of, or risks associated with, the research; and

''(4) facilitating the access of the private sector—

''(A) to Federal research facilities and personnel; and

''(B) to the results of research relating to civil nuclear technology funded by the Federal Government.

''(c) DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable—

''(A) enter into agreements to complete not fewer than 2 demonstration projects by not later than December 31, 2025; and

''(B) establish a program to enter into agreements to complete 1 additional operational demonstration project by not later than December 31, 2035.

''(2) REQUIREMENTS.—In carrying out demonstration projects under paragraph (1), the Secretary shall—

''(A) include diversity in designs for the advanced nuclear reactors demonstrated under this section, including designs using various—

''(i) primary coolants;

''(ii) fuel types and compositions; and

''(iii) neutron spectra;

''(B) seek to ensure that—

''(i) the long-term cost of electricity or heat for each design to be demonstrated under this subsection is cost-competitive in the applicable market;

''(ii) the selected projects can meet the deadline established in paragraph (1) to demonstrate first-of-a-kind advanced nuclear reactor technologies, for which additional information shall be considered, including—

''(I) the technology readiness level of a proposed advanced nuclear reactor technology;

''(II) the technical abilities and qualifications of teams desiring to demonstrate a proposed advanced nuclear reactor technology; and

''(III) the capacity to meet cost-share requirements of the Department;

''(C) ensure that each evaluation of candidate technologies for the demonstration projects is completed through an external review of proposed designs, which review shall—

''(i) be conducted by a panel that includes not fewer than 1 representative of each of—

''(I) an electric utility; and

''(II) an entity that uses high-temperature process heat for manufacturing or industrial processing, such as a petrochemical company, a manufacturer of metals, or a manufacturer of concrete;

''(ii) include a review of cost-competitiveness and other value streams, together with the technology readiness level, of each design to be demonstrated under this subsection; and

''(iii) not be required for a demonstration project that receives no financial assistance from the Department for construction costs;

''(D) for federally funded demonstration projects, enter into cost-sharing agreements with private sector partners in accordance with section 988 for the conduct of activities relating to the research, development, and demonstration of private-sector advanced nuclear reactor designs under the program;

''(E) work with private sector partners to identify potential sites, including Department-owned sites, for demonstrations, as appropriate;

''(F) align specific activities carried out under demonstration projects carried out under this subsection with priorities identified through direct consultations between—

''(i) the Department;

''(ii) National Laboratories;

''(iii) institutions of higher education;

''(iv) traditional end-users (such as electric utilities);

''(v) potential end-users of new technologies (such as users of high-temperature process heat for manufacturing processing, including petrochemical companies, manufacturers of metals, or manufacturers of concrete); and

''(vi) developers of advanced nuclear reactor technology; and

''(G) seek to ensure that the demonstration projects carried out under paragraph (1) do not cause any delay in a deployment of an advanced reactor by private industry and the Department that is underway as of the date of enactment of this section.

''(3) ADDITIONAL REQUIREMENTS.—In carrying out demonstration projects under paragraph (1), the Secretary shall—

''(A) identify candidate technologies that—

''(i) are not developed sufficiently for demonstration within the initial required timeframe described in paragraph (1)(A); but

''(ii) could be demonstrated within the timeframe described in paragraph (1)(B);

''(B) identify technical challenges to the candidate technologies identified in subparagraph (A);

''(C) support near-term research and development to address the highest-risk technical challenges to the successful demonstration of a selected advanced reactor technology, in accordance with—

''(i) subparagraph (B); and

''(ii) the research and development activities under sections 952 and 958;

''(D) establish such technology advisory working groups as the Secretary determines to be appropriate to advise the Secretary regarding the technical challenges identified under subparagraph (B) and the scope of research and development programs to address the challenges, in accordance with subparagraph (C), to be comprised of—

''(i) private-sector advanced nuclear reactor technology developers;

''(ii) technical experts with respect to the relevant technologies at institutions of higher education; and

''(iii) technical experts at the National Laboratories.

''(d) GOALS.—

''(1) IN GENERAL.—The Secretary shall establish goals for research relating to advanced nuclear reactors facilitated by the Department that support the objectives of the program for demonstration projects established under subsection (c).

''(2) COORDINATION.—In developing the goals under paragraph (1), the Secretary shall coordinate, on an ongoing basis, with members of private industry to advance the demonstration of various designs of advanced nuclear reactors.

''(3) REQUIREMENTS.—In developing the goals under paragraph (1), the Secretary shall ensure that—

''(A) research activities facilitated by the Department to meet the goals developed under this subsection are focused on key areas of nuclear research and deployment ranging from basic science to full-design development, safety evaluation, and licensing;

''(B) research programs designed to meet the goals emphasize—

''(i) resolving materials challenges relating to extreme environments, including extremely high levels of—

''(I) radiation fluence;

''(II) temperature;

''(III) pressure; and

''(IV) corrosion; and

''(ii) qualification of advanced fuels;

''(C) activities are carried out that address near-term challenges in modeling and simulation to enable accelerated design and licensing;

''(D) related technologies, such as technologies to manage, reduce, or reuse nuclear waste, are developed;

''(E) nuclear research infrastructure is maintained or constructed, such as—

''(i) currently operational research reactors at the National Laboratories and institutions of higher education;

''(ii) hot cell research facilities;

''(iii) a versatile fast neutron source; and

''(iv) a molten salt testing facility;

''(F) basic knowledge of non-light water coolant physics and chemistry is improved;

''(G) advanced sensors and control systems are developed; and

''(H) advanced manufacturing and advanced construction techniques and materials are investigated to reduce the cost of advanced nuclear reactors.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594; 132 Stat. 3160) is amended—

(1) in the item relating to section 917, by striking ''Efficiency'';

(2) in the items relating to each of sections 957, 958, and 959 by inserting ''Sec.'' before the item number; and

(3) by inserting after the item relating to section 959 the following:

''Sec. 959A. Advanced nuclear reactor research and development goals.''.

SEC. 6702. NUCLEAR ENERGY STRATEGIC PLAN.

(a) IN GENERAL.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271

et seq.) (as amended by section 6701(a)) is amended by adding at the end the following:

"SEC. 959B. NUCLEAR ENERGY STRATEGIC PLAN.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce and Science, Space, and Technology of the House of Representatives a 10-year strategic plan for the Office of Nuclear Energy of the Department, in accordance with this section.

''(b) REQUIREMENTS.—

''(1) COMPONENTS.—The strategic plan under this section shall designate—

''(A) programs that support the planned accomplishment of—

''(i) the goals established under section 959A; and

''(ii) the demonstration programs identified under subsection (c) of that section; and

''(B) programs that—

''(i) do not support the planned accomplishment of demonstration programs, or the goals, referred to in subparagraph (A); but

''(ii) are important to the mission of the Office of Nuclear Energy, as determined by the Secretary.

''(2) PROGRAM PLANNING.—In developing the strategic plan under this section, the Secretary shall specify expected timelines for, as applicable—

''(A) the accomplishment of relevant objectives under current programs of the Department; or

''(B) the commencement of new programs to accomplish those objectives.

''(c) UPDATES.—Not less frequently than once every 2 years, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce and Science, Space, and Technology of the House of Representatives an updated 10-year strategic plan in accordance with subsection (b), which shall identify, and provide a justification for, any major deviation from a previous strategic plan submitted under this section.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594; 132 Stat. 3160) (as amended by section 6701(b)(3)) is amended by inserting after the item relating to section 959A the following:

''Sec. 959B. Nuclear energy strategic plan.''.

SEC. 6703. VERSATILE, REACTOR-BASED FAST NEUTRON SOURCE.

Section 955(c)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16275(c)(1)) is amended—

(1) in the paragraph heading, by striking ''MISSION NEED'' and inserting ''AUTHORIZATION''; and

(2) in subparagraph (A), by striking ''determine the mission need'' and inserting ''provide''.

SEC. 6704. ADVANCED NUCLEAR FUEL SECURITY PROGRAM.

(a) IN GENERAL.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) (as amended by section 6702(a)) is amended by adding at the end the following:

"SEC. 960. ADVANCED NUCLEAR FUEL SECURITY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) HALEU TRANSPORTATION PACKAGE.—The term 'HALEU transportation package' means a transportation package that is suitable for transporting high-assay, low-enriched uranium.

''(2) HIGH-ASSAY, LOW-ENRICHED URANIUM.—The term 'high-assay, low-enriched uranium' means uranium with an assay greater than 5 weight percent, but less than 20 weight percent, of the uranium-235 isotope.

''(3) HIGH-ENRICHED URANIUM.—The term 'high-enriched uranium' means uranium with an assay of 20 weight percent or more of the uranium-235 isotope.

''(b) HIGH-ASSAY, LOW-ENRICHED URANIUM PROGRAM FOR ADVANCED REACTORS.—

''(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish a program to make available high-assay, low-enriched uranium, through contracts for sale, resale, transfer, or lease, for use in commercial or noncommercial advanced nuclear reactors.

''(2) NUCLEAR FUEL OWNERSHIP.—Each lease under this subsection shall include a provision establishing that the high-assay, low-enriched uranium that is the subject of the lease shall remain the property of the Department, including with respect to responsibility for the storage, use, or final disposition of all radioactive waste created by the irradiation, processing, or purification of any leased high-assay, low-enriched uranium.

''(3) QUANTITY.—In carrying out the program under this subsection, the Secretary shall make available—

''(A) by December 31, 2022, high-assay, low-enriched uranium containing not less than 2 metric tons of the uranium-235 isotope; and

''(B) by December 31, 2025, high-assay, low-enriched uranium containing not less than 10 metric tons of the uranium-235 isotope (as determined including the quantities of the uranium-235 isotope made available before December 31, 2022).

''(4) FACTORS FOR CONSIDERATION.—In carrying out the program under this subsection, the Secretary shall take into consideration—

''(A) options for providing the high-assay, low-enriched uranium under this subsection from a stockpile of uranium owned by the Department (including the National Nuclear Security Administration), including—

''(i) fuel that—

''(I) directly meets the needs of an end-user; but

''(II) has been previously used or fabricated for another purpose;

''(ii) fuel that can meet the needs of an end-user after removing radioactive or other contaminants that resulted from a previous use or fabrication of the fuel for research, development, demonstration, or deployment activities of the Department (including activities of the National Nuclear Security Administration); and

''(iii) fuel from a high-enriched uranium stockpile, which can be blended with lower-assay uranium to become high-assay, low-enriched uranium to meet the needs of an end-user; and

''(B) requirements to support molybdenum-99 production under the American Medical Isotopes Production Act of 2012 (Public Law 112–239; 126 Stat. 2211).

''(5) LIMITATIONS.—

''(A) FINAL DISPOSITION OF RADIOACTIVE WASTE.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to the final disposition of radioactive waste from uranium that is the subject of a lease under this subsection.

''(B) NATIONAL SECURITY NEEDS.—The Secretary shall only make available from Department stockpiles under this subsection high-assay, low-enriched uranium that is not needed for national security.

''(6) SUNSET.—The program under this subsection shall terminate on the earlier of—

''(A) January 1, 2035; and

''(B) the date on which uranium enriched up to, but not equal to, 20 weight percent can be obtained in the commercial market from domestic suppliers.

''(c) REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report that describes actions proposed to be carried out by the Secretary—

''(A) under the program under subsection (b); or

''(B) otherwise to enable the commercial use of high-assay, low-enriched uranium.

''(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report under this subsection, the Secretary shall seek input from—

''(A) the Nuclear Regulatory Commission;

''(B) the National Laboratories;

''(C) institutions of higher education;

''(D) producers of medical isotopes;

''(E) a diverse group of entities operating in the nuclear energy industry; and

''(F) a diverse group of technology developers.

''(3) COST AND SCHEDULE ESTIMATES.—The report under this subsection shall include estimated costs, budgets, and timeframes for enabling the use of high-assay, low-enriched uranium.

''(4) REQUIRED EVALUATIONS.—The report under this subsection shall evaluate—

''(A) the costs and actions required to establish and carry out the program under subsection (b), including with respect to—

''(i) proposed preliminary terms for the sale, resale, transfer, and leasing of high-assay, low-enriched uranium (including guidelines defining the roles and responsibilities between the Department and the purchaser, transfer recipient, or lessee); and

''(ii) the potential to coordinate with purchasers, transfer recipients, and lessees regarding—

''(I) fuel fabrication; and

''(II) fuel transport;

''(B) the potential sources and fuel forms available to provide uranium for the program under subsection (b);

''(C) options to coordinate the program under subsection (b) with the operation of the versatile reactor-based fast neutron source under section 955(c)(1);

''(D) the ability of the domestic uranium market to provide materials for advanced nuclear reactor fuel; and

''(E) any associated legal, regulatory, and policy issues that should be addressed to enable—

''(i) the program under subsection (b); and

''(ii) the establishment of a domestic industry capable of providing high-assay, low-enriched uranium for commercial and noncommercial purposes, including with respect to the needs of—

''(I) the Department;

''(II) the Department of Defense; and

''(III) the National Nuclear Security Administration.

''(d) HALEU TRANSPORTATION PACKAGE RESEARCH PROGRAM.—

''(1) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary shall establish a research, development, and demonstration program under which the Secretary shall provide financial assistance, on a competitive basis, to establish the capability to transport high-assay, low-enriched uranium.

''(2) REQUIREMENT.—The focus of the program under this subsection shall be to establish 1 or more HALEU transportation packages that can be certified by the Nuclear Regulatory Commission to transport high-assay, low-enriched uranium to the various facilities involved in producing or using nuclear fuel containing high-assay, low-enriched uranium, such as—

''(A) enrichment facilities;

''(B) fuel processing facilities;

''(C) fuel fabrication facilities; and

''(D) nuclear reactors.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Energy Policy Act of 2005

(Public Law 109–58; 119 Stat. 594; 132 Stat. 3160) (as amended by section 6702(b)) is amended by inserting after the item relating to section 959B the following:

''Sec. 960. Advanced nuclear fuel security program.''.

SEC. 6705. UNIVERSITY NUCLEAR LEADERSHIP PROGRAM.

Section 313 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (42 U.S.C. 16274a) is amended to read as follows:

''SEC. 313. UNIVERSITY NUCLEAR LEADERSHIP PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADVANCED NUCLEAR REACTOR.—The term 'advanced nuclear reactor' means—

''(A) a nuclear fission reactor, including a prototype plant (as defined in sections 50.2 and 52.1 of title 10, Code of Federal Regulations (or successor regulations)), with significant improvements compared to the most recent generation of fission reactors, including improvements such as—

''(i) additional inherent safety features;

''(ii) lower waste yields;

''(iii) improved fuel performance;

''(iv) increased tolerance to loss of fuel cooling;

''(v) enhanced reliability;

''(vi) increased proliferation resistance;

''(vii) increased thermal efficiency;

''(viii) reduced consumption of cooling water;

''(ix) the ability to integrate into electric applications and nonelectric applications;

''(x) modular sizes to allow for deployment that corresponds with the demand for electricity; or

''(xi) operational flexibility to respond to changes in demand for electricity and to complement integration with intermittent renewable energy; and

''(B) a fusion reactor.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(3) PROGRAM.—The term 'Program' means the University Nuclear Leadership Program established under subsection (b).

''(b) ESTABLISHMENT.—The Secretary of Energy, the Administrator of the National Nuclear Security Administration, and the Chairman of the Nuclear Regulatory Commission shall jointly establish a program, to be known as the 'University Nuclear Leadership Program'.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts made available to carry out the Program shall be used to provide financial assistance for scholarships, fellowships, and research and development projects at institutions of higher education in areas relevant to the programmatic mission of the applicable Federal agency, with an emphasis on providing the financial assistance with respect to research, development, demonstration, and deployment activities for technologies relevant to advanced nuclear reactors, including relevant fuel cycle technologies.

''(2) EXCEPTION.—Notwithstanding paragraph (1), amounts made available to carry out the Program may be used to provide financial assistance for a scholarship, fellowship, or multiyear research and development project that does not align directly with a programmatic mission of the applicable Federal agency providing the financial assistance, if the activity for which assistance is provided would facilitate the maintenance of the discipline of nuclear science or engineering.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Program for fiscal year 2021 and each fiscal year thereafter—

''(1) $30,000,000 to the Secretary of Energy; and

''(2) $15,000,000 to the Nuclear Regulatory Commission.''.

SEC. 6706. ADJUSTING STRATEGIC PETROLEUM RESERVE MANDATED DRAWDOWNS.

(a) BIPARTISAN BUDGET ACT OF 2015.—Section 403(a) of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241 note; Public Law 114–74) is amended—

(1) by striking paragraph (6);

(2) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(3) in paragraph (7) (as so redesignated), by striking ''10,000,000'' and inserting ''20,000,000''.

(b) FIXING AMERICA'S SURFACE TRANSPORTATION ACT.—Section 32204(a)(1) of the FAST Act (42 U.S.C. 6241 note; Public Law 114–94) is amended—

(1) in subparagraph (B)—

(A) by striking ''16,000,000'' and inserting ''11,000,000''; and

(B) by striking ''2023'' and inserting ''2022''; and

(2) in subparagraph (C), by striking ''25,000,000'' and inserting ''30,000,000''.

(c) AMERICA'S WATER INFRASTRUCTURE ACT OF 2018.—Section 3009(a)(1) of America's Water Infrastructure Act of 2018 (42 U.S.C. 6241 note; Public Law 115–270) is amended by striking ''2028'' and inserting ''2030.''

(d) BIPARTISAN BUDGET ACT OF 2018.—Section 30204(a)(1) of the Bipartisan Budget Act of 2018 (42 U.S.C. 6241 note; Public Law 115–123) is amended by striking subparagraphs (A) through (C) and inserting the following:

''(A) 7,500,000 barrels of crude oil during fiscal year 2022;

''(B) 7,500,000 barrels of crude oil during fiscal year 2024;

''(C) 15,000,000 barrels of crude oil during fiscal year 2025;

''(D) 30,000,000 barrels of crude oil during fiscal year 2029; and

''(E) 40,000,000 barrels of crude oil during fiscal year 2030.''.

(e) RECONCILIATION ON THE BUDGET FOR 2018.—Section 20003(a)(1) of Public Law 115–97 (42 U.S.C. 6241 note) is amended by striking ''the period of fiscal years 2026 through 2027'' and inserting ''fiscal year 2030''.

TITLE LXXVIII—MILITARY CONSTRUCTION AND GENERAL PROVISIONS

Subtitle A—Military Construction Program

SEC. 7801. MODIFICATION TO AUTHORITY FOR MILITARY CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT CENTERS AT MILITARY INSTALLATIONS.

Section 2809(b) of the National Defense Authorization Act for Fiscal Year 2020 is amended—

(1) in paragraph (1), by inserting ''and annually thereafter,'' after ''this Act,''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''the report'' and inserting ''a report''; and

(B) in subparagraph (B), by inserting ''in which the project is included'' before the period at the end.

SEC. 7802. MODIFICATION OF CONSTRUCTION OF GROUND-BASED STRATEGIC DETERRENT LAUNCH FACILITIES AND LAUNCH CENTERS FOR THE AIR FORCE.

Subsection (e) of section 2802 is deemed to read as follows:

''(e) FUNDING.—

''(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2021 as specified in the funding table in section 4601, the Secretary of the Air Force may expend not more than $15,000,000 for the purposes of planning and design to support the projects described in subsection (a).

''(2) INCREASE.—The amount authorized to be appropriated for fiscal year 2021 for military construction for the Air Force is hereby increased by $15,000,000, with the amount of the increase to be designated to Air Force, Unspecified Worldwide Locations, Planning and Design.

''(3) OFFSET.—The amount authorized to be appropriated for fiscal year 2021 for operation and maintenance for the Army is hereby reduced by $15,000,000, with the amount of the reduction to be derived from subactivity group 421, Servicewide Transportation.''.

Subtitle B—Military Family Housing

SEC. 7821. INCLUSION OF ASSESSMENT OF PERFORMANCE METRICS IN ANNUAL PUBLICATION ON USE OF INCENTIVE FEES FOR PRIVATIZED MILITARY HOUSING PROJECTS.

(a) IN GENERAL.—Section 2891c of title 10, United States Code, is amended—

(1) by striking the section heading and inserting the following: ''**Transparency regarding finances and performance metrics**'';

(2) in subsection (b)—

(A) in the subsection heading, by inserting ''PERFORMANCE METRICS AND'' before ''USE OF INCENTIVE FEES'';

(B) in paragraph (1), by striking ''publicly accessible website, information'' and inserting ''publicly accessible website—

''(A) for each contract for the provision or management of housing units—

''(i) an assessment of indicators underlying the performance metrics under such contract to ensure such indicators adequately measure the condition and quality of the home or homes covered by the contract, including—

''(I) resident satisfaction;

''(II) maintenance management;

''(III) project safety; and

''(IV) financial management; and

''(ii) a detailed description of each indicator assessed under subparagraph (A), including an indication of—

''(I) the limitations of available survey data;

''(II) how resident satisfaction and maintenance management is calculated; and

''(III) whether data is missing; and

''(B) information''; and

(C) in paragraph (2), by striking ''paragraph (1)'' and inserting ''paragraph (1)(B)''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 169 of such title is amended by striking the item relating to section 2891c and inserting the following new item:

''2891c. Transparency regarding finances and performance metrics.''.

Subtitle D—Land Conveyances

SEC. 7861. ESTABLISHMENT OF INTERAGENCY COMMITTEES ON JOINT USE OF CERTAIN LAND WITHDRAWN FROM APPROPRIATION UNDER PUBLIC LAND LAWS.

(a) INTERAGENCY EXECUTIVE COMMITTEE ON JOINT USE BY DEPARTMENT OF THE NAVY AND DEPARTMENT OF THE INTERIOR OF NAVAL AIR STATION FALLON RANGES.—Section 3011(a) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 885) is amended by adding at the end the following new paragraph:

''(5) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—

''(A) ESTABLISHMENT.—The Secretary of the Navy and the Secretary of the Interior shall jointly establish, by memorandum of understanding, an intergovernmental executive committee (referred to in this paragraph as the 'executive committee'), for the purpose of exchanging views, information, and advice relating to the management of the natural and cultural resources of the land described in paragraph (2).

''(B) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding entered into under subparagraph (A) shall include—

''(i) a description of the officials and other individuals to be invited to participate as members in the executive committee under subparagraph (C);

''(ii) a description of the duties of the Chairperson and Vice Chairperson of the executive committee; and

''(iii) subject to subparagraphs (D) and (E), a procedure for—

''(I) creating a forum to carry out the purpose described in subparagraph (A);

''(II) rotating the Chairperson of the executive committee; and

''(III) scheduling regular meetings of the executive committee.

''(C) MEMBERSHIP.—The executive committee shall be comprised of—

''(i) 1 representative of the Nevada Department of Wildlife;

''(ii) 1 representative of the Nevada Department of Conservation and Natural Resources;

''(iii) 1 county commissioner from each of Churchill, Lyon, Nye, Mineral, and Pershing Counties, Nevada;

''(iv) 1 representative of each Indian tribe in the vicinity of the land described in paragraph (2); and

''(v) not more than 3 members that the Secretary of the Navy and the Secretary of the Interior jointly determine would advance the goals and objectives of the executive committee.

''(D) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the executive committee shall elect from among the members—

''(i) 1 member to serve as Chairperson of the executive committee; and

''(ii) 1 member to serve as Vice Chairperson of the executive committee.

''(E) MEETINGS.—

''(i) FREQUENCY.—The executive committee shall meet not less frequently than 3 times each calendar year.

''(ii) LOCATION.—The location of the meetings of the executive committee shall rotate to facilitate ease of access for all members of the executive committee.

''(iii) PUBLIC ACCESSIBILITY.—The meetings of the executive committee shall—

''(I) be open to the public; and

''(II) serve as a forum for the public to provide comments regarding the natural and cultural resources of the land described in paragraph (2).

''(F) CONDITIONS AND TERMS.—

''(i) IN GENERAL.—Each member of the executive committee shall serve voluntarily and without compensation.

''(ii) TERM OF APPOINTMENT.—

''(I) IN GENERAL.—Except as provided in subclause (II)(bb), each member of the executive committee shall be appointed for a term of 4 years.

''(II) ORIGINAL MEMBERS.—Of the members initially appointed to the executive committee, the Secretary of the Navy and the Secretary of the Interior shall select—

''(aa) ½ to serve for a term of 4 years; and

''(bb) ½ to serve for a term of 2 years.

''(iii) REAPPOINTMENT AND REPLACEMENT.—The Secretary of the Navy and the Secretary of the Interior may reappoint or replace, as appropriate, a member of the executive committee if—

''(I) the term of the member has expired;

''(II) the member has resigned; or

''(III) the position held by the member has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

''(G) LIAISONS.—The Secretary of the Navy and the Secretary of the Interior shall each appoint appropriate operational and land management personnel of the Department of the Navy and the Department of the Interior, respectively, to serve as liaisons to the executive committee.''.

(b) JOINT ACCESS AND USE BY DEPARTMENT OF THE AIR FORCE AND DEPARTMENT OF THE INTERIOR OF NEVADA TEST AND TRAINING RANGE AND DESERT NATIONAL WILDLIFE REFUGE.—

(1) UNITED STATES FISH AND WILDLIFE SERVICE AND DEPARTMENT OF THE AIR FORCE COORDINATION.—Section 3011(b)(5) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 887) is amended by adding at the end the following new subparagraph:

''(G) INTERAGENCY COMMITTEE.—

''(i) IN GENERAL.—The Secretary of the Interior and the Secretary of the Air Force shall jointly establish an interagency committee (referred to in this subparagraph as the 'interagency committee') to facilitate coordination, manage public access needs and requirements, and minimize potential conflict between the Department of the Interior and the Department of the Air Force with respect to joint operating areas within the Desert National Wildlife Refuge.

''(ii) MEMBERSHIP.—The interagency committee shall include only the following members:

''(I) Representatives from the United States Fish and Wildlife Service.

''(II) Representatives from the Department of the Air Force.

''(III) The Project Leader of the Desert National Wildlife Refuge Complex.

''(IV) The Commander of the Nevada Test and Training Range, Nellis Air Force Base.

''(iii) REPORT TO CONGRESS.—The interagency committee shall biannually submit to the Committees on Armed Services, Environment and Public Works, and Energy and Natural Resources of the Senate and the Committees on Armed Services and Natural Resources of the House of Representatives, and make available publicly online, a report on the activities of the interagency committee.''.

(2) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—Such section is further amended by adding at the end the following new subparagraph:

''(H) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—

''(i) ESTABLISHMENT.—The Secretary of the Interior and the Secretary of the Air Force shall jointly establish, by memorandum of understanding, an intergovernmental executive committee (referred to in this subparagraph as the 'executive committee') in accordance with this subparagraph.

''(ii) PURPOSE.—The executive committee shall be established for the purposes of—

''(I) exchanging views, information, and advice relating to the management of the natural and cultural resources of the lands withdrawn and reserved by this section; and

''(II) discussing and making recommendations to the interagency committee established under subparagraph (G) with respect to public access needs and requirements.

''(iii) COMPOSITION.—The executive committee shall comprise the following members:

''(I) FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall each appoint 1 representative from an interested Federal agency.

''(II) STATE GOVERNMENT.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite 1 representative of the Nevada Department of Wildlife.

''(III) LOCAL GOVERNMENTS.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite 1 county commissioner of each of Clark, Nye, and Lincoln Counties, Nevada.

''(IV) TRIBAL GOVERNMENTS.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite 1 representative of each Indian tribe in the vicinity of the portions of the joint use area of the Desert National Wildlife Refuge where the Secretary of the Interior exercises primary jurisdiction.

''(V) PUBLIC.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite not more than 3 private individuals who the Secretary of the Interior and the Secretary of the Air Force jointly determine would further the goals and objectives of the executive committee.

''(VI) ADDITIONAL MEMBERS.—The Secretary of the Interior and the Secretary of the Air Force may designate such additional members as the Secretary of the Interior and the Secretary of the Air Force jointly determine to be appropriate.

''(iv) OPERATION.—The executive committee shall operate in accordance with the terms set forth in the memorandum of understanding under clause (i), which shall specify the officials or other individuals to be invited to participate in the executive committee in accordance with clause (iii).

''(v) PROCEDURES.—Subject to clauses (vi) and (vii), the memorandum of understanding under clause (i) shall establish procedures for—

''(I) creating a forum for carrying out the purpose described in clause (ii);

''(II) rotating the Chairperson of the executive committee; and

''(III) scheduling regular meetings.

''(vi) CHAIRPERSON AND VICE CHAIRPERSON.—

''(I) IN GENERAL.—The members of the executive committee shall elect from among the members—

''(aa) 1 member to serve as the Chairperson of the executive committee; and

''(bb) 1 member to serve as the Vice Chairperson of the executive committee.

''(II) DUTIES.—The duties of each of the Chairperson and the Vice Chairperson shall be included in the memorandum of understanding under clause (i).

''(vii) MEETINGS.—

''(I) FREQUENCY.—The executive committee shall meet not less frequently than 3 times each calendar year.

''(II) MEETING LOCATIONS.—Locations of meetings of the executive committee shall rotate to facilitate ease of access for all executive committee members.

''(III) PUBLIC ACCESSIBILITY.—Meetings of the executive committee shall—

''(aa) be open to the public; and

''(bb) provide a forum for the public to provide comment regarding the management of, and public access to, the Nevada Test and Training Range and the Desert National Wildlife Refuge.

''(viii) CONDITIONS AND TERMS OF APPOINTMENT.—

''(I) IN GENERAL.—Each member of the executive committee shall serve voluntarily and without compensation.

''(II) TERM OF APPOINTMENT.—

''(aa) IN GENERAL.—Each member of the executive committee shall be appointed for a term of 4 years.

''(bb) ORIGINAL MEMBERS.—Notwithstanding item (aa), the Secretary of the Interior and the Secretary of the Air Force shall select—

''(AA) ½ of the original members of the executive committee to serve for a term of 4 years; and

''(BB) ½ of the original members of the executive committee to serve for a term of 2 years.

''(III) REAPPOINTMENT AND REPLACEMENT.—The Secretary of the Interior and the Secretary of the Air Force may reappoint or replace a member of the executive committee if—

''(aa) the term of the member has expired;

''(bb) the member has resigned; or

''(cc) the position held by the member has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

''(ix) LIAISONS.—The Secretary of the Air Force and the Secretary of the Interior shall each appoint appropriate operational and land management personnel of the Department of the Air Force and the Department of the Interior, respectively, to participate in, and serve as liaisons to, the executive committee.''.

SEC. 7862. LEASE EXTENSION FOR BRYAN MULTI-SPORTS COMPLEX, WAYNE COUNTY, NORTH CAROLINA.

(a) AUTHORITY.—The Secretary of the Air Force may extend to the City of Goldsboro the existing lease of the approximately 62-acre Bryan Multi-Sports Complex located in Wayne County, North Carolina, for the purpose of operating a sports and recreation facility for the benefit of both the Air Force and the community.

(b) DURATION.—At the option of the Secretary of the Air Force, the lease entered into under this section may be extended for up to 30 additional years with a total lease period not to exceed 50 years.

(c) PAYMENTS UNDER THE LEASE.—The Secretary of the Air Force may waive the requirement under section 2667(b)(4) of title 10, United States Code, with respect to the lease entered into under this section if the Secretary determines that the lease enhances the quality of life of members of the Armed Forces.

(d) SENSE OF SENATE.—It is the Sense of the Senate regarding the conditions governing the extension of the current lease for the Bryan Multi-Sports Complex that—

(1) the Senate has determined it is in the best interest of the community and the Air Force to extend the lease at no cost;

(2) the current lease allowed the Air Force to close their sports field on Seymour-Johnson Air Force Base and resulted in a savings of $15,000 per year in utilities and grounds maintenance costs;

(3) the current sports complex reduces force protection vulnerability now that the sports complex is located outside the fence line of the installation; and

(4) the facility has improved the quality of life for military families stationed at Seymour-Johnson Air Force Base by allowing members of the Armed Forces and their families to have access to world class sports facilities located adjacent to the installation and on-base privatized housing with easy access by junior enlisted members residing in the dorms.

Subtitle E—Other Matters

SEC. 7881. SENSE OF CONGRESS ON RELOCATION OF JOINT SPECTRUM CENTER.

It is the Sense of Congress that Congress strongly recommends that the Director of the Defense Information Systems Agency begin the process for the relocation of the Joint Spectrum Center of the Department of Defense to the building at Fort Meade that is allocated for such center.

DIVISION F—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2021

SEC. 9001. SHORT TITLE.

This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2021''.

SEC. 9002. DEFINITIONS.

In this division:

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

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given such term in such section.

TITLE XCI—INTELLIGENCE ACTIVITIES

SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 9102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 9101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 9101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 9103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2021 the sum of $731,200,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2021 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 9102(a).

TITLE XCII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 9201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2021.

TITLE XCIII—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

SEC. 9301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 9302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 9303. CLARIFICATION OF AUTHORITIES AND RESPONSIBILITIES OF NATIONAL MANAGER FOR NATIONAL SECURITY TELECOMMUNICATIONS AND INFORMATION SYSTEMS SECURITY.

In carrying out the authorities and responsibilities of the National Manager for National Security Telecommunications and Information Systems Security under National Security Directive 42 (signed by the President on July 5, 1990), the National Manager shall not supervise, oversee, or execute, either directly or indirectly, any aspect of the National Intelligence Program.

SEC. 9304. CONTINUITY OF OPERATIONS PLANS FOR CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY IN THE CASE OF A NATIONAL EMERGENCY.

(a) DEFINITION OF COVERED NATIONAL EMERGENCY.—In this section, the term ''covered national emergency'' means the following:

(1) A major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) An emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191).

(3) A national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(4) A public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) IN GENERAL.—The Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each establish continuity of operations plans for use in the case of covered national emergencies for the element of the intelligence community concerned.

(c) SUBMISSION TO CONGRESS.—

(1) DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—Not later than 7 days after the date on which a covered national emergency is declared, the Director of National Intelligence and the Director of the Central Intelligence

Agency shall each submit to the congressional intelligence committees the plan established under subsection (b) for that emergency for the element of the intelligence community concerned.

(2) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE, DIRECTOR OF DEFENSE INTELLIGENCE AGENCY, DIRECTOR OF NATIONAL SECURITY AGENCY, AND DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Not later than 7 days after the date on which a covered national emergency is declared, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit the plan established under subsection (b) for that emergency for the element of the intelligence community concerned to the following:

(A) The congressional intelligence committees.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on Armed Services of the House of Representatives.

(d) UPDATES.—During a covered national emergency, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit any updates to the plans submitted under subsection (c)—

(1) in accordance with that subsection; and

(2) in a timely manner consistent with section 501 of the National Security Act of 1947 (50 U.S.C. 3091).

SEC. 9305. APPLICATION OF EXECUTIVE SCHEDULE LEVEL III TO POSITION OF DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Director of the National Reconnaissance Office.''.

SEC. 9306. NATIONAL INTELLIGENCE UNIVERSITY.

(a) IN GENERAL.—Title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) is amended by adding at the end the following:

''Subtitle D—National Intelligence University

''SEC. 1031. TRANSFER DATE.

''In this subtitle, the term 'transfer date' means the date on which the National Intelligence University is transferred from the Defense Intelligence Agency to the Director of National Intelligence under section 5324(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

''SEC. 1032. DEGREE-GRANTING AUTHORITY.

''(a) IN GENERAL.—Beginning on the transfer date, under regulations prescribed by the Director of National Intelligence, the President of the National Intelligence University may, upon the recommendation of the faculty of the University, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the University is accredited by the appropriate academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—

''(1) ACTIONS ON NONACCREDITATION.—Beginning on the transfer date, the Director shall promptly—

''(A) notify the congressional intelligence committees of any action by the Middle States Commission on Higher Education, or other appropriate academic accrediting agency or organization, to not accredit the University to award any new or existing degree; and

''(B) submit to such committees a report containing an explanation of any such action.

''(2) MODIFICATION OR REDESIGNATION OF DEGREE-GRANTING AUTHORITY.—Beginning on the transfer date, upon any modification or redesignation of existing degree-granting authority, the Director shall submit to the congressional intelligence committees a report containing—

''(A) the rationale for the proposed modification or redesignation; and

''(B) any subsequent recommendation of the Secretary of Education with respect to the proposed modification or redesignation.

''SEC. 1033. FACULTY MEMBERS; EMPLOYMENT AND COMPENSATION.

''(a) AUTHORITY OF DIRECTOR.—Beginning on the transfer date, the Director of National Intelligence may employ as many professors, instructors, and lecturers at the National Intelligence University as the Director considers necessary.

''(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Director.

''(c) COMPENSATION PLAN.—The Director shall provide each person employed as a professor, instructor, or lecturer at the University on the transfer date an opportunity to elect to be paid under the compensation plan in effect on the day before the transfer date (with no reduction in pay) or under the authority of this section.

''SEC. 1034. ACCEPTANCE OF FACULTY RESEARCH GRANTS.

''The Director of National Intelligence may authorize the President of the National Intelligence University to accept qualifying research grants in the same manner and to the same degree as the President of the National Defense University under section 2165(e) of title 10, United States Code.

''SEC. 1035. CONTINUED APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE BOARD OF VISITORS.

''The Federal Advisory Committee Act (5 U.S.C. App.) shall continue to apply to the Board of Visitors of the National Intelligence University on and after the transfer date.''.

(b) CONFORMING AMENDMENTS.—Section 5324 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) in subsection (b)(1)(C), by striking ''subsection (e)(2)'' and inserting ''section 1032(b) of the National Security Act of 1947'';

(2) by striking subsections (e) and (f); and

(3) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

(c) CLERICAL AMENDMENT.—The table of contents of the National Security Act of 1947 is amended by inserting after the item relating to section 1024 the following:

''Subtitle D—National Intelligence University

''Sec. 1031. Transfer date.
''Sec. 1032. Degree-granting authority.
''Sec. 1033. Faculty members; employment and compensation.
''Sec. 1034. Acceptance of faculty research grants.
''Sec. 1035. Continued applicability of the Federal Advisory Committee Act to the Board of Visitors.''.

SEC. 9307. REQUIRING FACILITATION OF ESTABLISHMENT OF SOCIAL MEDIA DATA AND THREAT ANALYSIS CENTER.

(a) REQUIREMENT TO FACILITATE ESTABLISHMENT.—Subsection (c)(1) of section 5323 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, by striking ''may'' and inserting ''shall''.

(b) DEADLINE TO FACILITATE ESTABLISHMENT.—Such subsection is further amended by striking ''The Director'' and inserting ''Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, the Director''.

(c) CONFORMING AMENDMENTS.—

(1) REPORTING.—Subsection (d) of such section is amended—

(A) in the matter before paragraph (1), by striking ''If the Director'' and all that follows through ''the Center, the'' and inserting ''The''; and

(B) in paragraph (1), by striking ''180 days after the date of the enactment of this Act'' and inserting ''180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021''.

(2) FUNDING.—Subsection (f) of such section is amended by striking ''fiscal year 2020 and 2021'' and inserting ''fiscal year 2021 and 2022''.

(3) CLERICAL.—Subsection (c) of such section is amended—

(A) in the subsection heading, by striking ''AUTHORITY'' and inserting ''REQUIREMENT''; and

(B) in paragraph (1), in the paragraph heading, by striking ''AUTHORITY'' and inserting ''REQUIREMENT''.

SEC. 9308. DATA COLLECTION ON ATTRITION IN INTELLIGENCE COMMUNITY.

(a) STANDARDS FOR DATA COLLECTION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall establish standards for collecting data relating to attrition in the intelligence community workforce across demographics, specialities, and length of service.

(2) INCLUSION OF CERTAIN CANDIDATES.—The Director shall include, in the standards established under paragraph (1), standards for collecting data from candidates who accepted conditional offers of employment but chose to withdraw from the hiring process before entering into service, including data with respect to the reasons such candidates chose to withdraw.

(b) COLLECTION OF DATA.—Not later than 120 days after the date of the enactment of this Act, each element of the intelligence community shall begin collecting data on workforce and candidate attrition in accordance with the standards established under subsection (a).

(c) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director shall submit to the congressional intelligence committees a report on workforce and candidate attrition in the intelligence community that includes—

(1) the findings of the Director based on the data collected under subsection (b);

(2) recommendations for addressing any issues identified in those findings; and

(3) an assessment of timeliness in processing hiring applications of individuals previously employed by an element of the intelligence community, consistent with the Trusted Workforce 2.0 initiative sponsored by the Security Clearance, Suitability, and Credentialing Performance Accountability Council.

SEC. 9309. LIMITATION ON DELEGATION OF RESPONSIBILITY FOR PROGRAM MANAGEMENT OF INFORMATION-SHARING ENVIRONMENT.

(a) IN GENERAL.—Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(b)), as amended by section 6402(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking ''Director of National Intelligence'' and inserting ''President'';

(2) in paragraph (2), by striking ''Director of National Intelligence'' both places it appears and inserting ''President''; and

(3) by adding at the end the following:

''(3) DELEGATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the President may delegate responsibility for carrying out this subsection.

''(B) LIMITATION.—The President may not delegate responsibility for carrying out this subsection to the Director of National Intelligence.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2020.

SEC. 9310. IMPROVEMENTS TO PROVISIONS RELATING TO INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.

Section 6312 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking subsections (e) through (i) and inserting the following:

''(e) LONG-TERM ROADMAP.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, the Director of National Intelligence shall develop and maintain a long-term roadmap for the intelligence community information technology environment.

''(f) BUSINESS PLAN.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, the Director of National Intelligence shall develop and maintain a business plan to implement the long-term roadmap required by subsection (e).''.

SEC. 9311. REQUIREMENTS AND AUTHORITIES FOR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY TO IMPROVE EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding the following:

''SEC. 24. IMPROVEMENT OF EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' includes a department or agency of the Federal Government, a State, a political subdivision of a State, an individual, and a not-for-profit or other organization in the private sector.

''(2) EDUCATIONAL INSTITUTION.—The term 'educational institution' includes any public or private elementary school or secondary school, institution of higher education, college, university, or any other profit or nonprofit institution that is dedicated to improving science, technology, engineering, the arts, mathematics, business, law, medicine, or other fields that promote development and education relating to science, technology, engineering, the arts, or mathematics.

''(3) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

''(b) REQUIREMENTS.—The Director shall, on a continuing basis—

''(1) identify actions that the Director may take to improve education in the scientific, technology, engineering, arts, and mathematics (known as 'STEAM') skills necessary to meet the long-term national security needs of the United States for personnel proficient in such skills; and

''(2) establish and conduct programs to carry out such actions.

''(c) AUTHORITIES.—

''(1) IN GENERAL.—The Director, in support of educational programs in science, technology, engineering, the arts, and mathematics, may—

''(A) award grants to eligible entities;

''(B) provide cash awards and other items to eligible entities;

''(C) accept voluntary services from eligible entities;

''(D) support national competition judging, other educational event activities, and associated award ceremonies in connection with such educational programs; and

''(E) enter into one or more education partnership agreements with educational institutions in the United States for the purpose of encouraging and enhancing study in science, technology, engineering, the arts, and mathematics disciplines at all levels of education.

''(2) EDUCATION PARTNERSHIP AGREEMENTS.—

''(A) NATURE OF ASSISTANCE PROVIDED.—Under an education partnership agreement entered into with an educational institution under paragraph (1)(E), the Director may provide assistance to the educational institution by—

''(i) loaning equipment to the educational institution for any purpose and duration in support of such agreement that the Director considers appropriate;

''(ii) making personnel available to teach science courses or to assist in the development of science courses and materials for the educational institution;

''(iii) providing sabbatical opportunities for faculty and internship opportunities for students;

''(iv) involving faculty and students of the educational institution in Agency projects, including research and technology transfer or transition projects;

''(v) cooperating with the educational institution in developing a program under which students may be given academic credit for work on Agency projects, including research and technology transfer for transition projects; and

''(vi) providing academic and career advice and assistance to students of the educational institution.

''(B) PRIORITIES.—In entering into education partnership agreements under paragraph (1)(E), the Director shall prioritize entering into education partnership agreements with the following:

''(i) Historically Black colleges and universities and other minority-serving institutions, as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

''(ii) Educational institutions serving women, members of minority groups, and other groups of individuals who traditionally are involved in the science, technology, engineering, arts, and mathematics professions in disproportionately low numbers.

''(d) DESIGNATION OF ADVISOR.—The Director shall designate one or more individuals within the Agency to advise and assist the Director regarding matters relating to science, technology, engineering, the arts, and mathematics education and training.''.

Subtitle B—Reports and Assessments Pertaining to Intelligence Community

SEC. 9321. ASSESSMENT BY THE COMPTROLLER GENERAL OF THE UNITED STATES ON EFFORTS OF THE INTELLIGENCE COMMUNITY AND THE DEPARTMENT OF DEFENSE TO IDENTIFY AND MITIGATE RISKS POSED TO THE INTELLIGENCE COMMUNITY AND THE DEPARTMENT BY THE USE OF DIRECT-TO-CONSUMER GENETIC TESTING BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall assess the efforts of the intelligence community and the Department of Defense to identify and mitigate the risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.

(b) REPORT REQUIRED.—

(1) DEFINITION OF UNITED STATES DIRECT-TO-CONSUMER GENETIC TESTING COMPANY.—In this subsection, the term ''United States direct-to-consumer genetic testing company'' means a private entity that—

(A) carries out direct-to-consumer genetic testing; and

(B) is organized under the laws of the United States or any jurisdiction within the United States.

(2) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress, including the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report on the assessment required by subsection (a).

(3) ELEMENTS.—The report required by paragraph (2) shall include the following:

(A) A description of key national security risks and vulnerabilities associated with direct-to-consumer genetic testing, including—

(i) how the Government of the People's Republic of China may be using data provided by personnel of the intelligence community and the Department through direct-to-consumer genetic tests; and

(ii) how ubiquitous technical surveillance may amplify those risks.

(B) An assessment of the extent to which the intelligence community and the Department have identified risks and vulnerabilities posed by direct-to-consumer genetic testing and have sought to mitigate such risks and vulnerabilities, or have plans for such mitigation, including the extent to which the intelligence community has determined—

(i) in which United States direct-to-consumer genetic testing companies the Government of the People's Republic of China or entities owned or controlled by the Government of the People's Republic of China have an ownership interest; and

(ii) which United States direct-to-consumer genetic testing companies may have sold data to the Government of the People's Republic of China or entities owned or controlled by the Government of the People's Republic of China.

(C) Such recommendations as the Comptroller General may have for action by the intelligence community and the Department to improve the identification and mitigation of risks and vulnerabilities posed by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.

(4) FORM.—The report required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(c) COOPERATION.—The heads of relevant elements of the intelligence community and components of the Department shall—

(1) fully cooperate with the Comptroller General in conducting the assessment required by subsection (a); and

(2) provide any information and data required by the Comptroller General to conduct the assessment.

SEC. 9322. REPORT ON USE BY INTELLIGENCE COMMUNITY OF HIRING FLEXIBILITIES AND EXPEDITED HUMAN RESOURCES PRACTICES TO ASSURE QUALITY AND DIVERSITY IN THE WORKFORCE OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on how elements of the intelligence community are exercising hiring flexibilities and expedited human resources practices afforded under section 3326 of title 5, United States Code, and subpart D of part 315 of title 5, Code of Federal Regulations, or successor regulation, to assure quality and diversity in the workforce of the intelligence community.

(b) OBSTACLES.—The report submitted under subsection (a) shall include identification of any obstacles encountered by the intelligence community in exercising the authorities described in such subsection.

SEC. 9323. REPORT ON SIGNALS INTELLIGENCE PRIORITIES AND REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on signals intelligence priorities and requirements subject to Presidential Policy Directive 28.

(b) ELEMENTS.—The report required by subsection (a) shall cover the following:

(1) The implementation of the annual process for advising the Director on signals intelligence priorities and requirements described in section 3 of Presidential Policy Directive 28.

(2) The signals intelligence priorities and requirements as of the most recent annual process.

(3) The application of such priorities and requirements to the signals intelligence collection efforts of the intelligence community.

(4) The contents of the classified annex referenced in section 3 of Presidential Policy Directive 28.

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

SEC. 9324. ASSESSMENT OF DEMAND FOR STUDENT LOAN REPAYMENT PROGRAM BENEFIT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the head of each element of the intelligence community shall—

(1) calculate the number of personnel of that element who qualify for a student loan repayment program benefit;

(2) compare the number calculated under paragraph (1) to the number of personnel who apply for such a benefit;

(3) provide recommendations for how to structure such a program to optimize participation and enhance the effectiveness of the benefit as a retention tool, including with respect to the amount of the benefit offered and the length of time an employee receiving a benefit is required to serve under a continuing service agreement; and

(4) identify any shortfall in funds or authorities needed to provide such a benefit.

(b) INCLUSION IN FISCAL YEAR 2022 BUDGET SUBMISSION.—The Director of National Intelligence shall include in the budget justification materials submitted to Congress in support of the budget for the intelligence community for fiscal year 2022 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the findings of the elements of the intelligence community under subsection (a).

SEC. 9325. ASSESSMENT OF INTELLIGENCE COMMUNITY DEMAND FOR CHILD CARE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community specified in subsection (b), shall submit to the congressional intelligence committees a report that includes—

(1) a calculation of the total annual demand for child care by employees of such elements, at or near the workplaces of such employees, including a calculation of the demand for early morning and evening child care;

(2) an identification of any shortfall between the demand calculated under paragraph (1) and the child care supported by such elements as of the date of the report;

(3) an assessment of options for addressing any such shortfall, including options for providing child care at or near the workplaces of employees of such elements;

(4) an identification of the advantages, disadvantages, security requirements, and costs associated with each such option;

(5) a plan to meet, by the date that is 5 years after the date of the report—

(A) the demand calculated under paragraph (1); or

(B) an alternative standard established by the Director for child care available to employees of such elements; and

(6) an assessment of needs of specific elements of the intelligence community, including any Government-provided child care that could be collocated with a workplace of employees of such an element and any available child care providers in the proximity of such a workplace.

(b) ELEMENTS SPECIFIED.—The elements of the intelligence community specified in this subsection are the following:

(1) The Central Intelligence Agency.

(2) The National Security Agency.

(3) The Defense Intelligence Agency.

(4) The National Geospatial-Intelligence Agency.

(5) The National Reconnaissance Office.

(6) The Office of the Director of National Intelligence.

SEC. 9326. OPEN SOURCE INTELLIGENCE STRATEGIES AND PLANS FOR THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR SURVEY AND EVALUATION OF CUSTOMER FEEDBACK.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the head of each element of the intelligence community, shall—

(1) conduct a survey of the open source intelligence requirements, goals, monetary and property investments, and capabilities for each element of the intelligence community; and

(2) evaluate the usability and utility of the Open Source Enterprise by soliciting customer feedback and evaluating such feedback.

(b) REQUIREMENT FOR OVERALL STRATEGY AND FOR INTELLIGENCE COMMUNITY, PLAN FOR IMPROVING USABILITY OF OPEN SOURCE ENTERPRISE, AND RISK ANALYSIS OF CREATING OPEN SOURCE CENTER.—Not later than 180 days after the date of the enactment of this Act, the Director, in coordination with the head of each element of the intelligence community and using the findings of the Director with respect to the survey conducted under subsection (a), shall—

(1) develop a strategy for open source intelligence collection, analysis, and production that defines the overarching goals, roles, responsibilities, and processes for such collection, analysis, and production for the intelligence community;

(2) develop a plan for improving usability and utility of the Open Source Enterprise based on the customer feedback solicited under subsection (a)(2); and

(3) conduct a risk and benefit analysis of creating an open source center independent of any current intelligence community element.

(c) REQUIREMENT FOR PLAN FOR CENTRALIZED DATA REPOSITORY.—Not later than 270 days after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), and the risk and benefit analysis conducted under such subsection, the Director shall develop a plan for a centralized data repository of open source intelligence that enables all elements of the intelligence community—

(1) to use such repository for their specific requirements; and

(2) to derive open source intelligence advantages.

(d) REQUIREMENT FOR COST-SHARING MODEL.—Not later than 1 year after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), the risk and benefit analysis conducted under such subsection, and the plan developed under subsection (c), the Director shall develop a cost-sharing model that leverages the open source intelligence investments of each element of the intelligence community for the beneficial use of the entire intelligence community.

(e) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall jointly brief the congressional intelligence committees on—

(1) the strategy developed under paragraph (1) of subsection (b);

(2) the plan developed under paragraph (2) of such subsection;

(3) the plan developed under subsection (c); and

(4) the cost-sharing model developed under subsection (d).

TITLE XCIV—SECURITY CLEARANCES AND TRUSTED WORKFORCE

SEC. 9401. EXCLUSIVITY, CONSISTENCY, AND TRANSPARENCY IN SECURITY CLEARANCE PROCEDURES, AND RIGHT TO APPEAL.

(a) EXCLUSIVITY OF PROCEDURES.—Section 801 of the National Security Act of 1947 (50 U.S.C. 3161) is amended by adding at the end the following:

''(c) EXCLUSIVITY.—Except as provided in subsection (b) and subject to sections 801A and 801B, the procedures established pursuant to subsection (a) and promulgated and set forth under subpart A of title 32, Code of Federal Regulations, or successor regulations, shall be the exclusive procedures by which decisions about eligibility for access to classified information are governed.''.

(b) TRANSPARENCY.—Such section is further amended by adding at the end the following:

''(d) PUBLICATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the President shall—

''(A) publish in the Federal Register the procedures established pursuant to subsection (a); or

''(B) submit to Congress a certification that the procedures currently in effect that govern access to classified information as described in subsection (a)—

''(i) are published in the Federal Register; and

''(ii) comply with the requirements of subsection (a).

''(2) UPDATES.—Whenever the President makes a revision to a procedure established pursuant to subsection (a), the President shall publish such revision in the Federal Register not later than 30 days before the date on which the revision becomes effective.''.

(c) CONSISTENCY.—

(1) IN GENERAL.—Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended by inserting after section 801 the following:

''SEC. 801A. DECISIONS RELATING TO ACCESS TO CLASSIFIED INFORMATION.

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' has the meaning given the term 'Executive agency' in section 105 of title 5, United States Code.

''(2) CLASSIFIED INFORMATION.—The term 'classified information' includes sensitive compartmented information, restricted data, restricted handling information, and other compartmented information.

''(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term 'eligibility for access to classified information' has the meaning given such term in the procedures established pursuant to section 801(a).

''(b) IN GENERAL.—Each head of an agency that makes a determination regarding eligibility for access to classified information shall ensure that in making the determination, the head of the agency or any person acting on behalf of the head of the agency—

''(1) does not violate any right or protection enshrined in the Constitution of the United States, including rights articulated in the First, Fifth, and Fourteenth Amendments;

''(2) does not discriminate for or against an individual on the basis of race, ethnicity, color, religion, sex, national origin, age, or handicap;

''(3) is not carrying out—

''(A) retaliation for political activities or beliefs; or

''(B) a coercion or reprisal described in section 2302(b)(3) of title 5, United States Code; and

''(4) does not violate section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)).''.

(2) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002) is amended by inserting after the item relating to section 801 the following:

''Sec. 801A. Decisions relating to access to classified information.''.

(d) RIGHT TO APPEAL.—

(1) IN GENERAL.—Such title, as amended by subsection (c), is further amended by inserting after section 801A the following:

''SEC. 801B. RIGHT TO APPEAL.

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' has the meaning given the term 'Executive agency' in section 105 of title 5, United States Code.

''(2) COVERED PERSON.—The term 'covered person' means a person, other than the President and Vice President, currently or formerly employed in, detailed to, assigned to, or issued an authorized conditional offer of employment for a position that requires access to classified information by an agency, including the following:

''(A) A member of the Armed Forces.

''(B) A civilian.

''(C) An expert or consultant with a contractual or personnel obligation to an agency.

''(D) Any other category of person who acts for or on behalf of an agency as determined by the head of the agency.

''(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term 'eligibility for access to classified information' has the meaning given such term in the procedures established pursuant to section 801(a).

''(4) NEED FOR ACCESS.—The term 'need for access' has such meaning as the President may define in the procedures established pursuant to section 801(a).

''(5) RECIPROCITY OF CLEARANCE.—The term 'reciprocity of clearance', with respect to a denial by an agency, means that the agency, with respect to a covered person—

''(A) failed to accept a security clearance background investigation as required by paragraph (1) of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(d));

''(B) failed to accept a transferred security clearance background investigation required by paragraph (2) of such section;

''(C) subjected the covered person to an additional investigative or adjudicative requirement in violation of paragraph (3) of such section; or

''(D) conducted an investigation in violation of paragraph (4) of such section.

''(6) SECURITY EXECUTIVE AGENT.—The term 'Security Executive Agent' means the officer serving as the Security Executive Agent pursuant to section 803.

''(b) AGENCY REVIEW.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, each head of an agency shall, consistent with the interest of national security, establish and publish in the Federal Register a process by which a covered person to whom eligibility for access to classified information was denied or revoked by the agency or for whom reciprocity of clearance was denied by the agency can appeal that denial or revocation within the agency.

''(2) ELEMENTS.—The process required by paragraph (1) shall include the following:

''(A) In the case of a covered person to whom eligibility for access to classified information or reciprocity of clearance is denied or revoked by an agency, the following:

''(i) The head of the agency shall provide the covered person with a written—

''(I) detailed explanation of the basis for the denial or revocation as the head of the agency determines is consistent with the interests of national security and as permitted by other applicable provisions of law; and

''(II) notice of the right of the covered person to a hearing and appeal under this subsection.

''(ii) Not later than 30 days after receiving a request from the covered person for copies of the documents that formed the basis of the agency's decision to revoke or deny, including the investigative file, the head of the agency shall provide to the covered person copies of such documents as—

''(I) the head of the agency determines is consistent with the interests of national security; and

''(II) permitted by other applicable provisions of law, including—

''(aa) section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act');

''(bb) section 552a of such title (commonly known as the 'Privacy Act of 1974'); and

''(cc) such other provisions of law relating to the protection of confidential sources and privacy of individuals.

''(iii)(I) The covered person shall have the opportunity to retain counsel or other representation at the covered person's expense.

''(II) Upon the request of the covered person, and a showing that the ability to review classified information is essential to the resolution of an appeal under this subsection, counsel or other representation retained under this clause shall be considered for access to classified information for the limited purposes of such appeal.

''(iv)(I) The head of the agency shall provide the covered person an opportunity, at a point in the process determined by the agency head—

''(aa) to appear personally before an adjudicative or other authority, other than the investigating entity, and to present to such authority relevant documents, materials, and information, including evidence that past problems relating to the denial or revocation have been overcome or sufficiently mitigated; and

''(bb) to call and cross-examine witnesses before such authority, unless the head of the agency determines that calling and cross-examining witnesses is not consistent with the interests of national security.

''(II) The head of the agency shall make, as part of the security record of the covered person, a written summary, transcript, or recording of any appearance under item (aa) of subclause (I) or of any calling or cross-examining of witnesses under item (bb) of such subclause.

''(v) On or before the date that is 30 days after the date on which the covered person receives copies of documents under clause (ii), the covered person may request a hearing of the decision to deny or revoke by filing a written appeal with the head of the agency.

''(B) A requirement that each review of a decision under this subsection is completed on average not later than 180 days after the date on which a hearing is requested under subparagraph (A)(v).

''(3) AGENCY REVIEW PANELS.—

''(A) IN GENERAL.—Each head of an agency shall establish a panel to hear and review appeals under this subsection.

''(B) MEMBERSHIP.—

''(i) COMPOSITION.—Each panel established by the head of an agency under subparagraph (A) shall be composed of at least three employees of the agency selected by the agency head, two of whom shall not be members of the security field.

''(ii) TERMS.—A term of service on a panel established by the head of an agency under subparagraph (A) shall not exceed 2 years.

''(C) DECISIONS.—

''(i) WRITTEN.—Each decision of a panel established under subparagraph (A) shall be in writing and contain a justification of the decision.

''(ii) CONSISTENCY.—Each head of an agency that establishes a panel under subparagraph (A) shall ensure that each decision of the panel is consistent with the interests of national security and applicable provisions of law.

''(iii) OVERTURN.—The head of an agency may overturn a decision of the panel if, not later than 30 days after the date on which the panel issues the decision, the agency head personally exercises the authority granted by this clause to overturn such decision.

''(iv) FINALITY.—Each decision of a panel established under subparagraph (A) or overturned pursuant to clause (iii) of this subparagraph shall be final.

''(D) ACCESS TO CLASSIFIED INFORMATION.—The head of an agency that establishes a panel under subparagraph (A) shall afford access to classified information to the members of the panel as the agency head determines—

''(i) necessary for the panel to hear and review an appeal under this subsection; and

''(ii) consistent with the interests of national security.

''(4) REPRESENTATION BY COUNSEL.—

''(A) IN GENERAL.—Each head of an agency shall ensure that, under this subsection, a covered person appealing a decision of the head's agency under this subsection has an opportunity to retain counsel or other representation at the covered person's expense.

''(B) ACCESS TO CLASSIFIED INFORMATION.—

''(i) IN GENERAL.—Upon the request of a covered person appealing a decision of an agency under this subsection and a showing that the ability to review classified information is essential to the resolution of the appeal under this subsection, the head of the agency shall sponsor an application by the counsel or other representation retained under this paragraph for access to classified information for the limited purposes of such appeal.

''(ii) EXTENT OF ACCESS.—Counsel or another representative who is cleared for access under this subparagraph may be afforded access to relevant classified materials to the extent consistent with the interests of national security.

''(5) PUBLICATION OF DECISIONS.—

''(A) IN GENERAL.—Each head of an agency shall publish each final decision on an appeal under this subsection.

''(B) REQUIREMENTS.—In order to ensure transparency, oversight by Congress, and meaningful information for those who need to understand how the clearance process works, each publication under subparagraph (A) shall be—

''(i) made in a manner that is consistent with section 552 of title 5, United States Code, as amended by the Electronic Freedom of Information Act Amendments of 1996 (Public Law 104–231);

''(ii) published to explain the facts of the case, redacting personally identifiable information and sensitive program information; and

''(iii) made available on a website that is searchable by members of the public.

''(c) PERIOD OF TIME FOR THE RIGHT TO APPEAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any covered person who has been the subject of a decision made by the head of an agency to deny or revoke eligibility for access to classified information shall retain all rights to appeal under this section until the conclusion of the appeals process under this section.

''(2) WAIVER OF RIGHTS.—

''(A) PERSONS.—Any covered person may voluntarily waive the covered person's right to appeal under this section and such waiver shall be conclusive.

''(B) AGENCIES.—The head of an agency may not require a covered person to waive the covered person's right to appeal under this section for any reason.

''(d) WAIVER OF AVAILABILITY OF PROCEDURES FOR NATIONAL SECURITY INTEREST.—

''(1) IN GENERAL.—If the head of an agency determines that a procedure established under subsection (b) cannot be made available to a covered person in an exceptional case without damaging a national security interest of the United States by revealing classified information, such procedure shall not be made available to such covered person.

''(2) FINALITY.—A determination under paragraph (1) shall be final and conclusive and may not be reviewed by any other official or by any court.

''(3) REPORTING.—

''(A) CASE-BY-CASE.—

''(i) IN GENERAL.—In each case in which the head of an agency determines under paragraph (1) that a procedure established under subsection (b) cannot be made available to a covered person, the agency head shall, not later than 30 days after the date on which the agency head makes such determination, submit to the Security Executive Agent and to the congressional intelligence committees a report stating the reasons for the determination.

''(ii) FORM.—A report submitted under clause (i) may be submitted in classified form as necessary.

''(B) ANNUAL REPORTS.—

''(i) IN GENERAL.—Not less frequently than once each fiscal year, the Security Executive Agent shall submit to the congressional intelligence committees a report on the determinations made under paragraph (1) during the previous fiscal year.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the period covered by the report, the following:

''(I) The number of cases and reasons for determinations made under paragraph (1), disaggregated by agency.

''(II) Such other matters as the Security Executive Agent considers appropriate.

''(e) DENIALS AND REVOCATIONS UNDER OTHER PROVISIONS OF LAW.—

''(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or affect the responsibility and power of the head of an agency to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance in the interest of national security.

''(2) DENIALS AND REVOCATION.—The power and responsibility to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance pursuant to any other provision of law or Executive order may be exercised only when the head of an agency determines that an applicable process established under this section cannot be invoked in a manner that is consistent with national security.

''(3) FINALITY.—A determination under paragraph (2) shall be final and conclusive and may not be reviewed by any other official or by any court.

''(4) REPORTING.—

''(A) CASE-BY-CASE.—

''(i) IN GENERAL.—In each case in which the head of an agency determines under paragraph (2) that a determination relating to a denial or revocation of eligibility for access to classified information or denial of reciprocity of clearance could not be made pursuant to a process established under this section, the agency head shall, not later than 30 days after the date on which the agency head makes such a determination under paragraph (2), submit to the Security Executive Agent and to the congressional intelligence committees a report stating the reasons for the determination.

''(ii) FORM.—A report submitted under clause (i) may be submitted in classified form as necessary.

''(B) ANNUAL REPORTS.—

''(i) IN GENERAL.—Not less frequently than once each fiscal year, the Security Executive Agent shall submit to the congressional intelligence committees a report on the determinations made under paragraph (2) during the previous fiscal year.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the period covered by the report, the following:

''(I) The number of cases and reasons for determinations made under paragraph (2), disaggregated by agency.

''(II) Such other matters as the Security Executive Agent considers appropriate.

''(f) RELATIONSHIP TO SUITABILITY.—No person may use a determination of suitability under part 731 of title 5, Code of Federal Regulations, or successor regulation, for the purpose of denying a covered person the review proceedings of this section where there has been a denial or revocation of eligibility for access to classified information or a denial of reciprocity of clearance.

''(g) PRESERVATION OF ROLES AND RESPONSIBILITIES UNDER EXECUTIVE ORDER 10865 AND OF THE DEFENSE OFFICE OF HEARINGS AND APPEALS.—Nothing in this section shall be construed to diminish or otherwise affect the procedures in effect on the day before the date of the enactment of this Act for denial and revocation procedures provided to individuals by Executive Order 10865 (50 U.S.C. 3161 note; relating to safeguarding classified information within industry), or successor order, including those administered through the Defense Office of Hearings and Appeals of the Department of Defense under Department of Defense Directive 5220.6, or successor directive.

''(h) RULE OF CONSTRUCTION RELATING TO CERTAIN OTHER PROVISIONS OF LAW.—This section and the processes and procedures established under this section shall not be construed to apply to paragraphs (6) and (7) of section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)).''.

(2) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002), as amended by subsection (c), is further amended by inserting after the item relating to section 801A the following:

''Sec. 801B. Right to appeal.''.

SEC. 9402. ESTABLISHING PROCESS PARITY FOR SECURITY CLEARANCE REVOCATIONS.

Subparagraph (C) of section 3001(j)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) is amended to read as follows:

''(C) BURDENS OF PROOF.—

''(i) IN GENERAL.—Subject to clause (iii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual has demonstrated that a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual.

''(ii) CIRCUMSTANTIAL EVIDENCE.—An individual under clause (i) may demonstrate that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual through circumstantial evidence, such as evidence that—

''(I) the official making the determination knew of the disclosure; and

''(II) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the determination.

''(iii) DEFENSE.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall not find that paragraph (1) was violated if, after a finding that a disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have made the same security clearance or access determination in the absence of such disclosure.''.

SEC. 9403. FEDERAL POLICY ON SHARING OF DEROGATORY INFORMATION PERTAINING TO CONTRACTOR EMPLOYEES IN THE TRUSTED WORKFORCE.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this

Act, the Security Executive Agent, in coordination with the principal members of the Performance Accountability Council and the Attorney General, shall issue a policy for the Federal Government on sharing of derogatory information pertaining to contractor employees engaged by the Federal Government.

(b) CONSENT REQUIREMENT.—

(1) IN GENERAL.—The policy issued under subsection (a) shall require, as a condition of accepting a security clearance with the Federal Government, that a contractor employee provide prior written consent for the Federal Government to share covered derogatory information with the chief security officer of the contractor employer that employs the contractor employee.

(2) COVERED DEROGATORY INFORMATION.—For purposes of this section, covered derogatory information—

(A) is information that—

(i) contravenes National Security Adjudicative Guidelines as specified in Security Executive Agent Directive 4 (10 C.F.R. 710 app. A), or any successor Federal policy;

(ii) a Federal Government agency certifies is accurate and reliable;

(iii) is relevant to a contractor's ability to protect against insider threats as required by section 1–202 of the National Industrial Security Program Operating Manual (NISPOM), or successor manual; and

(iv) may have a bearing on the contractor employee's suitability for a position of public trust or to receive credentials to access certain facilities of the Federal Government; and

(B) shall include any negative information considered in the adjudicative process, including information provided by the contractor employee on forms submitted for the processing of the contractor employee's security clearance.

(c) ELEMENTS.—The policy issued under subsection (a) shall—

(1) require Federal agencies, except under exceptional circumstances specified by the Security Executive Agent, to share with the contractor employer of a contractor employee engaged with the Federal Government the existence of potentially derogatory information and which National Security Adjudicative Guideline it falls under, with the exception that the Security Executive Agent may waive such requirement in circumstances the Security Executive Agent considers extraordinary;

(2) require that covered derogatory information shared with a contractor employer as described in subsection (b)(1) be used by the contractor employer exclusively for risk mitigation purposes under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual;

(3) require Federal agencies to share any mitigation measures in place to address the derogatory information;

(4) establish standards for timeliness for sharing the derogatory information;

(5) specify the methods by which covered derogatory information will be shared with the contractor employer of the contractor employee;

(6) allow the contractor employee, within a specified timeframe, the right—

(A) to contest the accuracy and reliability of covered derogatory information;

(B) to address or remedy any concerns raised by the covered derogatory information; and

(C) to provide documentation pertinent to subparagraph (A) or (B) for an agency to place in relevant security clearance databases;

(7) establish a procedure by which the contractor employer of the contractor employee may consult with the Federal Government prior to taking any remedial action under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual, to address the derogatory information the Federal agency has provided;

(8) stipulate that the chief security officer of the contractor employer is prohibited from sharing or discussing covered derogatory information with other parties, including nonsecurity professionals at the contractor employer; and

(9) require companies in the National Industrial Security Program to comply with the policy.

(d) CONSIDERATION OF LESSONS LEARNED FROM INFORMATION-SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.—In developing the policy issued under subsection (a), the Director shall consider, to the extent available, lessons learned from actions taken to carry out section 6611(f) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

TITLE XCV—REPORTS AND OTHER MATTERS

SEC. 9501. REPORT ON ATTEMPTS BY FOREIGN ADVERSARIES TO BUILD TELECOMMUNICATIONS AND CYBERSECURITY EQUIPMENT AND SERVICES FOR, OR TO PROVIDE SUCH EQUIPMENT AND SERVICES TO, CERTAIN ALLIES OF THE UNITED STATES.

(a) DEFINITIONS.—In this section:

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

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

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

(2) FIVE EYES COUNTRY.—The term ''Five Eyes country'' means any of the following:

(A) Australia.

(B) Canada.

(C) New Zealand.

(D) The United Kingdom.

(E) The United States.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency, the Director of the National Security Agency, and the Director of the Defense Intelligence Agency shall jointly submit to the appropriate committees of Congress a report on attempts by foreign adversaries to build telecommunications and cybersecurity equipment and services for, or to provide such equipment and services to, Five Eyes countries.

(c) ELEMENTS.—The report submitted under subsection (b) shall include the following:

(1) An assessment of United States intelligence sharing and intelligence and military force posture in any Five Eyes country that currently uses or intends to use telecommunications or cybersecurity equipment or services provided by a foreign adversary of the United States, including China and Russia.

(2) A description and assessment of mitigation of any potential compromises or risks for any circumstance described in paragraph (1).

(d) FORM.—The report required by subsection (b) shall include an unclassified executive summary, and may include a classified annex.

SEC. 9502. REPORT ON THREATS POSED BY USE BY FOREIGN GOVERNMENTS AND ENTITIES OF COMMERCIALLY AVAILABLE CYBER INTRUSION AND SURVEILLANCE TECHNOLOGY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the threats posed by the use by foreign governments and entities of commercially available cyber intrusion and other surveillance technology.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) Matters relating to threats described in subsection (a) as they pertain to the following:

(A) The threat posed to United States persons and persons inside the United States.

(B) The threat posed to United States personnel overseas.

(C) The threat posed to employees of the Federal Government, including through both official and personal accounts and devices.

(2) A description of which foreign governments and entities pose the greatest threats from the use of technology described in subsection (a) and the nature of those threats.

(3) An assessment of the source of the commercially available cyber intrusion and other surveillance technology that poses the threats described in subsection (a), including whether such technology is made by United States companies or companies in the United States or by foreign companies.

(4) An assessment of actions taken, as of the date of the enactment of this Act, by the Federal Government and foreign governments to limit the export of technology described in subsection (a) from the United States or foreign countries to foreign governments and entities in ways that pose the threats described in such subsection.

(5) Matters relating to how the Federal Government, Congress, and foreign governments can most effectively mitigate the threats described in subsection (a), including matters relating to the following:

(A) Working with the technology and telecommunications industry to identify and improve the security of consumer software and hardware used by United States persons and persons inside the United States that is targeted by commercial cyber intrusion and surveillance software.

(B) Export controls.

(C) Diplomatic pressure.

(D) Trade agreements.

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

SEC. 9503. REPORTS ON RECOMMENDATIONS OF THE CYBERSPACE SOLARIUM COMMISSION.

(a) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, the Committee on Science, Space, and Technology, and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each head of an agency described in subsection (c) shall submit to the appropriate committees of Congress a report on the recommendations included in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(c) AGENCIES DESCRIBED.—The agencies described in this subsection are the following:

(1) The Office of the Director of National Intelligence.

(2) The Department of Homeland Security.
(3) The Department of Energy.
(4) The Department of Commerce.
(5) The Department of Defense.

(d) CONTENTS.—Each report submitted under subsection (b) by the head of an agency described in subsection (c) shall include the following:

(1) An evaluation of the recommendations in the report described in subsection (b) that the agency identifies as pertaining directly to the agency.

(2) A description of the actions taken, or the actions that the head of the agency may consider taking, to implement any of the recommendations (including a comprehensive estimate of requirements for appropriations to take such actions).

SEC. 9504. ASSESSMENT OF CRITICAL TECHNOLOGY TRENDS RELATING TO ARTIFICIAL INTELLIGENCE, MICROCHIPS, AND SEMICONDUCTORS AND RELATED SUPPLY CHAINS.

(a) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall complete a detailed assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.

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

(1) EXPORT CONTROLS.—

(A) IN GENERAL.—An assessment of efforts by partner countries to enact and implement export controls and other technology transfer measures with respect to artificial intelligence, microchips, advanced manufacturing equipment, and other artificial intelligence enabled technologies critical to United States supply chains.

(B) IDENTIFICATION OF OPPORTUNITIES FOR COOPERATION.—The assessment under subparagraph (A) shall identify opportunities for further cooperation with international partners on a multilateral and bilateral basis to strengthen export control regimes and address technology transfer threats.

(2) SEMICONDUCTOR SUPPLY CHAINS.—

(A) IN GENERAL.—An assessment of global semiconductor supply chains, including areas to reduce United States vulnerabilities and maximize points of leverage.

(B) ANALYSIS OF POTENTIAL EFFECTS.—The assessment under subparagraph (A) shall include an analysis of the potential effects of significant geopolitical shifts, including those related to Taiwan.

(C) IDENTIFICATION OF OPPORTUNITIES FOR DIVERSIFICATION.—The assessment under subparagraph (A) shall also identify opportunities for diversification of United States supply chains, including an assessment of cost, challenges, and opportunities to diversify manufacturing capabilities on a multinational basis.

(3) COMPUTING POWER.—An assessment of trends relating to computing power and the effect of such trends on global artificial intelligence development and implementation, in consultation with the Director of the Intelligence Advanced Research Projects Activity, the Director of the Defense Advanced Research Projects Agency, and the Director of the National Institute of Standards and Technology, including forward-looking assessments of how computing resources may affect United States national security, innovation, and implementation relating to artificial intelligence.

(c) REPORT.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Financial Services, and the Committee on Foreign Affairs of the House of Representatives.

(2) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the assessment completed under subsection (a).

(3) FORM.—The report submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 9505. COMBATING CHINESE INFLUENCE OPERATIONS IN THE UNITED STATES AND STRENGTHENING CIVIL LIBERTIES PROTECTIONS.

(a) UPDATES TO ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE CHINESE COMMUNIST PARTY.—Section 1107(b) of the National Security Act of 1947 (50 U.S.C. 3237(b)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) An identification of influence activities and operations employed by the Chinese Communist Party against the United States science and technology sectors, specifically employees of the United States Government, researchers, scientists, and students in the science and technology sector in the United States.''.

(b) PLAN FOR FEDERAL BUREAU OF INVESTIGATION TO INCREASE PUBLIC AWARENESS AND DETECTION OF INFLUENCE ACTIVITIES BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a plan—

(A) to increase public awareness of influence activities by the Government of the People's Republic of China; and

(B) to publicize mechanisms that members of the public can use—

(i) to detect such activities; and

(ii) to report such activities to the Bureau.

(2) CONSULTATION.—In carrying out paragraph (1), the Director shall consult with the following:

(A) The Director of the Office of Science and Technology Policy.

(B) Such other stakeholders outside the intelligence community, including professional associations, institutions of higher education, businesses, and civil rights and multicultural organizations, as the Director determines relevant.

(c) RECOMMENDATIONS OF THE FEDERAL BUREAU OF INVESTIGATION TO STRENGTHEN RELATIONSHIPS AND BUILD TRUST WITH COMMUNITIES OF INTEREST.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, in consultation with the Assistant Attorney General for the Civil Rights Division and the Chief Privacy and Civil Liberties Officer of the Department of Justice, shall develop recommendations to strengthen relationships with communities targeted by influence activities of the Government of the People's Republic of China and build trust with such communities through local and regional grassroots outreach.

(2) SUBMITTAL TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to Congress the recommendations developed under paragraph (1).

(d) TECHNICAL CORRECTIONS.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

(1) in section 1107 (50 U.S.C. 3237)—

(A) in the section heading, by striking ''**COMMUNIST PARTY OF CHINA**'' and inserting ''**CHINESE COMMUNIST PARTY**''; and

(B) by striking ''Communist Party of China'' both places it appears and inserting ''Chinese Communist Party''; and

(2) in the table of contents before section 2 (50 U.S.C. 3002), by striking the item relating to section 1107 and inserting the following new item:

''Sec. 1107. Annual reports on influence operations and campaigns in the United States by the Chinese Communist Party.''.

SEC. 9506. ANNUAL REPORT ON CORRUPT ACTIVITIES OF SENIOR OFFICIALS OF THE CHINESE COMMUNIST PARTY.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter through 2025, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report on the corruption and corrupt activities of senior officials of the Chinese Communist Party.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report under paragraph (1) shall include the following:

(i) A description of the wealth of, and corruption and corrupt activities among, senior officials of the Chinese Communist Party.

(ii) A description of any recent actions of the officials described in clause (i) that could be considered a violation, or potential violation, of United States law.

(iii) A description and assessment of targeted financial measures, including potential targets for designation of the officials described in clause (i) for the corruption and corrupt activities described in that clause and for the actions described in clause (ii).

(B) SCOPE OF REPORTS.—The first report under paragraph (1) shall include comprehensive information on the matters described in subparagraph (A). Any succeeding report under paragraph (1) may consist of an update or supplement to the preceding report under that subsection.

(3) COORDINATION.—In preparing each report, update, or supplement under this subsection, the Director of the Central Intelligence Agency shall coordinate as follows:

(A) In preparing the description required by clause (i) of paragraph (2)(A), the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury and the Director of the Federal Bureau of Investigation.

(B) In preparing the descriptions required by clauses (ii) and (iii) of such paragraph, the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury.

(4) FORM.—Each report under paragraph (1) shall include an unclassified executive summary, and may include a classified annex.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should undertake every effort and pursue every opportunity to expose the corruption and illicit practices of senior officials of the Chinese Communist Party, including President Xi Jinping.

SEC. 9507. REPORT ON CORRUPT ACTIVITIES OF RUSSIAN AND OTHER EASTERN EUROPEAN OLIGARCHS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 100 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress and the Undersecretary of State for Public Diplomacy and Public Affairs a report on the corruption and corrupt activities of Russian and other Eastern European oligarchs.

(c) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (b) shall include the following:

(A) A description of corruption and corrupt activities among Russian and other Eastern European oligarchs who support the Government of the Russian Federation, including estimates of the total assets of such oligarchs.

(B) An assessment of the impact of the corruption and corrupt activities described pursuant to subparagraph (A) on the economy and citizens of Russia.

(C) A description of any connections to, or support of, organized crime, drug smuggling, or human trafficking by an oligarch covered by subparagraph (A).

(D) A description of any information that reveals corruption and corrupt activities in Russia among oligarchs covered by subparagraph (A).

(E) A description and assessment of potential sanctions actions that could be imposed upon oligarchs covered by subparagraph (A) who support the leadership of the Government of Russia, including President Vladimir Putin.

(2) SCOPE OF REPORTS.—The first report under subsection (a) shall include comprehensive information on the matters described in paragraph (1). Any succeeding report under subsection (a) may consist of an update or supplement to the preceding report under that subsection.

(d) COORDINATION.—In preparing each report, update, or supplement under this section, the Director of the Central Intelligence Agency shall coordinate as follows:

(1) In preparing the assessment and descriptions required by subparagraphs (A) through (D) of subsection (c)(1), the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury and the Director of the Federal Bureau of Investigation.

(2) In preparing the description and assessment required by subparagraph (E) of such subsection, the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury.

(e) FORM.—

(1) IN GENERAL.—Subject to paragraph (2), each report under subsection (b) shall include an unclassified executive summary, and may include a classified annex.

(2) UNCLASSIFIED FORM OF CERTAIN INFORMATION.—The information described in subsection (c)(1)(D) in each report under subsection (b) shall be submitted in unclassified form.

SEC. 9508. REPORT ON BIOSECURITY RISK AND DISINFORMATION BY THE CHINESE COMMUNIST PARTY AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

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

(A) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Committee on Homeland Security of the House of Representatives.

(2) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given such term in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e)).

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report identifying whether and how officials of the Chinese Communist Party and the Government of the People's Republic of China may have sought—

(1) to suppress information about—

(A) the outbreak of the novel coronavirus in Wuhan;

(B) the spread of the virus through China; and

(C) the transmission of the virus to other countries;

(2) to spread disinformation relating to the pandemic; or

(3) to exploit the pandemic to advance their national security interests.

(c) ASSESSMENTS.—The report required by subsection (b) shall include assessments of reported actions and the effect of those actions on efforts to contain the novel coronavirus pandemic, including each of the following:

(1) The origins of the novel coronavirus outbreak, the time and location of initial infections, and the mode and speed of early viral spread.

(2) Actions taken by the Government of China to suppress, conceal, or misinform the people of China and those of other countries about the novel coronavirus outbreak in Wuhan.

(3) The effect of disinformation or the failure of the Government of China to fully disclose details of the outbreak on response efforts of local governments in China and other countries.

(4) Diplomatic, political, economic, intelligence, or other pressure on other countries and international organizations to conceal information about the spread of the novel coronavirus and the response of the Government of China to the contagion, as well as to influence or coerce early responses to the pandemic by other countries.

(5) Efforts by officials of the Government of China to deny access to health experts and international health organizations to afflicted individuals in Wuhan, pertinent areas of the city, or laboratories of interest in China, including the Wuhan Institute of Virology.

(6) Efforts by the Government of China, or those acting at its direction or with its assistance, to conduct cyber operations against international, national, or private health organizations conducting research relating to the novel coronavirus or operating in response to the pandemic.

(7) Efforts to control, restrict, or manipulate relevant segments of global supply chains, particularly in the sale, trade, or provision of relevant medicines, medical supplies, or medical equipment as a result of the pandemic.

(8) Efforts to advance the economic, intelligence, national security, and political objectives of the Government of China by exploiting vulnerabilities of foreign governments, economies, and companies under financial duress as a result of the pandemic or to accelerate economic espionage and intellectual property theft.

(9) Efforts to exploit the disruption of the pharmaceutical and telecommunications industries as well as other industries tied to critical infrastructure and bilateral trade between China and the United States and between China and allies and partners of the United States in order to advance the economic and political objectives of the Government of China following the pandemic.

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

SEC. 9509. REPORT ON EFFECT OF LIFTING OF UNITED NATIONS ARMS EMBARGO ON ISLAMIC REPUBLIC OF IRAN.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency, in consultation with such heads of other elements of the intelligence community as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on—

(1) the plans of the Government of the Islamic Republic of Iran to acquire military arms if the ban on arms transfers to or from such government under United Nations Security Council resolutions are lifted; and

(2) the effect such arms acquisitions may have on regional security and stability.

(c) CONTENTS.—The report submitted under subsection (b) shall include assessments relating to plans of the Government of the Islamic Republic of Iran to acquire additional weapons, the intention of other countries to provide such weapons, and the effect such acquisition and provision would have on regional stability, including with respect to each of the following:

(1) The type and quantity of weapon systems under consideration for acquisition.

(2) The countries of origin of such systems.

(3) Likely reactions of other countries in the region to such acquisition, including the potential for proliferation by other countries in response.

(4) The threat that such acquisition could present to international commerce and energy supplies in the region, and the potential implications for the national security of the United States.

(5) The threat that such acquisition could present to the Armed Forces of the United States, of countries allied with the United States, and of countries partnered with the United States stationed in or deployed in the region.

(6) The potential that such acquisition could be used to deliver chemical, biological, or nuclear weapons.

(7) The potential for the Government of the Islamic Republic of Iran to proliferate weapons acquired in the absence of an arms embargo to regional groups, including Shi'a militia groups backed by such government.

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

SEC. 9510. REPORT ON IRANIAN ACTIVITIES RELATING TO NUCLEAR NONPROLIFERATION.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report assessing—

(1) any relevant activities potentially relating to nuclear weapons research and development by the Islamic Republic of Iran; and

(2) any relevant efforts to afford or deny international access in accordance with international nonproliferation agreements.

(c) ASSESSMENTS.—The report required by subsection (b) shall include assessments, for the period beginning on January 1, 2018, and ending on the date of the submittal of the report, of the following:

(1) Activities to research, develop, or enrich uranium or reprocess plutonium with the intent or capability of creating weapons-grade nuclear material.

(2) Research, development, testing, or design activities that could contribute to or inform construction of a device intended to initiate or capable of initiating a nuclear explosion.

(3) Efforts to receive, transmit, store, destroy, relocate, archive, or otherwise preserve research, processes, products, or enabling materials relevant or relating to any efforts assessed under paragraph (1) or (2).

(4) Efforts to afford or deny international access, in accordance with international nonproliferation agreements, to locations, individuals, and materials relating to activities described in paragraph (1), (2), or (3).

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

SEC. 9511. SENSE OF CONGRESS ON THIRD OPTION FOUNDATION.

It is the sense of the Congress that—

(1) the work of the Third Option Foundation to heal, help, and honor members of the special operations community of the Central Intelligence Agency and their families is invaluable; and

(2) the Director of the Central Intelligence Agency should work closely with the Third Option Foundation in implementing section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b), as added by section 6412 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (Public Law 116–92).

SA 2683. Mr. CORNYN (for Mr. SULLIVAN) proposed an amendment to the bill S. 2981, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2020''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

TITLE I—GENERAL PROVISIONS

Sec. 101. Strength and distribution in grade.
Sec. 102. Recalled officers.
Sec. 103. Obligated service requirement.
Sec. 104. Training and physical fitness.
Sec. 105. Aviation accession training programs.
Sec. 106. Recruiting materials.
Sec. 107. Technical correction.

TITLE II—PARITY AND RECRUITMENT

Sec. 201. Education loans.
Sec. 202. Interest payments.
Sec. 203. Student pre-commissioning program.
Sec. 204. Limitation on educational assistance.
Sec. 205. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.
Sec. 206. Applicability of certain provisions of title 37, United States Code.
Sec. 207. Prohibition on retaliatory personnel actions.
Sec. 208. Employment and reemployment rights.
Sec. 209. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.

TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS

Sec. 301. Appointments.
Sec. 302. Personnel boards.
Sec. 303. Positions of importance and responsibility.
Sec. 304. Temporary appointments.
Sec. 305. Officer candidates.
Sec. 306. Procurement of personnel.
Sec. 307. Career intermission program.

TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

Sec. 401. Involuntary retirement or separation.
Sec. 402. Separation pay.

TITLE V—OTHER NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MATTERS

Sec. 501. Charting and survey services.
Sec. 502. Co-location agreements.
Sec. 503. Satellite and data management.
Sec. 504. Improvements relating to sexual harassment and assault prevention at the National Oceanic and Atmospheric Administration.

SEC. 2. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.
''(2) Rear admiral.
''(3) Rear admiral (lower half).
''(4) Captain.
''(5) Commander.
''(6) Lieutenant commander.
''(7) Lieutenant.
''(8) Lieutenant (junior grade).
''(9) Ensign.

''(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 102. RECALLED OFFICERS.

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

''SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

''(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 215 and inserting the following:

''Sec. 215. Number of authorized commissioned officers.''.

SEC. 103. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 104. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 103(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with educational materials.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 103(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

SEC. 105. AVIATION ACCESSION TRAINING PROGRAMS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 104(a), is further amended by adding at the end the following:

''SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

''(2) MEMBER OF THE PROGRAM.—The term 'member of the program' means a student who is enrolled in the program.

''(3) PROGRAM.—The term 'program' means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

''(b) AVIATION ACCESSION TRAINING PROGRAMS.—

''(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

''(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

''(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

''(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

''(C) that is located in a geographic area that—

''(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps of the Administration; and

''(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

''(D) at which the Administrator determines that—

''(i) there will be at least one student enrolled in the program; and

''(ii) the provisions of this section are otherwise satisfied.

''(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

''(A) the senior commissioned officer or employee of the commissioned officer corps of the Administration who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

''(B) the institution fulfills the terms of its agreement with the Administrator.

''(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective, as provided by State law or the authorities of the institution concerned.

''(c) MEMBERSHIP.—

''(1) ELIGIBILITY.—To be eligible for membership in the program, an individual must—

''(A) be a student at an institution at which the program is established;

''(B) be a citizen of the United States;

''(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

''(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

''(ii) serve in the commissioned officer corps of the Administration for not fewer than four years;

''(D) enroll in—

''(i) a four-year baccalaureate program of professional flight and piloting instruction; and

''(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps of the Administration; and

''(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

''(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps of the Administration if the member meets all requirements for appointment as such an officer.

''(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

''(1) EXPENSES OF COURSE OF INSTRUCTION.—

''(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

''(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than four academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

''(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in

lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

''(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps of the Administration when offered, shall be subject to the repayment provisions of subsection (e).

''(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

''(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

''(A) contrary to a personnel policy or management objective;

''(B) against equity and good conscience; or

''(C) contrary to the best interests of the United States.

''(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

''(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 104(b), is further amended by inserting after the item relating to section 217 the following:

''Sec. 218. Aviation accession training programs.''.

SEC. 106. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 105(a), is further amended by adding at the end the following:

''SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

''The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 105(b), is further amended by inserting after the item relating to section 218 the following:

''Sec. 219. Use of recruiting materials for public relations.''.

SEC. 107. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

TITLE II—PARITY AND RECRUITMENT

SEC. 201. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy one of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps of the Administration.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps of the Administration.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 202. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 201(a), is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on one or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than three years of service on active duty;

''(3) is the debtor on one or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) REIMBURSEMENT AUTHORIZED.—The Secretary is authorized to reimburse the Secretary of Education—

''(A) for the funds necessary to pay interest and special allowances on student loans

under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) for any reasonable administrative costs incurred by the Secretary of Education in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(f) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 201(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 203. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 202(a), is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than five academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

''(A) agrees to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to three years if the person received less than three years of assistance; and

''(ii) up to five years if the person received at least three years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of educational materials.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

''(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 202(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 204. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this Act is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 201(a)), section 268 of such Act (as added by section 202(a)), and section 269 of such Act (as added by section 203(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 305(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned

Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 305(c).

SEC. 205. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Section 1074n, relating to annual mental health assessments.

''(12) Section 1090a, relating to referrals for mental health evaluations.

''(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (19), as redesignated, the following:

''(20) Subchapter I of chapter 88, relating to Military Family Programs, applicable on an as-available and fully reimbursable basis.

''(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) in subsection (b)(4), by striking ''armed forces'' both places it appears and inserting ''uniformed services''.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking ''armed forces'' and inserting ''uniformed services''; and

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

''(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term 'Secretary concerned' in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.''.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''or the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''in the case of the Navy''; and

(ii) by striking ''other armed forces'' and inserting ''other uniformed services''; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting ''or the Secretary of Commerce, as applicable,'' after ''the Secretary of Defense''.

SEC. 206. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(2) Section 415, relating to initial uniform allowances.

''(3) Section 488, relating to allowances for recruiting expenses.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 207. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 205(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section 261 is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

''(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.''.

SEC. 208. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 209. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this Act, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps of the Administration for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by section 203(b), the following new item:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS

SEC. 301. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

''SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Subject to the approval of the Secretary of Defense, graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Graduates of the State maritime academies who—

''(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

''(ii) completed at least three years of regimented training while at a State maritime academy; and

''(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

''(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term 'military service academies of the United States' means the following:

''(i) The United States Military Academy, West Point, New York.

''(ii) The United States Naval Academy, Annapolis, Maryland.

''(iii) The United States Air Force Academy, Colorado Springs, Colorado.

''(iv) The United States Coast Guard Academy, New London, Connecticut.

''(v) The United States Merchant Marine Academy, Kings Point, New York.

''(B) STATE MARITIME ACADEMY.—The term 'State maritime academy' has the meaning given the term in section 51102 of title 46, United States Code.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) ORDER OF PRECEDENCE.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

''(e) INTER-SERVICE TRANSFERS.—For interservice transfers (as described in Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps of the Administration.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 302. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of five or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON TWO SUCCESSIVE BOARDS.—No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

''(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

''(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer's request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

''(2) APPROVAL.—The Director shall approve a request made by an officer under paragraph (1) only if—

''(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

''(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

''(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.''.

SEC. 303. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking ''The Secretary shall designate one position under this section'' and inserting ''The President shall designate one position''; and

(B) in the second sentence, by striking ''That position shall be filled by'' and inserting ''The President shall fill that position by appointing, by and with the advice and consent of the Senate,'';

(2) in subsection (d)(2), by inserting ''or immediately beginning a period of terminal leave'' after ''for which a higher grade is designated'';

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

''(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral.''; and

(4) in subsection (f), by inserting ''or in a period of annual leave used at the end of the appointment'' after ''serving in that grade''.

SEC. 304. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps of the Administration, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 305. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least four years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E–5 with less than two years of service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 306. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 305(a), is further amended by adding at the end the following:

''SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may take such measures as the Secretary determines necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 305(b), is further amended by inserting after the item relating to section 234 the following:

''Sec. 235. Procurement of personnel.''.

SEC. 307. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 306(a), is further amended by adding at the end the following:

''SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

''(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

''(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

''(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

''(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

''(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

''(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty.

''(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

''(d) CONDITIONS OF RELEASE.—The Secretary shall—

''(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and

''(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty.

''(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an officer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

''(f) PAY AND ALLOWANCES.—

''(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

''(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

''(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(3) RETURN TO ACTIVE DUTY.—

''(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

''(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

''(B) LIMITATION.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the time of the return of the officer to active duty as described in that subparagraph—

''(I) such pay or bonus is no longer authorized by law; or

''(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

''(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

''(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the officer under chapter 5 of title 37, United States Code.

''(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

''(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

''(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer's residence during the period of participation in the program; and

''(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

''(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

''(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days.

''(g) PROMOTION.—

''(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

''(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and

''(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

''(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of—

''(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10, United States Code; and

''(2) retirement or separation for physical disability under the provisions of subtitle C.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 306(b), is further amended by inserting after the item relating to section 235 the following:

''Sec. 236. Career flexibility to enhance retention of officers.''.

TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

SEC. 401. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferment of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 402. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

TITLE V—OTHER NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MATTERS

SEC. 501. CHARTING AND SURVEY SERVICES.

(a) IN GENERAL.—Not later than 270 days after the development of the strategy required by section 1002(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (33 U.S.C. 892a note), the Secretary of Commerce shall enter into not fewer than 2 multi-year contracts with 1 or more private entities for the performance of charting and survey services by vessels.

(b) CHARTING AND SURVEYS IN THE ARCTIC.—In soliciting and engaging the services of vessels under subsection (a), the Secretary shall particularly emphasize the need for charting and surveys in the Arctic.

SEC. 502. CO-LOCATION AGREEMENTS.

(a) IN GENERAL.—During fiscal years 2021 through 2030, and subject to the availability of appropriations, the Administrator of the National Oceanic and Atmospheric Administration may execute noncompetitive co-location agreements for real property and incidental goods and services with entities described in subsection (b) for periods of not more than 20 years, if each such agreement is supported by a price reasonableness analysis.

(b) ENTITIES DESCRIBED.—An entity described in this subsection is—

(1) the government of any State, territory, possession, or locality of the United States;

(2) any Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(3) any subdivision of—

(A) a government described in paragraph (1); or

(B) an organization described in paragraph (2); or

(4) any organization that is—

(A) organized under the laws of the United States or any jurisdiction within the United States; and

(B) described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) COLLABORATION AGREEMENTS.—Upon the execution of an agreement authorized by subsection (a) with an entity, the Administrator may enter into agreements with the entity to collaborate or engage in projects or programs on matters of mutual interest for periods not to exceed the term of the agreement. The cost of such agreements shall be apportioned equitably, as determined by the Administrator.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed—

(1) to affect the authority of the Administrator of General Services; or

(2) to grant the Administrator of the National Oceanic and Atmospheric Administration any additional authority to enter into a lease without approval of the General Services Administration.

SEC. 503. SATELLITE AND DATA MANAGEMENT.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended—

(1) in subsection (c)(1), by striking subparagraph (D) and inserting the following:

''(D) improve—

''(i) weather and climate forecasting and predictions; and

''(ii) the understanding, management, and exploration of the ocean.''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''data and satellite systems'' and inserting ''data, satellite, and other observing systems''; and

(ii) by striking ''to carry out'' and all that follows and inserting the following: ''to carry out—

''(A) basic, applied, and advanced research projects and ocean exploration missions to meet the objectives described in subparagraphs (A) through (D) of subsection (c)(1); or

''(B) any other type of project to meet other mission objectives, as determined by the Under Secretary.'';

(B) in paragraph (2)(B)(i), by striking ''satellites'' and all that follows and inserting ''systems, including satellites, instrumentation, ground stations, data, and data processing;''; and

(C) in paragraph (3), by striking ''2023'' and inserting ''2030''.

SEC. 504. IMPROVEMENTS RELATING TO SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) REPORTING.—Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(1) in section 3541(b)(3)(B) (33 U.S.C. 894(b)(3)(B)), by striking ''can be confidentially reported'' and inserting ''can be reported on a restricted or unrestricted basis''; and

(2) in section 3542(b)(5)(B) (33 U.S.C. 894a(b)(5)(B)), by striking ''can be confidentially reported'' and inserting ''can be reported on a restricted or unrestricted basis''.

(b) INVESTIGATIVE REQUIREMENT.—Such subtitle is amended—

(1) by redesignating sections 3546 and 3547 as sections 3548 and 3549, respectively; and

(2) by inserting after section 3545 the following:

''SEC. 3546. INVESTIGATION REQUIREMENT.

''(a) REQUIREMENT TO INVESTIGATE.—

''(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall ensure that each allegation of sexual harassment reported under section 3541 and each allegation of sexual assault reported under section 3542 is investigated thoroughly and promptly.

''(2) SENSE OF CONGRESS ON COMMENCEMENT OF INVESTIGATION.—It is the sense of Congress that the Secretary should ensure that an investigation of alleged sexual harassment reported under section 3541 or sexual assault reported under section 3542 commences not later than 48 hours after the time at which the allegation was reported.

''(b) NOTIFICATION OF DELAY.—In any case in which the time between the reporting of alleged sexual harassment or sexual assault under section 3541 or 3542, respectively, and commencement of an investigation of the allegation exceeds 48 hours, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives of the delay.

''SEC. 3547. CRIMINAL REFERRAL.

''If the Secretary of Commerce finds, pursuant to an investigation under section 3546, evidence that a crime may have been committed, the Secretary shall refer the matter to the appropriate law enforcement authorities, including the appropriate United States Attorney.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the items relating to sections 3546 and 3547 and inserting the following new items:

''Sec. 3546. Investigation requirement.
''Sec. 3547. Criminal referral.
''Sec. 3548. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.
''Sec. 3549. Sexual assault defined.''.

SA 2684. Mr. CORNYN proposed an amendment to the bill S. 3312, to establish a crisis stabilization and community reentry grant program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crisis Stabilization and Community Reentry Act of 2020''.

SEC. 2. MENTAL HEALTH CRISIS STABILIZATION.

(a) PLANNING AND IMPLEMENTATION GRANTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended by inserting after part NN the following:

''PART OO—CRISIS STABILIZATION AND COMMUNITY REENTRY PROGRAM.

''SEC. 3051. GRANT AUTHORIZATION.

''(a) IN GENERAL.—The Attorney General may make grants under this part to States, for use by State and local correctional facilities, for the purpose of providing clinical services for people with serious mental illness and substance use disorders that establish treatment, suicide prevention, and continuity of recovery in the community upon release from the correctional facility.

''(b) USE OF FUNDS.—A grant awarded under this part shall be used to support—

''(1) programs involving criminal and juvenile justice agencies, mental health agencies, community-based organizations that focus on reentry, and community-based behavioral health providers that improve clinical stabilization during pre-trial detention and incarceration and continuity of care leading to recovery in the community by providing services and supports that may include peer support services, enrollment in healthcare, and introduction to long-acting injectable medications or, as clinically indicated, other medications, by—

''(A) providing training and education for criminal and juvenile justice agencies, mental health agencies, and community-based behavioral health providers on interventions that support—

''(i) engagement in recovery supports and services;

''(ii) access to medication while in an incarcerated setting; and

''(iii) continuity of care during reentry into the community;

''(B) ensuring that offenders with serious mental illness are provided appropriate access to evidence-based recovery supports that may include peer support services, medication (including long-acting injectable medications where clinically appropriate), and psycho-social therapies;

''(C) offering technical assistance to criminal justice agencies on how to modify their administrative and clinical processes to accommodate evidence-based interventions, such as long-acting injectable medications and other recovery supports; and

''(D) participating in data collection activities specified by the Attorney General, in consultation with the Secretary of Health and Human Services;

''(2) programs that support cooperative efforts between criminal and juvenile justice agencies, mental health agencies, and community-based behavioral health providers to establish or enhance serious mental illness recovery support by—

''(A) strengthening or establishing crisis response services delivered by hotlines, mobile crisis teams, crisis stabilization and triage centers, peer support specialists, public safety officers, community-based behavioral health providers, and other stakeholders, including by providing technical support for interventions that promote long-term recovery;

''(B) engaging criminal and juvenile justice agencies, mental health agencies and community-based behavioral health providers, preliminary qualified offenders, and family and community members in program design, program implementation, and training on crisis response services, including connection to recovery services and supports;

''(C) examining health care reimbursement issues that may pose a barrier to ensuring the long-term financial sustainability of crisis response services and interventions that promote long-term engagement with recovery services and supports; and

''(D) participating in data collection activities specified by the Attorney General, in consultation with the Secretary of Health and Human Services; and

''(3) programs that provide training and additional resources to criminal and juvenile justice agencies, mental health agencies, and community-based behavioral health providers on serious mental illness, suicide prevention strategies, recovery engagement strategies, and the special health and social needs of justice-involved individuals who are living with serious mental illness.

''(c) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services to ensure that serious mental illness treatment and recovery support services provided under this grant program incorporate evidence-based approaches that facilitate long-term engagement in recovery services and supports.

''(d) BEHAVIORAL HEALTH PROVIDER DEFINED.—In this section, the term 'behavioral health provider' means—

''(1) a community mental health center that meets the criteria under section 1913(c) of the Public Health Service Act (42 U.S.C. 300x–2(c)); or

''(2) a certified community behavioral health clinic described in section 223(d) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note).

''SEC. 3052. STATE APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, or such agency as the chief executive may designate, shall submit an application to the Attorney General—

''(1) in such form and containing such information as the Attorney General may reasonably require;

''(2) that includes assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

''(3) that describes the coordination between State criminal and juvenile justice agencies, mental health agencies and community-based behavioral health providers, preliminary qualified offenders, and family and community members in—

''(A) program design;

''(B) program implementation; and

''(C) training on crisis response, medication adherence, and continuity of recovery in the community.

''(b) ELIGIBILITY FOR PREFERENCE WITH COMMUNITY CARE COMPONENT.—

''(1) IN GENERAL.—In awarding grants under this part, the Attorney General shall give preference to a State that ensures that individuals who participate in a program, funded by a grant under this part will be provided with continuity of care, in accordance with paragraph (2), in a community care provider program upon release from a correctional facility.

''(2) REQUIREMENTS.—For purposes of paragraph (1), the continuity of care shall involve the coordination of the correctional facility treatment program with qualified community behavioral health providers and other recovery supports, pre-trial release programs, parole supervision programs, halfway house programs, and participation in peer recovery group programs, which may aid in ongoing recovery after the individual is released from the correctional facility.

''(3) COMMUNITY CARE PROVIDER PROGRAM DEFINED.—For purposes of this subsection, the term 'community care provider program' means a community mental health center or certified community behavioral health clinic that directly provides to an individual, or assists in connecting an individual to the provision of, appropriate community-based treatment, medication management, and other recovery supports, when the individual leaves a correctional facility at the end of a sentence or on parole.

''(c) COORDINATION OF FEDERAL ASSISTANCE.—Each application submitted for a grant under this part shall include a description of how the funds made available under this part will be coordinated with Federal assistance for behavioral health services currently provided by the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration.

''SEC. 3053. REVIEW OF STATE APPLICATIONS.

''(a) IN GENERAL.—The Attorney General shall make a grant under section 3051 to carry out the projects described in the application submitted under section 3052 upon determining that—

''(1) the application is consistent with the requirements of this part; and

''(2) before the approval of the application, the Attorney General has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

''(b) APPROVAL.—Each application submitted under section 3052 shall be considered approved, in whole or in part, by the Attorney General not later than 90 days after first received, unless the Attorney General informs the applicant of specific reasons for disapproval.

''(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

''(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Attorney General may not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

''SEC. 3054. EVALUATION.

''Each State that receives a grant under this part shall submit to the Attorney General an evaluation not later than 1 year after receipt of the grant in such form and containing such information as the Attorney General, in consultation with the Secretary of Health and Human Services, may reasonably require.

''SEC. 3055. AUTHORIZATION OF FUNDING.

''For purposes of carrying out this part, the Attorney General is authorized to award not more than $10,000,000 of funds appropriated to the Department of Justice for State and local law enforcement activities for each of fiscal years 2020 through 2025.''.

(b) NATIONAL CRIMINAL JUSTICE AND MENTAL HEALTH TRAINING AND TECHNICAL ASSISTANCE.—Section 2992(c)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10652(c)(3)) is amended by inserting before the semicolon at the end the following: '', which may include interventions designed to enhance access to medication.''.

SA 2685. Mr. CORNYN proposed an amendment to the bill S. 2174, to expand the grants authorized under Jennifer's Law and Kristen's Act to include processing of unidentified remains, resolving missing persons cases, and for other purposes; as follows:

On page 2, lines 7 and 8, strike '', with priority given to eligible entities in southern border States,''.

SA 2686. Mr. CORNYN (for Mr. ROBERTS) proposed an amendment to the bill S. 4054, to reauthorize the United States Grain Standards Act, and for other purposes; as follows:

On page 5, strike lines 10 and 11 and insert the following:

(2) in subsection (a) (as so designated)—

(A) by striking ''such sums as are necessary'' and inserting ''$23,000,000''; and

(B) by striking ''1988 through 2020'' and inserting ''2021 through 2025''; and

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SA 2687. Mr. CORNYN (for Mr. SCHUMER) proposed an amendment to the bill H.R. 1830, to require the Secretary of the Treasury to mint coins in commemoration of the National Purple Heart Hall of Honor; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Purple Heart Hall of Honor Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The National Purple Heart Hall of Honor's mission is—

(A) to commemorate the extraordinary sacrifice of America's servicemen and servicewomen who were killed or wounded by enemy action; and

(B) to collect and preserve the stories of Purple Heart recipients from all branches of service and across generations to ensure that all recipients are represented.

(2) The National Purple Heart Hall of Honor first opened its doors on November 10, 2006, in New Windsor, NY.

(3) The National Purple Heart Hall of Honor is co-located with the New Windsor Cantonment State Historic Site.

(4) The National Purple Heart Hall of Honor is the first to recognize the estimated 1.8 million U.S. servicemembers wounded or killed in action representing recipients from the Civil War to the present day, serving as a living memorial to their sacrifice by sharing their stories through interviews, exhibits and the Roll of Honor, an interactive computer database of each recipient enrolled.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain not less than 90 percent silver.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGNS OF COINS.

(a) DESIGNS REQUIREMENTS.—

(1) IN GENERAL.—The designs of the coins minted under this Act shall be emblematic of the National Purple Heart Hall of Honor.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2022''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts and the National Purple Heart Hall of Honor, Inc.; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of Congress that the coins minted under this Act should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2022.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin;

(2) $10 per coin for the $1 coin; and

(3) $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f)(1) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Purple Heart Hall of Honor, Inc., to support the mission of the National Purple Heart Hall of Honor, Inc., including capital improvements to the National Purple Heart Hall of Honor facilities.

(c) AUDITS.—The National Purple Heart Hall of Honor, Inc., shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. FINANCIAL ASSURANCES. The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act result in no net cost to the Federal Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7(b) until the total cost of designing and issuing all of the coins authorized by this Act, including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping, is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS,
Washington, DC, November 16, 2020.

Hon. CHARLES GRASSLEY,
President Pro Tempore, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Section 202(d) of the Congressional Accountability Act (CAA), 2 U.S.C. 1312(d), requires the Board of Directors of the Office of Congressional Workplace Rights (''the Board'') to issue regulations implementing Section 202 of the CAA relating to sections 101 through 105 of the Family and Medical Leave Act of 1993 (''FMLA''), 29 U.S.C. 2611 through 2615, made applicable to the legislative branch by the CAA. 2 U.S.C. 1312(a)(1).

Section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), requires that the Board issue a general notice of proposed rulemaking by transmitting ''such notice to the Speaker of the House of Representatives and the President Pro Tempore of the Senate for publication in the Congressional Record on the first day of which both Houses are in session following such transmittal.''

On behalf of the Board, I am hereby transmitting the attached notice of proposed rulemaking to the President Pro Tempore of the Senate. I request that this notice be published in the Senate section of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal. In compliance with Section 304(b)(2) of the CAA, a comment period of 30 days after the publication of this notice of proposed rulemaking is being provided before adoption of the rules.

Any inquiries regarding this notice should be addressed to Susan Tsui Grundmann, Executive Director of the Office of Congressional Workplace Rights, Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; 202–724–9250.

Sincerely,

BARBARA CHILDS WALLACE,
Chair of the Board of Directors, Office of Congressional Workplace Rights.

Attachment.

NOTICE OF PROPOSED RULEMAKING FROM THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS AND REQUEST FOR COMMENTS FROM INTERESTED PARTIES.

MODIFICATIONS TO THE RIGHTS AND PROTECTIONS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA), NOTICE OF PROPOSED RULEMAKING, AS REQUIRED BY 2 U.S.C. 1312, CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED (CAA).

Background:

The purpose of this Notice is to propose modifications to the existing legislative branch FMLA substantive regulations under section 202 of the CAA (2 U.S.C. 1302 et seq.), which applies the rights and protections of sections 101 through 105 of the FMLA to covered employees. On December 20, 2019, Congress enacted the Federal Employee Paid Leave Act (subtitle A of title LXXVI of division F of the National Defense Authorization Act for Fiscal Year 2020, Public Law 116–92, December 20, 2019) (FEPLA). FEPLA amended the FMLA to allow most civilian Federal employees, including eligible employees in the legislative branch, to substitute up to 12 weeks of paid parental leave (PPL) for unpaid FMLA leave granted in connection with the birth of an employee's son or daughter or for the placement of a son or daughter with an employee for adoption or foster care. These modifications are necessary in order to bring existing legislative branch FMLA regulations (issued April 19, 1996) in line with these recent statutory changes.

What is the authority under the CAA for these proposed substantive regulations?

Section 202(a) of the CAA provides that the rights and protections established by sections 101 through 105 of the FMLA (29 U.S.C. 2611–2615) shall apply to covered employees in the legislative branch. Section 202(d)(1) and (2) of the CAA require that the Office of Congressional Workplace Rights Board of Directors (the Board), pursuant to section 304 of the CAA, issue regulations implementing the rights and protections of the FMLA and that those regulations shall be ''the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in the subsection (a) [of section 202 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' The modifications to the regulations proposed by the Board herein are on all matters for which section 202 of the CAA requires regulations to be issued.

Are there currently FMLA regulations in effect?

Yes. On January 22, 1996, the OCWR Board adopted and submitted for publication in the Congressional Record the original FMLA final regulations implementing section 202 of the CAA, which applies certain rights and protections of the FMLA. On April 15, 1996, pursuant to section 304(c) of the CAA, the House and the Senate passed resolutions approving the final regulations. Specifically, the Senate passed S. Res. 242, providing for approval of the final regulations applicable to the Senate and the employees of the Senate; the House passed H. Res. 400 providing for approval of the final regulations applicable to the House and the employees of the House; and the House and the Senate passed S. Con. Res. 51, providing for approval of the final regulations applicable to employing offices and employees other than those offices and employees of the House and the Senate. After the Senate and the House passed these resolutions, the OCWR Board formally issued the FMLA regulations on April 19, 1996.

Note: On June 22, 2016, the Board adopted and submitted for publication in the Congressional Record additional amendments to its substantive regulations regarding the FMLA. 162 Cong. Rec. H4128–H4168, S4475–S4516 (daily ed. June 22, 2016). The 2016 amendments provide needed clarity on certain aspects of the FMLA. First, they add the military leave provisions of the FMLA, enacted under the National Defense Authorization Acts for Fiscal Years 2008 and 2010, Pub. L. 110–181, Div. A, Title V 585(a)(2), (3)(A)–(D) and Pub. L. 111–84, Div. A, Title V 565(a)(1)(B) and (4), which extend the availability of FMLA leave to family members of the Regular Armed Forces for qualifying exigencies arising out of a service member's deployment. They also define those deployments covered under these provisions, extend FMLA military caregiver leave for family members of current service members to include an injury or illness that existed prior to service and was aggravated in the line of duty on active duty, and extend FMLA military caregiver leave to family members of certain veterans with serious injuries or illnesses. Second, the amendments set forth the revised definition of ''spouse'' under the FMLA in light of the Department of Labor's February 25, 2015 Final Rule on the definition of spouse, and the United States Supreme Court's decision in *Obergefell, et al., v. Hodges*, 135 S. Ct. 2584 (2015), which requires a state to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state. Because Congress has not acted on the Board's request for approval of these amendments, the Board will resubmit them for congressional approval when it submits its request for approval of its FEPLA amendments to its substantive FMLA regulations.

What does the FMLA provide?

In general, the FMLA provides eligible employees the right to take a total of 12 workweeks of unpaid leave during any 12–month period for specified family and medical reasons and for specified circumstances relating to a family member's military service. Employing offices in the legislative branch covered by FMLA provisions of the CAA must provide unpaid leave to eligible employees: (1) for the birth of a son or daughter and to care for the newborn son or daughter; or (2) for placement with the employee of a son or daughter for adoption or foster care; (3) to care for the employee's spouse, son, daughter, or parent with a serious health condition; (4) because of a serious health condition that makes the employee unable to perform the functions of the employee's job; (5) because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty status; and (6) to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.

How do the FEPLA amendments affect the FMLA as applied to the legislative branch?

The FEPLA amendments to the FMLA include provisions expressly applicable to the legislative branch that both: (1) change the eligibility rules for employees to take protected leave for births or placements under the FMLA; and (2) permit employees to substitute PPL and other paid accrued leave for unpaid FMLA leave for such births or placements. The FEPLA amendments are summarized below.

For purposes of FMLA leave with respect to any birth or placement, all covered employees in the legislative branch are eligible for job-protected leave under the FMLA immediately upon commencement of employment. ''Covered employee'' means any employee of: (1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Congressional Workplace Rights; (9) the Office of Technology Assessment; (10) the Library of Congress; (11) the Stennis Center for Public Service; (12) the China Review Commission; (13) the Congressional Executive China Commission; or (14) the Helsinki Commission. *See* 2 U.S.C. 1301(a)(3).

Generally, FMLA leave is unpaid leave. However, under certain circumstances, the FEPLA amendments to the FMLA, as made applicable by the CAA, permit an eligible employee to choose to substitute PPL and accrued paid leave (such as paid annual, vacation, personal, family, medical, or sick leave) for unpaid FMLA leave. The term ''substitute'' means that paid leave will run concurrently with the unpaid FMLA leave. Accordingly, the employee receives pay during the period of otherwise unpaid FMLA leave. For leave taken for a birth or placement, an employee may elect to substitute for unpaid FMLA leave—(1) up to 12 workweeks of PPL in connection with the occurrence of a birth or placement; and (2) any additional paid annual, vacation, personal, family, medical, or sick leave provided by the employing office to such employee. Paid parental leave may be used only ''in connection with the birth or placement involved.'' *See* 2 U.S.C. 1312(d)(2)(A).

By law, unpaid FMLA leave is generally limited to a total of 12 weeks in any 12-month period. Accordingly, any use of unpaid FMLA leave for a purpose other than birth or placement may reduce an employee's ability to substitute PPL for a birth or placement. Thus, for example, if an employee has used 3 weeks of unpaid FMLA leave before the birth or placement, that employee's entitlement to 12 weeks of PPL may be reduced to 9 weeks.

Paid parental leave may be used no later than the end of the 12-month period beginning on the date of the birth or placement involved. There are no carryover provisions for unused PPL. An employee may not be paid for unused or expired PPL. Paid parental leave may not be considered annual leave for purposes of making a lump-sum payment for annual leave or for any other purpose.

FEPLA expressly provides that legislative branch employees using parental leave under the FMLA are not subject to the limitations that apply in the executive branch whereby employees may be required to agree in writing to work for the executive branch agency for at least 12 weeks after returning from leave. FEPLA also expressly provides that PPL applies to covered employees in the legislative branch without regard to the limitations that may apply in the executive branch, state and local governments, and private sector, whereby an employer may recover the premiums for maintaining coverage under a group health plan if the employee fails to return from PPL.

When are the Paid Parental Leave provisions of FEPLA effective?

FEPLA provides that the amendments to the CAA concerning PPL are not effective with respect to any birth or placement for adoption or foster care occurring before October 1, 2020. Thus, by law, PPL will be available to covered employees only in connection with a birth or placement that occurs on or after October 1, 2020.

How does FEPLA address active duty service in the National Guard or Reserves?

Effective December 20, 2019, FEPLA amended the general eligibility provisions of

the FMLA (as applied by the CAA) to provide that, for purposes of determining whether a covered employee has been employed by any employing office for at least 12 months and for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave, any service on active duty (as defined in 29 U.S.C. 2611(14)) by a member of the National Guard or Reserves shall be counted as time during which such employee has been employed by an employing office.

Why are these changes to the FMLA regulations necessary?

The CAA requires that the FMLA regulations applicable to the legislative branch and promulgated by the OCWR be the same as substantive regulations promulgated by the Secretary of Labor to implement FMLA title I, except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under the CAA. 2 U.S.C. 1312(e). FMLA title I covers employees of most private sector employers, state and local governments, and certain quasi-governmental entities, such as the U.S. Postal Service. These employees are governed by Department of Labor regulations at 29 C.F.R. 601 and part 825. The Secretary of Labor will not be promulgating FEPLA regulations because FEPLA does not extend PPL to private sector employees or other employees directly covered by FMLA title I. The Board has determined that these circumstances constitute good cause for modification of its substantive FMLA regulations in order to effectively implement FEPLA's rights and protections to Federal civilian employees in the legislative branch.

Procedural Summary:

How are substantive regulations proposed and approved under the CAA?

Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for proposing and approving substantive regulations provides that:

(1) the Board of Directors proposes substantive regulations and publishes a general notice of proposed rulemaking in the Congressional Record;

(2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking;

(3) after consideration of comments by the Board of Directors, the Board adopts regulations and transmits notice of such action (together with the regulations and a recommendation regarding the method for congressional approval of the regulations) to the Speaker of the House and President Pro Tempore of the Senate for publication in the Congressional Record;

(4) there be committee referral and action on the proposed regulations by resolution in each House, concurrent resolution, or by joint resolution; and

(5) there be final publication of the approved regulations in the Congressional Record, with an effective date prescribed in the final publication. For more detail, please reference the text of 2 U.S.C. 1384.

What is the approach taken by these proposed substantive regulations?

The Board will follow the procedures as enumerated above and as required by statute. This Notice of Proposed Rulemaking is step (1) of the outline set forth above. The Board will review and respond to any comments received under step (2) of the outline above, and make any changes necessary to ensure that the regulations fully implement section 202 of the CAA and reflect the practices and policies particular to the legislative branch.

Are there substantive differences in the proposed regulations for the House of Representatives, the Senate and other employing offices?

No. The Board of Directors has identified no ''good cause'' for varying the text of these regulations. Therefore, if these regulations are approved as proposed, there will be one text applicable to all employing offices and covered employees. *See* 2 U.S.C. 1312(e)(2).

Are these proposed regulations also recommended by the OCWR's Executive Director, the Deputy Executive Director for the Senate, and the Deputy Executive Director for the House of Representatives?

As required by section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), these proposed regulations are also recommended by the Executive Director, the Deputy Executive Director for the Senate and the Deputy Executive Director for the House of Representatives.

Are these proposed substantive regulations available to persons with disabilities in an alternate format?

In addition to being posted on the OCWR's website (www.ocwr.gov), this Notice is also available in alternative formats. Requests for this Notice in an alternative format should be made to the Office of Congressional Workplace Rights, at 202–724–9250 (voice).

How long do I have to submit comments regarding the proposed regulations?

Comments regarding the OCWR's proposed regulations set forth in this Notice are invited for a period of thirty (30) days following the date of the appearance of this Notice in the Congressional Record.

How do I submit comments?

Submission of comments must be made in writing to the Executive Director, Office of Congressional Workplace Rights, 110 Second Street, S.E., Room LA–200, Washington, D.C. 20540–1999. It is requested, but not required, that an electronic version of any comments be provided via e-mail to: Alexander Ruvinsky, Alexander.Ruvinsky@ocwr.gov. Comments may also be submitted by facsimile to the Executive Director at 202–426–1913 (a non toll-free number). Those wishing to receive confirmation of the receipt of their comments are requested to provide a self-addressed, stamped post card with their submission.

Am I allowed to view copies of comments submitted by others?

Yes. Copies of submitted comments will be available for review on the OCWR's public website at www.ocwr.gov.

Summary:

The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA, as amended, applies the rights and protections of 13 federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Section 202 of the CAA applies to employees covered by the CAA, the rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. 2611–2615. The above provisions of section 202 became effective on January 1, 1997. 2 U.S.C. 1312. The Board of Directors of the Office of Congressional Workplace Rights (OCWR) is now publishing proposed amended regulations to implement section 202 of the CAA, 2 U.S.C. 1301–1438, as applied to covered employees of the House of Representatives, the Senate, and certain congressional instrumentalities listed below.

The purpose of these amended regulations is to implement section 202 of the CAA. In this Notice of Proposed Rulemaking the Board proposes that virtually identical regulations be adopted for the Senate, the House of Representatives, and certain congressional instrumentalities. Accordingly:

(1) *Senate.* It is proposed that the amended regulations as described in this Notice be included in the body of regulations that shall apply to entities within the Senate, and this proposal regarding the Senate entities is recommended by the OCWR's Deputy Executive Director for the Senate.

(2) *House of Representatives.* It is further proposed that the amended regulations as described in this Notice be included in the body of regulations that shall apply to entities within the House of Representatives, and this proposal regarding the House of Representatives entities is recommended by the OCWR's Deputy Executive Director for the House of Representatives.

(3) *Certain congressional instrumentalities.* It is further proposed that the amended regulations as described in this Notice be included in the body of regulations that shall apply to the Office of Congressional Accessibility Services; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Congressional Workplace Rights; the Office of Technology Assessment; the Library of Congress; the Stennis Center for Public Service; the China Review Commission; the Congressional Executive China Commission; and the Helsinki Commission; and this proposal regarding these congressional instrumentalities is recommended by the OCWR Executive Director.

Dates: Comments are due within 30 days after the date of publication of this Notice in the Congressional Record.

Section-by-Section Discussion of Proposed Changes to the FMLA Regulations

The following is a section-by-section discussion of the proposed revisions to the Board's substantive FMLA regulations that it adopted and submitted for publication in the Congressional Record on June 22, 2016. 162 Cong. Rec. H4128–H4168, S4475–4516 (daily ed. June 22, 2016). As noted above, because Congress has not acted on the Board's request for approval of its 2016 amendments, the Board will resubmit them for congressional approval when it submits its request for approval of its FEPLA amendments to its substantive FMLA regulations. Because the Board's 2016 amendments were adopted pursuant to the procedures for proposing and approving substantive regulations in section 304 of the CAA, 2 U.S.C. 1384, including providing a comment period of 60 days after publication of the proposed amendments in the Congressional Record, the Board is not soliciting additional comments on those adopted amendments, except as indicated below.

The Board's proposed amendments to its substantive FMLA regulations will provide more detail regarding the implementation of the statutory provisions summarized above. In order to implement FEPLA, the Board proposes to amend part 825 of its substantive regulations (Family and Medical Leave) by amending subparts A–C and adding a new subpart E (Paid Parental Leave). The Board is making changes in subparts A–C to establish how the FMLA provisions will now operate, since the appropriate substitution of paid parental leave for unpaid FMLA leave hinges on the standards for granting unpaid FMLA leave. Below we provide a section-by-section explanation of the proposed changes in subparts A–C and the proposed provisions in the new subpart E.

Part 825—Family and Medical Leave

825.1 Purpose and Scope.

The Board proposes to amend 825.1 to insert a new paragraph (c), which describes the

FEPLA amendments to the FMLA provisions of the CAA; states that the Board is amending its substantive FMLA regulations pursuant to the CAA rulemaking procedures set forth at sections 202(d) and 304 of the CAA; and further states that because the Secretary of Labor has not promulgated FEPLA regulations under FMLA title I, the Board has determined that these circumstances constitute good cause for modification of its substantive FMLA regulations in order to effectively implement FEPLA's rights and protections to Federal civilian employees in the legislative branch.

SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT

825.100 The Family and Medical Leave Act.

The Board proposes to amend paragraph (b) of 825.100 to clarify that the authority of an employing office, disbursing or other financial office to recover the premiums for maintaining coverage under a group health plan is subject to 825.504, which provides that paid parental leave applies to covered employees in the legislative branch without regard to such limitations.

825.102 Definitions.

The Board proposes to amend 825.102 to: (1) add definitions of *birth*, *family and medical leave*, and *placement*; and (2) amend the definitions of *covered employee* and *eligible employee*. The new definition of *placement* clarifies that it refers to a *new* placement. Thus, the term excludes the adoption of a stepchild or a foster child who has already been a member of the employee's household and has an existing parent-child relationship with an adopting parent. This definition of *placement* is consistent with Department of Labor FMLA guidance at https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/2005_08_26_1A_FMLA.pdf. If a foster child is later adopted, the placement has already occurred; there is no new placement with a family that would warrant another use of FMLA leave for the same child. The proposed definitions of *birth* and *placement* clarify that the terms may refer to an anticipated birth or placement. This aligns with 825.120 and 825.121, which provide that unpaid FMLA leave based on birth or placement of a child may be used prior to the actual birth or placement. The revised definition of *family and medical leave* includes new language addressing leave to care for covered servicemembers.

The amended definition of *covered employee* includes any employee of the Library of Congress; the Stennis Center for Public Service; the China Review Commission; the Congressional Executive China Commission; or the Helsinki Commission. The amended definition of *eligible employee* adds a new paragraph (1), which clarifies that for purposes of births or placements, an eligible employee is any covered employee as defined in the CAA, irrespective of whether the employee meets the length of service requirements in paragraph (2). Paragraph (3) of that definition, which concerns eligibility for unpaid FMLA leave for reasons other than births or placements, is amended to clarify that, for purposes of determining whether a covered employee has been employed by any employing office for at least 12 months and for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave, any service on active duty by a member of the National Guard or Reserves shall be counted as time during which such employee has been employed by an employing office.

825.104 Covered employing offices.

The Board proposes to amend 825.104 to: (1) designate paragraphs (1)–(4) as paragraphs (a)–(d); and (2) amend paragraph (d) to include the Library of Congress; the Stennis Center for Public Service; the China Review Commission; the Congressional Executive China Commission; or the Helsinki Commission.

825.110 Eligible employee, general rule.

825.111 Eligible employee, birth or placement.

The Board proposes to: (1) amend 825.110 to create a general rule for eligibility for unpaid FMLA leave for reasons other than births or placements; and (2) add a new 825.111 to create a rule for eligibility for unpaid FMLA leave for births or placements. The amendments to 825.110 clarify that its provisions are subject to the exceptions set forth at 825.111; and they provide that for purposes of determining whether a covered employee has been employed by any employing office for at least 12 months and for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave, any service on active duty by a member of the National Guard or Reserves shall be counted as time during which such employee has been employed by an employing office.

The new 825.111 clarifies that, for purposes of births or placements, an eligible employee is any covered employee as defined in the CAA, irrespective of whether the employee meets the length or hours of service requirements in the general rule at 825.110.

825.112 Qualifying reasons for leave, general rule.

The Board proposes to amend subparagraph (a)(2) of 825.112 to clarify that employing offices are required to grant leave to eligible employees for the placement of a son or daughter with the employee for adoption or foster care, including the care of such son or daughter.

825.120 Leave for pregnancy or birth.

The Board proposes to amend subparagraph (a)(1) of 825.120 to clarify that FMLA leave for pregnancy or the birth of a son or daughter includes leave for the care of the newborn child. The Board proposes to amend subparagraph (a)(2) to add a sentence stating that leave for a birth or placement must be concluded by the expiration of the 12-month period beginning on the date of birth. Finally, the Board proposes to add a new subparagraph (7) stating that leave taken because of a birth includes leave necessary for an employee who is the birth mother to recover from giving birth, or for an employee who is the other parent to care for the birth mother during her recovery period, even if the employee is not involved in caring for the son or daughter during portions of that recovery period.

825.121 Leave for adoption or foster care.

The Board proposes to amend paragraph (a) of 825.121 to clarify that FMLA leave for placement with the employee of a son or daughter for adoption or foster care includes leave to care for the newly placed child.

SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.207 Substitution of paid leave, generally.

825.208 Substitution of paid leave—special rule for paid parental leave.

The Board proposes to: (1) amend 825.207 to create a general rule for substitution of paid leave for unpaid FMLA leave for reasons other than births or placements; and (2) add a new 825.208 to create a rule for substitution of paid leave for unpaid FMLA leave for births or placements. The amendments to 825.207 clarify that its provisions are subject to the exceptions set forth at 825.208.

The new paid leave substitution rules, which concern birth events and the placement of a child for adoption or foster care, are now addressed in a new 825.208. 825.208 provides that paid parental leave may be substituted for unpaid FMLA leave based on a birth or placement event as provided in the new subpart E.

Paragraph (b) of 825.208 addresses the possibility of substituting paid annual, vacation, personal, family, medical, or sick leave for unpaid FMLA leave based on a birth or placement. If an employee has not already (before birth or placement) begun a 12-month FMLA period (as established under 825.200), the employee could have no more than 12 weeks of unpaid FMLA leave between the date of birth or placement and the date that is 12 months after the date of birth or placement. Thus, using the 12 weeks of paid parental leave would completely replace any unpaid FMLA leave for birth or placement purposes, and there would be no opportunity to substitute paid annual, vacation, personal, family, medical, or sick leave. However, if an employee has a 12-month FMLA period in progress at the time of birth or placement, that 12-month FMLA period would end after birth or placement but before the date that is 12 months after the birth or placement. When that 12-month FMLA period ends, the employee will be eligible to start a new 12-month FMLA period, and the employee will be able to use up to 12 weeks of unpaid FMLA leave during that period. If that new FMLA period begins during the 12-month period following the birth or placement, it would be possible for the employee to use more than 12 weeks of unpaid FMLA leave for birth or placement purposes before the date that is 12 months after the date of birth or placement. In that case, a maximum of 12 weeks of paid parental leave may be substituted for unpaid FMLA leave taken in either FMLA period, since FEPLA provides for only 12 weeks of paid parental leave in connection with any given birth or placement. However, an employee would be able to substitute available paid annual, vacation, personal, family, medical, or sick leave, as appropriate, for any remaining unpaid FMLA leave.

Paragraph (c) of 825.208 sets forth various general rules related to an employee's entitlement to substitute paid leave. An employee is entitled to elect whether or not to substitute paid leave for unpaid FMLA leave, subject to applicable law and regulation. Thus, an employing office may not deny an employee's election to make a substitution permitted under this section. Nor may an employing office require an employee to substitute paid leave for FMLA leave without pay. Subparagraph (c)(4) adds a statement, not previously included in the FMLA regulations, indicating that an employee may request to use annual leave or sick leave without invoking family and medical leave, and, in that case, the agency exercises its normal authority with respect to approving or disapproving the timing of when the leave may be used. In general, an employing office has the right to deny the scheduling of an employee's leave requested outside of an FMLA request, but if the employee's scheduling of FMLA leave is approved, the employee's request to substitute annual leave for FMLA leave without pay may not be denied.

Paragraph (d) of 825.208 addresses an employee's obligation to generally give advance notice of the employee's election to substitute paid leave for unpaid FMLA leave. The general rule is that retroactive substitution is not allowed. However, subparagraphs (d)(2) through (d)(4) set forth limited exceptions. Paragraph (d)(4) addresses the retroactive substitution of paid parental leave and links to 825.505, which allows retroactive substitution only if an employee is physically or mentally incapacitated.

825.213 Employing office recovery of benefit costs.

The Board proposes to amend paragraph (a) of 825.213 to clarify that the authority of an employing office, disbursing or other financial office to recover the premiums for maintaining coverage under a group health plan is subject to 825.504, which provides that paid parental leave applies to covered employees in the legislative branch without regard to such limitations.

SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA

825.300 Employing office notice requirements.

The Board proposes to amend subparagraph (c)(iii) of 825.300 to add a requirement that the employing office's rights and responsibilities notice to the employee include, where applicable, notice of the employee's right to substitute paid parental leave for unpaid FMLA leave for a birth or placement.

The Board also proposes to amend subparagraph (d)(6) of 825.300 to clarify that the employing office must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement, and, if applicable, the employee's paid parental leave entitlement.

SUBPART D—ADMINISTRATIVE PROCESS

825.400 Administrative process, general rules.

The Board proposes to amend 825.400 to omit obsolete references to the OCWR's administrative dispute resolution procedures, which were significantly amended by the CAA of 1995 Reform Act of 2018, Pub. L. No. 115–397. The revised 825.400 refers to the Board's revised Procedural Rules, which apply to matters filed with the OCWR on or after June 19, 2019.

SUBPART E—PAID PARENTAL LEAVE

The Board proposes to amend part 825 of its substantive FMLA regulations to add a new subpart E.

825.500 Purpose, applicability, and employing office responsibilities.

Paragraph (a) of 825.500 addresses the purpose of the new subpart E.

Subparagraph (b)(1) of 825.500 provides that subpart E applies to employees to whom subpart B (Employee Leave Entitlements under the Family and Medical Leave Act, as made Applicable By The Congressional Accountability Act) applies. Subparagraph (b)(2) provides that the OCWR will defer to supplemental regulations on PPL issued by the Library of Congress pursuant to the authority in 29 USC 2617, provided those supplemental regulations are consistent with the regulations herein. Subparagraph (b)(3) clarifies that the PPL provisions of the FMLA apply to births or placements occurring on or after October 1, 2020.

Paragraph (c) of 825.500 clarifies that the head of an employing office is responsible for the proper administration of subpart E, including the responsibility of informing employees of their entitlements and obligations.

825.501 Definitions.

Paragraph (a) of 825.501 provides that the definitions in the FMLA regulations in subpart B are applicable in subpart E, except that, to the extent any definitions of terms have been further revised in paragraph (b), the provisions of that paragraph shall apply for purposes of subpart E.

Paragraph (b) provides definitions of additional terms used in subpart E—*employing office*, *child*, *paid parental leave*, and *unpaid FMLA leave*. The definition of *paid parental leave* makes clear that paid parental leave is a type of leave that is used when an employee has a ''parental'' role. A parent who does not maintain a continuing parental role with respect to a newly born or placed child would not be eligible for paid parental leave once the parental role has ended.

825.502 Leave entitlement.

825.502 sets forth various rules related to the entitlement to paid parental leave. Paragraph (a) provides that an employee may elect to substitute available paid parental leave for any unpaid FMLA leave granted based on the occurrence of a birth or placement.

Paragraph (b) of 825.502 states that the paid parental leave that is available for substitution is 12 administrative workweeks in connection with the birth or placement involved. In other words, an employee can receive up to 12 administrative workweeks of paid parental leave for each birth or placement event. Paid parental leave continues to be available only as long as the employee has a continuing parental role with respect to the newly born or placed child. Because paid parental leave is substituting for unpaid FMLA leave, use of paid parental leave is constrained by the use of unpaid FMLA leave, which is limited to 12 weeks in any 12-month FMLA period (as established under 825.200). Paragraph (b) explains that, with respect to FMLA leave under 825.200(a) that is limited to a total of 12 weeks in any 12-month period, any use of unpaid FMLA leave for a purpose other than birth or placement may affect an employee's ability to use the full 12 weeks of paid parental leave during the 12-month period following a birth or placement. In other words, an employee will be able to use the full amount of paid parental leave only to the extent that there are 12 weeks of available unpaid FMLA leave granted based on birth or placement. For example, if an employee uses 6 consecutive weeks of unpaid FMLA leave based on the employee's own serious health condition, the employee could only use 6 weeks of unpaid FMLA leave based on birth or placement (for which paid parental leave could be substituted) during the 12-month period that began when the employee commenced using unpaid FMLA leave based on the employee's serious health condition.

We note that the 12-week entitlement to paid parental leave under FEPLA is applied on a per-employee basis without regard to movements between different employing offices during the 12-month period following a birth or placement. As long as the employee is covered by the FMLA provisions of the CAA while serving in different employing offices, the employee would be limited to a total of 12 weeks of paid parental leave per qualifying birth or placement. However, if an employee has received paid parental leave benefits in connection with a given birth or placement under a different paid parental leave authority applicable to Federal employees (e.g., the paid parental leave benefit for executive branch employees in 5 USC 6382) and moves to a position covered by the title II paid parental leave authority during the 12-month period following birth or placement, there is no basis for limiting or offsetting title II paid parental leave benefits based on receipt of leave benefits under another authority.

Subparagraph (c)(1) of 825.502 provides that an employing office may not require an employee to use annual leave or sick leave for a birth or placement before allowing the employee to use paid parental leave. Subparagraph (c)(1) also clarifies that an employee may request to use annual leave or sick leave without invoking unpaid FMLA leave for a birth or placement under subpart B. As discussed earlier in connection with 825.208, if a request to use paid annual, vacation, personal, family, medical, or sick leave without invoking FMLA leave is granted by the employing office, an employee can preserve entitlement to use unpaid FMLA leave at another time and to substitute paid parental leave for that unpaid FMLA leave. If the request is granted, the employing office exercises its normal authority with respect to approving or disapproving the timing of when the leave may be used. Subparagraph (c)(2) clarifies that an employee with a seasonal work schedule may not use PPL during the off-season period designated by the employing office—the period during which the employee is scheduled to be released from work and placed in nonpay status. In other words, paid parental leave cannot be used as a basis for extending a seasonal employee's work season.

Paragraph (d) of 825.502 provides that, if an employee has any unused balance of paid parental leave remaining at the end of the 12-month period following the birth or placement involved, the entitlement to the unused leave expires at that time. The unused leave may not be rolled over for use in a future period, nor may a payment be made to the employee for unused paid parental leave that has expired. Paid parental leave may not be considered annual leave for purposes of making a lump-sum payment for annual leave or for any other purpose.

825.503 Pay during leave.

Paragraph (a) of 825.503 provides that the pay an employee receives when using paid parental leave shall be the same pay the employee would receive if the employee were using annual leave. In other words, agency payroll systems will apply the same rules they apply in determining what pay continues during annual leave.

Paragraph (b) provides that the pay received during paid parental leave may not include Sunday premium pay. This is consistent with the statutory bar in section 624 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277, div. A, §101(h), October 21, 1998).

825.504 Work obligation.

Paragraph (a) of 825.504 clarifies that under FEPLA, legislative branch employees using PPL are not subject to the limitations that apply in the executive branch whereby employees may be required to agree in writing to work for the executive branch agency for at least 12 weeks after returning from leave.

Paragraph (b) clarifies that under FEPLA, PPL applies to covered employees in the legislative branch without regard to the limitations that may apply in the executive branch, state and local governments, and private sector, whereby an employer may recover the premiums for maintaining coverage under a group health plan if the employee fails to return from PPL.

825.505 Cases of employee incapacitation.

825.505 provides that the application of paid parental leave in cases where an employee is incapacitated at the time the use of paid parental leave would be permissible. Paragraph (a) allows the employee to retroactively use paid parental leave. This provision allows for the retroactive election to use paid parental leave under the FMLA if the employing office determines that an otherwise eligible employee who could have made an election during a past period to substitute paid parental leave was physically or mentally incapable of doing so during that past period. Upon this determination, the employing office must allow the employee, when no longer incapacitated, to make an election to substitute paid parental leave for applicable unpaid FMLA leave. The employee must make this election within 5 workdays of returning to work.

Paragraph (b) allows an employee's personal representative to elect, on behalf of the employee, to substitute paid parental leave for applicable unpaid FMLA leave (i.e., approved FMLA leave based on birth or placement of a child). If an employing office determines that an otherwise eligible employee is physically or mentally incapable of making an election to substitute paid parental leave, the employing office must, upon the request of the employee's personal representative, provide conditional approval of substitution of paid parental leave for applicable unpaid FMLA leave on a prospective basis.

825.506 Cases of multiple children born or placed in the same time period.

825.506 addresses the application of paid parental leave in cases in which an employee has multiple children newly born or placed in the same time period. Paragraph (a) provides that if an employee has multiple children born or placed on the same day, that event will be treated as a single event triggering a single entitlement of up to 12 weeks of paid parental leave during the 12-month period following the event.

Paragraph (b) provides that, if an employee has one or more births or placements during the 12-month period following the date of an earlier birth or placement, each subsequent birth or placement event will result in a 12-month period commencing on the date of birth or placement with its own 12-week limit. Any use of paid parental leave during a given 12-month period will count toward that period's 12-week limit. Thus, when such 12-month periods overlap, any use of paid parental leave during the overlap will count toward each affected 12-month period's 12-week limit. For example, if an employee has a child born on June 1 and another child placed for adoption on October 1 of the same year, each event would generate entitlement to substitute up to 12 weeks of paid parental leave during the separate 12-month periods beginning on the date of the birth and on the date of the placement. Those two 12-month periods would be June 1–May 31 and October 1–September 30, respectively. The overlap period for these two 12-month periods would be October 1–May 31. If the employee substitutes paid parental leave during that overlap period, that amount of paid parental leave would count towards both the 12-week limit associated with the birth event and the 12-week limit associated with the placement event.

825.507 Records and reports.

825.507 provides that an employing office must maintain an accurate record of an employee's usage of paid parental leave.

SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA.

825.702 Interaction with anti-discrimination laws, as applied by section 201 of the CAA.

The Board proposes to amend paragraph (f) of 825.702 to delete the parenthetical phrase ''(and, therefore, not an ''eligible'' employee under FMLA, as made applicable by the CAA).'' It remains the case that under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, and as made applicable by the CAA, an employing office should provide the same benefits for women who are pregnant as the employing office provides to other employees with short-term disabilities, as stated in paragraph (f). However, as a result of FEPLA, an employee employed for less than 12 months is now an ''eligible'' employee for purposes of unpaid FMLA leave for births and placements. *See* 825.111.

REGULATIONS PROPOSED BY THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE EXTENDING RIGHTS AND PROTECTIONS UNDER THE FAMILY AND MEDICAL ACT OF 1996, AS AMENDED

Part 825—Family and Medical Leave

825.1 Purpose and Scope.

SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.100 The Family and Medical Leave Act.

825.101 Purpose of the FMLA.

825.102 Definitions.

825.103 [Reserved]

825.104 Covered employing offices.

825.105 [Reserved]

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825.107–825.109 [Reserved]

825.110 Eligible employee, general rule.

825.111 Eligible employee, birth or placement.

825.112 Qualifying reasons for leave, general rule.

825.113 Serious health condition.

825.114 Inpatient care.

825.115 Continuing treatment.

825.116–825.118 [Reserved]

825.119 Leave for treatment of substance abuse.

825.120 Leave for pregnancy or birth.

825.121 Leave for adoption or foster care.

825.122 Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember.

825.123 Unable to perform the functions of the position.

825.124 Needed to care for a family member or covered servicemember.

825.125 Definition of health care provider.

825.126 Leave because of a qualifying exigency.

825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave).

SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.200 Amount of leave.

825.201 Leave to care for a parent.

825.202 Intermittent leave or reduced leave schedule.

825.203 Scheduling of intermittent or reduced schedule leave.

825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave.

825.205 Increments of FMLA leave for intermittent or reduced schedule leave.

825.206 Interaction with the FLSA.

825.207 Substitution of paid leave—leave for reasons other than birth or placement.

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825.210 Employee payment of group health benefit premiums.

825.211 Maintenance of benefits under multiemployer health plans.

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825.216 Limitations on an employee's right to reinstatement.

825.217 Key employee, general rule.

825.218 Substantial and grievous economic injury.

825.219 Rights of a key employee.

825.220 Protection for employees who request leave or otherwise assert FMLA rights.

SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA.

825.300 Employing office notice requirements.
825.301 Designation of FMLA leave.
825.302 Employee notice requirements for foreseeable FMLA leave.
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825.304 Employee failure to provide notice.
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825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member.
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825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member.
825.309 Certification for leave taken because of a qualifying exigency.
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SUBPART D—ADMINISTRATIVE PROCESS

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SUBPART E—PAID PARENTAL LEAVE

825.500 Purpose, applicability, and employing office responsibilities.
825.501 Definitions.
825.502 Leave entitlement.
825.503 Pay during leave.
825.504 Work Obligations.
825.505 Cases of employee incapacitation.
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SUBPART F—SPECIAL RULES APPLICABLE TO EMPLOYEES OF SCHOOLS

825.600 Special rules for school employees, definitions.
825.601 Special rules for school employees, limitations on intermittent leave.
825.602 Special rules for school employees, limitations on leave near the end of an academic term.
825.603 Special rules for school employees, duration of FMLA leave.
825.604 Special rules for school employees, restoration to an equivalent position.

SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA

825.700 Interaction with employing office's policies.
825.701 [Reserved]
825.702 Interaction with anti-discrimination laws as applied by section 201 of the CAA.

SUBPART H—[Reserved]

FORMS

Form A: Certification of Health Care Provider for Employee's Serious Health Condition;
Form B: Certification of Health Care Provider for Family Member's Serious Health Condition;
Form C: Notice of Eligibility and Rights & Responsibilities;
Form D: Designation Notice to Employee of FMLA Leave;
Form E: Certification of Qualifying Exigency for Military Family Leave;
Form F: Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave;
Form G: Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave.
825.1 Purpose and scope.

(a) Section 202 of the Congressional Accountability Act (CAA) (2 U.S.C. 1312) applies the rights and protections of sections 101 through 105 of the Family and Medical Leave Act of 1993 (FMLA) (29 U.S.C. 2611–2615) to covered employees. (The term ''covered employee'' is defined in section 101(3) of the CAA (2 U.S.C. 1301(3)). *See* 825.102 of these regulations for that definition.) The purpose of this part is to set forth the regulations to carry out the provisions of section 202 of the CAA.

(b) These regulations are issued by the Board of Directors (Board) of the Office of Congressional Workplace Rights, pursuant to sections 202(d) and 304 of the CAA, which direct the Board to promulgate regulations implementing section 202 that are ''the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' The regulations issued by the Board herein are on all matters for which section 202 of the CAA requires regulations to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of the promulgation of these regulations, that, with the exception of regulations adopted and set forth herein, there are no other ''substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA].''

(c) On December 20, 2019, Congress enacted the Federal Employee Paid Leave Act (subtitle A of title LXXVI of division F of the National Defense Authorization Act for Fiscal Year 2020, Public Law 116–92, December 20, 2019) (FEPLA). FEPLA amended the FMLA to allow most civilian Federal employees, including eligible employees in the legislative branch, to substitute up to 12 weeks of paid parental leave (PPL) for unpaid FMLA leave granted in connection with the birth of an employee's son or daughter or for the placement of a son or daughter with an employee for adoption or foster care.

In order to implement FEPLA in the legislative branch, the Board is amending its substantive FMLA regulations pursuant to the CAA rulemaking procedures set forth at sections 202(d) and 304 of the CAA. The Secretary of Labor has not promulgated FEPLA regulations, however, because FEPLA does not extend PPL to private sector employees or other employees directly covered by FMLA title I. The Board has determined that these circumstances constitute good cause for modification of its substantive FMLA regulations in order to effectively implement FEPLA's rights and protections to Federal civilian employees in the legislative branch.

(d) In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the legislative branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Secretary from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulation or of the statutory provisions of the CAA upon which they are based.

(e) Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to recommend to Congress a method of approval for these regulations. As the Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, it therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.100 The Family and Medical Leave Act.

(a) The Family and Medical Leave Act of 1993 (FMLA), as made applicable by the Congressional Accountability Act (CAA), allows eligible employees of an employing office to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 12 months (*See* 825.200(b)) because of the birth of a child and to care for the newborn child, because of the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, because the employee's own serious health condition makes the employee unable to perform the functions of his or her job, or because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty). In addition, eligible employees of a covered employing office may take job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 26 workweeks in a single 12-month period to care for a covered servicemember with a serious injury or illness. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

(b) An employee on FMLA leave is also entitled to have health benefits maintained while on leave as if the employee had continued to work instead of taking the leave. If an employee was paying all or part of the premium payments prior to leave, the employee would continue to pay his or her share during the leave period. Subject to 825.504, the employing office or a disbursing or other financial office may recover its share only if the employee does not return to work for a reason other than the serious health condition of the employee or the employee's covered family member, the serious injury or illness of a covered servicemember, or another reason beyond the employee's control.

(c) An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits, and working conditions at the conclusion of the leave. The taking of FMLA leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

(d) The employing office generally has a right to advance notice from the employee. In addition, the employing office may require an employee to submit certification to substantiate that the leave is due to the serious health condition of the employee or the employee's covered family member, due to the serious injury or illness of a covered servicemember, or because of a qualifying exigency. Failure to comply with these requirements may result in a delay in the start of FMLA leave. Pursuant to a uniformly applied policy, the employing office may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition (*See* 825.312 and 825.313)). The employing office may delay restoring the employee to employment without such certificate relating to the health condition which caused the employee's absence.

825.101 Purpose of the FMLA.

(a) FMLA is intended to allow employees to balance their work and family life by taking reasonable unpaid leave for medical reasons, for the birth or adoption of a child, for the care of a child, spouse, or parent who has a serious health condition, for the care of a covered servicemember with a serious injury or illness, or because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status. The FMLA is intended to balance the demands of

the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. It was intended that the FMLA accomplish these purposes in a manner that accommodates the legitimate interests of employing offices, and in a manner consistent with the Equal Protection Clause of the Fourteenth Amendment in minimizing the potential for employment discrimination on the basis of sex, while promoting equal employment opportunity for men and women.

(b) The FMLA was predicated on two fundamental concerns—the needs of the American workforce, and the development of high-performance organizations. Increasingly, America's children and elderly are dependent upon family members who must spend long hours at work. When a family emergency arises, requiring workers to attend to seriously-ill children or parents, or to newly-born or adopted infants, or even to their own serious illness, workers need reassurance that they will not be asked to choose between continuing their employment, and meeting their personal and family obligations or tending to vital needs at home.

(c) The FMLA is both intended and expected to benefit employing offices as well as their employees. A direct correlation exists between stability in the family and productivity in the workplace. FMLA will encourage the development of high-performance organizations. When workers can count on durable links to their workplace they are able to make their own full commitments to their jobs. The record of hearings on family and medical leave indicate the powerful productive advantages of stable workplace relationships, and the comparatively small costs of guaranteeing that those relationships will not be dissolved while workers attend to pressing family health obligations or their own serious illness.

825.102 Definitions.

For purposes of this part:

ADA means the Americans with Disabilities Act (42 U.S.C. 12101 et seq., as amended), as made applicable by the Congressional Accountability Act.

Birth means the delivery of a child. When the term ''birth'' under this subpart is used in connection with the use of leave before birth, it refers to an anticipated birth.

CAA means the Congressional Accountability Act of 1995 (Pub. Law 104–1, 109 Stat. 3, 2 U.S.C. 1301 et seq., as amended).

COBRA means the continuation coverage requirements of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1986 (Pub. Law 99–272, title X, section 10002; 100 Stat. 227; 29 U.S.C. 1161–1168).

Contingency operation means a military operation that:

(1) Is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress. *See also* 825.126(a)(2).

Continuing treatment by a health care provider means any one of the following:

(1) *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(i) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(ii) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(iii) The requirement in paragraphs (i) and (ii) of this definition for treatment by a health care provider means an in-person visit to a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity.

(iv) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

(v) The term ''extenuating circumstances'' in paragraph (i) means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. *See also* 825.115(a)(5).

(2) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. 825.120.

(3) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(i) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(4) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(5) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(i) Restorative surgery after an accident or other injury; or

(ii) A condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

(6) Absences attributable to incapacity under paragraphs (2) or (3) of this definition qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Covered active duty or call to covered active duty status means:

(1) In the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and,

(2) In the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the United States Code, which authorizes calling the National Guard and state military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. *See* 10 U.S.C. 101(a)(13)(B). *See also* 825.126(a).

Covered employee as defined in the CAA, means any employee of—(1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Congressional Workplace Rights; (9) the Library of Congress; (10) the Stennis Center for Public Service; (11) the Office of Technology Assessment; (12) the China Review Commission; (13) the Congressional Executive China Commission; or (14) the Helsinki Commission.

Covered servicemember means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or

(2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. *See* 825.127(b)(2).

Eligible employee as defined in the CAA, means:

(1) For purposes of leave under subparagraphs (a)(1) or (a)(2) of section 85.112 [or subsections (A) or (B) of section 102(a)(1) of the FMLA], a covered employee as defined in the CAA.

(2) For purposes of leave under subparagraphs (a)(3)–(6) of section 825.112 [or subsections (C)–(F) of section 102(a)(1) of the FMLA], a covered employee who has been employed for a total of at least 12 months in

any employing office on the date on which any FMLA leave is to commence, except that an employing office need not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring of the employee, unless:

(i) The break in service is occasioned by the fulfillment of the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., covered service obligation (the period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office, but this section does not provide any greater entitlement to the employee than would be available under the USERRA, as made applicable by the CAA); or

(ii) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (e.g., for purposes of the employee furthering his or her education or for childrearing purposes); and

(3) Who, on the date on which any FMLA leave is to commence, has met the hours of service requirement by having been employed for at least 1,250 hours of service with an employing office during the previous 12-month period, *except that*:

(i) An employee returning from fulfilling his or her USERRA-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining whether the employee met the hours of service requirement (accordingly, a person reemployed following absence from work due to or necessitated by USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12-month period to meet the hours of service requirement);

(ii) To determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations; and

(iii) Any service on active duty (as defined in 29 U.S.C. 2611(14)) by a covered employee who is a member of the National Guard or Reserves shall be counted as time during which such employee has been employed in an employing office for purposes of paragraph (3) of this section.

Employ means to suffer or permit to work.

Employee means an employee as defined by the CAA and includes an applicant for employment and a former employee.

Employee employed in an instructional capacity. See the definition of *Teacher* in this section.

Employee of the Capitol Police means any member or officer of the Capitol Police.

Employee of the House of Representatives means an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (9) under the definition of covered employee above.

Employee of the Office of the Architect of the Capitol means any employee of the Office of the Architect of the Capitol or the Botanic Garden.

Employee of the Senate means any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (9) under the definition of covered employee above.

Employing Office, as defined by the CAA, means:

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Workplace Rights, the Library of Congress, the Stennis Center for Public Service, the Office of Technology Assessment, the China Review Commission, the Congressional Executive China Commission, and the Helsinki Commission.

Employment benefits means all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office or through an employee benefit plan. The term does not include non-employment related obligations paid by employees through voluntary deductions such as supplemental insurance coverage. *See also* 825.209(a).

Family and medical leave means an employee's entitlement to 12 workweeks (or 26 workweeks in the case of leave under 825.127) of unpaid leave for certain family and medical needs, as prescribed under the FMLA, as made applicable by the CAA.

FLSA means the Fair Labor Standards Act (29 U.S.C. 201 et seq.), as made applicable by the CAA.

FMLA means the Family and Medical Leave Act of 1993, Public Law 103–3 (February 5, 1993), 107 Stat. 6 (29 U.S.C. 2601 et seq., as amended), as made applicable by the CAA.

Group health plan means the Federal Employees Health Benefits Program and any other plan of, or contributed to by, an employing office (including a self-insured plan) to provide health care (directly or otherwise) to the employing office's employees, former employees, or the families of such employees or former employees. For purposes of FMLA, as made applicable by the CAA, the term group health plan shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

(1) No contributions are made by the employing office;

(2) Participation in the program is completely voluntary for employees;

(3) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and,

(5) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

Health care provider means:

(1) The FMLA, as made applicable by the CAA, defines health care provider as:

(i) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) Any other person determined by the Department of Labor to be capable of providing health care services.

(2) Others ''capable of providing health care services'' include only:

(i) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(ii) Nurse practitioners, nurse-midwives and clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(iii) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

(iv) Any health care provider from whom an employing office or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

(v) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(3) The phrase ''authorized to practice in the State'' as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

Incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in several of the ''activities of daily living'' (ADLs) or ''instrumental activities of daily living'' (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee: See the definition of *Teacher* in this section.

Intermittent leave means leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy.

Invitational travel authorization (ITA) or *Invitational travel order* (ITO) mean orders issued by the Armed Forces to a family member to join an injured or ill servicemember at his or her bedside. *See also* 825.310(e).

Key employee means a salaried FMLA-eligible employee who is among the highest paid

10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite. *See also* 825.217.

Mental disability: See the definition of *Physical or mental disability* in this section.

Military caregiver leave means leave taken to care for a covered servicemember with a serious injury or illness under the Family and Medical Leave Act of 1993. *See also* 825.127.

Next of kin of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. *See also* 825.127(d)(3).

Office of Congressional Workplace Rights means the independent office established in the legislative branch under section 301 of the CAA (2 U.S.C. 1381).

Outpatient status means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. *See also* 825.127(b)(1).

Parent means a biological, adoptive, step or foster father or mother or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents ''in law.''

Parent of a covered servicemember means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.'' *See also* 825.127(d)(2).

Physical or mental disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR part 1630, issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., as amended, provide guidance for these terms.

Placement means a new placement of a son or daughter with an employee for adoption or foster care. For example, this excludes the adoption of a stepchild or a foster child who has already been a member of the employee's household and has an existing parent-child relationship with an adopting parent. When the term ''placement'' is used under this subpart in connection with the use of leave before placement has occurred, it refers to a planned or anticipated placement.

Reduced leave schedule means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Reserve components of the Armed Forces, for purposes of qualifying exigency leave, include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, and Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation. *See also* 825.126(a)(2)(i).

Secretary means the Secretary of Labor or authorized representative.

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in 825.114 or continuing treatment by a health care provider as defined in 825.115. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of 825.113 are met.

Serious injury or illness means:

(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(2) In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. *See also* 825.127(c).

Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and ''incapable of self-care because of a mental or physical disability'' at the time that FMLA leave is to commence.

Son or daughter of a covered servicemember means a covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. *See also* 825.127(d)(1).

Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. *See also* 825.126(a)(5).

Spouse means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

Teacher (or employee employed in an instructional capacity, or instructional employee) means an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

TRICARE is the health care program serving active duty servicemembers, National Guard and Reserve members, retirees, their families, survivors, and certain former spouses worldwide.

825.103 [Reserved]

825.104 Covered employing offices.

The FMLA, as made applicable by the CAA, covers all employing offices. As used in the CAA, the term employing office means:

(a) The personal office of a Member of the House of Representatives or of a Senator;

(b) A committee of the House of Representatives or the Senate or a joint committee;

(c) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(d) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Workplace Rights, the Library of Congress, the Stennis Center for Public Service, the China Review Commission, the Congressional Executive China Commission, the Helsinki Commission, and the Office of Technology Assessment.

825.105 [Reserved].

825.106 Joint employer coverage.

(a) Where two or more employing offices exercise some control over the work or working conditions of the employee, the employing offices may be joint employers under FMLA, as made applicable by the CAA. Where the employee performs work which simultaneously benefits two or more employing offices, or works for two or more employing offices at different times during the

workweek, a joint employment relationship generally will be considered to exist in situations such as:

(1) Where there is an arrangement between employing offices to share an employee's services or to interchange employees;

(2) Where one employing office acts directly or indirectly in the interest of the other employing office in relation to the employee; or

(3) Where the employing offices are not completely disassociated with respect to the employee's employment and may be deemed to share control of the employee, directly or indirectly, because one employing office controls, is controlled by, or is under common control with the other employing office.

(b) A determination of whether or not a joint employment relationship exists is not determined by the application of any single criterion, but rather the entire relationship is to be viewed in its totality. For example, joint employment will ordinarily be found to exist when:

(1) An employee, who is employed by an employing office other than the personal office of a Member of the House of Representatives or of a Senator, is under the actual direction and control of the Member of the House of Representatives or Senator; or

(2) Two or more employing offices employ an individual to work on common issues or other matters for both or all of them.

(c) When employing offices employ a covered employee jointly, they may designate one of themselves to be the primary employing office, and the other or others to be the secondary employing office(s). Such a designation shall be made by written notice to the covered employee.

(d) If an employing office is designated a primary employing office pursuant to paragraph (c) of this section, only that employing office is responsible for giving required notices to the covered employee, providing FMLA leave, and maintenance of health benefits. Job restoration is the primary responsibility of the primary employing office, and the secondary employing office(s) may, subject to the limitations in 825.216, be responsible for accepting the employee returning from FMLA leave.

(e) If employing offices employ an employee jointly, but fail to designate a primary employing office pursuant to paragraph (c) of this section, then all of these employing offices shall be jointly and severally liable for giving required notices to the employee, for providing FMLA leave, for assuring that health benefits are maintained, and for job restoration. The employee may give notice of need for FMLA leave, as described in 825.302 and 825.303, to whichever of these employing offices the employee chooses. If the employee makes a written request for restoration to one of these employing offices, that employing office shall be primarily responsible for job restoration, and the other employing office(s) may, subject to the limitations in 825.216, be responsible for accepting the employee returning from FMLA leave.

825.107 [Reserved]

825.108 [Reserved]

825.109 [Reserved]

825.110 Eligible employee, general rule.

(a) Subject to the exceptions provided in 825.111, an eligible employee is a covered employee of an employing office who:

(1) Has been employed by any employing office for at least 12 months, and

(2) Has been employed for at least 1,250 hours of service during the 12–month period immediately preceding the commencement of the leave.

(b) Any service on active duty (as defined in 29 U.S.C. 2611(14)) by a covered employee who is a member of the National Guard or Reserves shall be counted as time during which such employee has been employed in an employing office for purposes of paragraph (a)(1) and (2) of this section.

(c) The 12 months an employee must have been employed by any employing office need not be consecutive months, provided:

(1) Subject to the exceptions provided in paragraph (c)(2) of this section, employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by any employing office for at least 12 months.

(2) Employment periods preceding a break in service of more than seven years must be counted in determining whether the employee has been employed by any employing office for at least 12 months where:

(i) The employee's break in service is occasioned by the fulfillment of his or her Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., covered service obligation. The period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office. However, this section does not provide any greater entitlement to the employee than would be available under the USERRA; or

(ii) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (e.g., for purposes of the employee furthering his or her education or for childrearing purposes).

(3) If an employee worked for two or more employing offices sequentially, the time worked will be aggregated to determine whether it equals 12 months.

(4) If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the employing office (e.g., Federal Employees' Compensation, group health plan benefits, etc.), the week counts as a week of employment. For purposes of determining whether intermittent/occasional/casual employment qualifies as at least 12 months, 52 weeks is deemed to be equal to 12 months.

(5) Nothing in this section prevents employing offices from considering employment prior to a continuous break in service of more than seven years when determining whether an employee has met the 12-month employment requirement. However, if an employing office chooses to recognize such prior employment, the employing office must do so uniformly, with respect to all employees with similar breaks in service.

(d)(1) If an employee was employed by two or more employing offices, either sequentially or concurrently, the hours of service will be aggregated to determine whether the minimum of 1,250 hours has been reached.

(2) Except as provided in paragraph (c)(3) of this section, whether an employee has worked the minimum 1,250 hours of service is determined according to the principles established under the Fair Labor Standards Act (FLSA), as applied by section 203 of the CAA (2 U.S.C. 1313), for determining compensable hours of work. The determining factor is the number of hours an employee has worked for one or more employing offices as defined by the CAA. The determination is not limited by methods of recordkeeping, or by compensation agreements that do not accurately reflect all of the hours an employee has worked for or been in service to the employing office. Any accurate accounting of actual hours worked under the FLSA's principles, as made applicable by the CAA (2 U.S.C. 1313), may be used.

(3) An employee returning from USERRA-covered service shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining the employee's eligibility for FMLA-qualifying leave. Accordingly, a person reemployed following USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12 month period to meet the hours of service requirement. In order to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations.

(4) In the event an employing office does not maintain an accurate record of hours worked by an employee, including for employees who are exempt from the overtime requirements of the FLSA, as made applicable by the CAA and its regulations, the employing office has the burden of showing that the employee has not worked the requisite hours. An employing office must be able to clearly demonstrate, for example, that full time teachers (*See* 825.102 for definition) of an elementary or secondary school system, or institution of higher education, or other educational establishment or institution (who often work outside the classroom or at their homes) did not work 1,250 hours during the previous 12 months in order to claim that the teachers are not covered or eligible for FMLA leave.

(e) The determination of whether an employee meets the hours of service requirement for any employing office and has been employed by any employing office for a total of at least 12 months, must be made as of the date the FMLA leave is to start. An employee may be on non-FMLA leave at the time he or she meets the 12-month eligibility requirement, and in that event, any portion of the leave taken for an FMLA-qualifying reason after the employee meets the eligibility requirement would be FMLA leave. See 825.300(b) for rules governing the content of the eligibility notice given to employees.

(f) If, before beginning employment with an employing office, an employee had been employed by another employing office, the subsequent employing office may count against the employee's FMLA leave entitlement FMLA leave taken from the prior employing office, so long as the prior employing office properly designated the leave as FMLA under these regulations or other applicable requirements.

825.111 Eligible employee, birth or placement.

For purposes of leave under subparagraphs (a)(1) or (a)(2) of 825.112 [or subsections (A) or (B) of section 102(a)(1) of the FMLA]:

(a) an eligible employee is a covered employee of an employing office; and

(b) the eligibility requirements of section 825.110 shall not apply. *See also* 825.120–21.

825.112 Qualifying reasons for leave, general rule.

(a) Circumstances qualifying for leave. Employing offices covered by FMLA as made applicable by the CAA are required to grant leave to eligible employees:

(1) For birth of a son or daughter, and to care for the newborn child (*See* 825.120);

(2) For the placement of a son or daughter with the employee for adoption or foster care and the care of such son or daughter (*See* 825.121);

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition (*See* 825.113 and 825.122);

(4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job (*See* 825.113 and 825.123);

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status) (*See* 825.122 and 825.126); and

(6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember (*See* 825.122 and 825.127).

(b) *Equal Application.* The right to take leave under FMLA, as made applicable by the CAA, applies equally to male and female employees. A father, as well as a mother, can take family leave for the birth, placement for adoption, or foster care of a child.

(c) *Active employee.* In situations where the employing office/employee relationship has been interrupted, such as an employee who has been on layoff, the employee must be recalled or otherwise be re-employed before being eligible for FMLA leave. Under such circumstances, an eligible employee is immediately entitled to further FMLA leave for a qualifying reason.

825.113 Serious health condition.

(a) For purposes of FMLA, *serious health condition entitling an employee to FMLA leave* means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in 825.114 or continuing treatment by a health care provider as defined in 825.115.

(b) The term incapacity means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

(c) The term treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bedrest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

(d) Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of this section are met.

825.114 Inpatient care.

Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity as defined in 825.113(b), or any subsequent treatment in connection with such inpatient care.

825.115 Continuing treatment.

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(a) *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(3) The requirement in paragraphs (a)(1) and (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

(4) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

(5) The term *extenuating circumstances* in paragraph (a)(1) of this section means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-day period, but the health care provider does not have any available appointments during that time period.

(b) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. See also 825.120.

(c) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(d) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(e) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(1) Restorative surgery after an accident or other injury; or

(2) A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

(f) Absences attributable to incapacity under paragraphs (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

825.116 [Reserved]

825.117 [Reserved]

825.118 [Reserved]

825.119 Leave for treatment of substance abuse.

(a) Substance abuse may be a serious health condition if the conditions of 825.113 through 825.115 are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

(b) Treatment for substance abuse does not prevent an employing office from taking employment action against an employee. The employing office may not take action against the employee because the employee has exercised his or her right to take FMLA leave for treatment. However, if the employing office has an established policy, applied in a non-discriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking FMLA leave. An employee may also take FMLA leave to care for a covered family member who is receiving treatment for substance abuse. The employing office may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

825.120 Leave for pregnancy or birth.

(a) *General rules.* Eligible employees are entitled to FMLA leave for pregnancy or birth of a son or daughter and to care for the newborn child as follows:

(1) Both parents are entitled to FMLA leave for the birth of their child.

(2) Both parents are entitled to FMLA leave to be with the healthy newborn child (i.e., bonding time) during the 12-month period beginning on the date of birth. An employee's entitlement to FMLA leave for a birth expires at the end of the 12-month period beginning on the date of the birth. Leave for a birth must be concluded within this 12-month period. If the employing office permits bonding leave to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, both parents are entitled to FMLA leave even if the newborn does not have a serious health condition.

(3) Spouses who are eligible for FMLA leave and are employed by the same employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or

daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newborn child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

(4) The expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. An expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three consecutive calendar days.

(5) A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for her following the birth of a child if she has a serious health condition. *See* 825.124.

(6) Both parents are entitled to FMLA leave if needed to care for a child with a serious health condition if the requirements of 825.113 through 825.115 and 825.122 (d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for their newborn child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

(7) Leave taken because of the birth of a son or daughter of the employee includes leave necessary for an employee who is the birth mother to recover from giving birth, or for an employee who is the other parent to care for the birth mother during her recovery period, even if the employee is not involved in caring for the son or daughter during portions of that recovery period.

(b) *Intermittent and reduced schedule leave.* An eligible employee may use intermittent or reduced schedule leave after the birth to be with a healthy newborn child only if the employing office agrees. For example, an employing office and employee may agree to a part-time work schedule after the birth. If the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the expectant mother or newborn child. *See* 825.202–825.205 for general rules governing the use of intermittent and reduced schedule leave. *See* 825.121 for rules governing leave for adoption or foster care. *See* 825.601 for special rules applicable to instructional employees of schools.

825.121 Leave for adoption or foster care.

(a) *General rules.* Eligible employees are entitled to FMLA leave for placement with the employee of a son or daughter for adoption or foster care and to care for the newly placed child as follows as follows:

(1) Employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave for this purpose.

(2) An employee's entitlement to leave for adoption or foster care expires at the end of the 12-month period beginning on the date of the placement. If the employing office permits leave for adoption or foster care to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, the employee is entitled to FMLA leave even if the adopted or foster child does not have a serious health condition.

(3) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the placement of the employee's son or daughter or to care for the child after placement, for the birth of the employee's son or daughter or to care for the child after birth, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newly placed child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

(4) An eligible employee is entitled to FMLA leave in order to care for an adopted or foster child with a serious health condition if the requirements of 825.113 through 825.115 and 825.122(d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for an adopted or foster child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

(b) *Use of intermittent and reduced schedule leave.* An eligible employee may use intermittent or reduced schedule leave after the placement of a healthy child for adoption or foster care only if the employing office agrees. Thus, for example, the employing office and employee may agree to a part-time work schedule after the placement for bonding purposes. If the employing office agrees to permit intermittent or reduced schedule leave for the placement for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the adopted or foster child. See 825.202—825.205 for general rules governing the use of intermittent and reduced schedule leave. *See* 825.120 for general rules governing leave for pregnancy and birth of a child. *See* 825.601 for special rules applicable to instructional employees of schools.

825.122 Definitions of covered service member, spouse, parent, son or daughter, next of kin of a covered service member, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered service member, and parent of a covered service member.

(a) *Covered service member* means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. *See* 825.127(b)(2).

(b) *Spouse* means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

(c) *Parent.* Parent means a biological, adoptive, step or foster father or mother, or

any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in paragraph (d) of this section. This term does not include parents ''in law.''

(d) *Son or daughter*. For purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and ''incapable of self-care because of a mental or physical disability'' at the time that FMLA leave is to commence.

(1) *Incapable of self-care* means that the individual requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (ADLs) or instrumental activities of daily living (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(2) *Physical or mental disability* means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., provide guidance for these terms.

(3) Persons who are ''in loco parentis'' include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

(e) *Next of kin* of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. *See* 825.127(d)(3).

(f) *Adoption* means legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for FMLA leave. *See* 825.121 for rules governing leave for adoption.

(g) *Foster care* means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody. *See* 825.121 for rules governing leave for foster care.

(h) Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. *See* 825.126(a)(5).

(i) Son or daughter of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. *See* 825.127(d)(1).

(j) *Parent of a covered servicemember* means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.'' *See* 825.127(d)(2).

(k) *Documenting relationships*. For purposes of confirmation of family relationship, the employing office may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, etc. The employing office is entitled to examine documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

825.123 Unable to perform the functions of the position.

(a) *Definition*. An employee is unable to perform the functions of the position where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act (ADA), as amended and made applicable by Section 201(a) of the CAA (2 U.S.C. 1311(a)(3)). An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

(b) *Statement of functions*. An employing office has the option, in requiring certification from a health care provider, to provide a statement of the essential functions of the employee's position for the health care provider to review. A sufficient medical certification must specify what functions of the employee's position the employee is unable to perform so that the employing office can then determine whether the employee is unable to perform one or more essential functions of the employee's position. For purposes of the FMLA, the essential functions of the employee's position are to be determined with reference to the position the employee held at the time notice is given or leave commenced, whichever is earlier. *See* 825.306.

825.124 Needed to care for a family member or covered servicemember.

(a) The medical certification provision that an employee is needed to care for a family member or covered servicemember encompasses both physical and psychological care. It includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor. The term also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse or parent with a serious health condition who is receiving inpatient or home care.

(b) The term also includes situations where the employee may be needed to substitute for others who normally care for the family member or covered servicemember, or to make arrangements for changes in care, such as transfer to a nursing home. The employee need not be the only individual or family member available to care for the family member or covered servicemember.

(c) An employee's intermittent leave or a reduced leave schedule necessary to care for a family member or covered servicemember includes not only a situation where the condition of the family member or covered servicemember itself is intermittent, but also where the employee is only needed intermittently—such as where other care is normally available, or care responsibilities are shared with another member of the family or a third party. *See* 825.202–825.205 for rules governing the use of intermittent or reduced schedule leave.

825.125 Definition of health care provider.

(a) The FMLA, as made applicable by the CAA, defines *health care provider* as:

(1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(2) Any other person determined by the Office of Congressional Workplace Rights to be capable of providing health care services.

(3) In making a determination referred to in subparagraph (a)(2), and absent good cause shown to do otherwise, the Office of Congressional Workplace Rights will follow any determination made by the Department of Labor (under section 101(6)(B) of FMLA (29 U.S.C. 2611(6)(B))) that a person is capable of providing health care services, provided the determination by the Department of Labor was not made at the request of a person who was then a covered employee.

(b) Others capable of providing health care services include only:

(1) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(2) Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(3) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

(4) Any health care provider from whom an employing office or the employing office's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

(5) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(c) The phrase authorized to practice in the State as used in this section means that the

provider must be authorized to diagnose and treat physical or mental health conditions.

825.126 Leave because of a qualifying exigency.

(a) Eligible employees may take FMLA leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

(1) *Covered active duty or call to covered active duty status* in the case of a member of the Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. The active duty orders of a member of the Regular components of the Armed Forces will generally specify if the member is deployed to a foreign country.

(2) *Covered active duty or call to covered active duty status* in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the United States Code, which authorizes calling the National Guard and state military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. *See* 10 U.S.C. 101(a)(13)(B).

(i) For purposes of covered active duty or call to covered active duty status, the Reserve components of the Armed Forces include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation pursuant to one of the provisions of law identified in paragraph (a)(2).

(ii) The active duty orders of a member of the Reserve components will generally specify if the military member is serving in support of a contingency operation by citation to the relevant section of Title 10 of the United States Code and/or by reference to the specific name of the contingency operation and will specify that the deployment is to a foreign country.

(3) *Deployment of the member with the Armed Forces to a foreign country* means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States, including international waters.

(4) A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to active duty. State calls to active duty are not covered unless under order of the President of the United States pursuant to one of the provisions of law identified in paragraph (a)(2) of this section.

(5) *Son or daughter on covered active duty or call to covered active duty status* means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.

(b) An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

(1) *Short-notice deployment.* (i) To address any issue that arises from the fact that the military member is notified of an impending call or order to covered active duty seven or less calendar days prior to the date of deployment;

(ii) Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the military member is notified of an impending call or order to covered active duty;

(2) *Military events and related activities.* (i) To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the military member; and

(ii) To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the military member;

(3) *Childcare and school activities.* For the purposes of leave for childcare and school activities listed in (i) through (iv) of this paragraph, a child of the military member must be the military member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the military member stands in loco parentis, who is either under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

(i) To arrange for alternative childcare for a child of the military member when the covered active duty or call to covered active duty status of the military member necessitates a change in the existing childcare arrangement;

(ii) To provide childcare for a child of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;

(iii) To enroll in or transfer to a new school or day care facility a child of the military member when enrollment or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

(iv) To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a child of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member;

(4) *Financial and legal arrangements.* (i) To make or update financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust; and

(ii) To act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of 90 days following the termination of the military member's covered active duty status;

(5) *Counseling.* To attend counseling provided by someone other than a health care provider, for oneself, for the military member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the military member, or a child for whom the military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of the military member;

(6) *Rest and Recuperation.* (i) To spend time with the military member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment;

(ii) Leave taken for this purpose can be used for a period of 15 calendar days beginning on the date the military member commences each instance of Rest and Recuperation leave;

(7) *Post-deployment activities.* (i) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status; and

(ii) To address issues that arise from the death of the military member while on covered active duty status, such as meeting and recovering the body of the military member, making funeral arrangements, and attending funeral services;

(8) *Parental care.* For purposes of leave for parental care listed in (i) through (iv) of this paragraph, the parent of the military member must be incapable of self-care and must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age. A parent who is incapable of self-care means that the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living. Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc. As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

(i) To arrange for alternative care for a parent of the military member when the parent is incapable of self-care and the covered active duty or call to covered active duty status of the military member necessitates a

change in the existing care arrangement for the parent;

(ii) To provide care for a parent of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;

(iii) To admit to or transfer to a care facility a parent of the military member when admittance or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

(iv) To attend meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member but not for routine or regular meetings;

(9) *Additional activities.* To address other events which arise out of the military member's covered active duty or call to covered active duty status provided that the employing office and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave).

(a) Eligible employees are entitled to FMLA leave to care for a covered servicemember with a serious illness or injury.

(b) Covered servicemember means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness. Outpatient status means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

(2) A covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. An eligible employee must commence leave to care for a covered veteran within five years of the veteran's active duty service, but the single 12-month period described in paragraph (e)(1) of this section may extend beyond the five-year period.

(i) For an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to the effective date of this Final Rule, the period between October 28, 2009 and the effective date of this Final Rule shall not count towards the determination of the five-year period for covered veteran status.

(c) A serious injury or illness means:

(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,

(2) In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces), and manifested itself before or after the member became a veteran, and is:

(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(d) In order to care for a covered servicemember, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered servicemember.

(1) Son or daughter of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

(2) Parent of a covered servicemember means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.''

(3) Next of kin of a covered servicemember means the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employing office is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to 825.122(k).

(e) An eligible employee is entitled to 26 workweeks of leave to care for a covered servicemember with a serious injury or illness during a single 12-month period.

(1) The single 12-month period described in paragraph (e) of this section begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date, regardless of the method used by the employing office to determine the employee's 12 workweeks of leave entitlement for other FMLA-qualifying reasons. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this single 12-month period, the remaining part of his or her 26 workweeks of leave entitlement to care for the covered servicemember is forfeited.

(2) The leave entitlement described in paragraph (e) of this section is to be applied on a per-covered-servicemember, per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period. An eligible employee may take more than one period of 26 workweeks of leave to care for a covered servicemember with more than one serious injury or illness only when the serious injury or illness is a subsequent serious injury or illness. When an eligible employee takes leave to care for more than one covered servicemember or for a subsequent serious injury or illness of the same covered servicemember, and the single 12-month periods corresponding to the different military caregiver leave entitlements overlap, the employee is limited to taking no more than 26 workweeks of leave in each single 12-month period.

(3) An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period described in paragraph (e) of this section, provided that the employee is entitled to no more than 12 workweeks of leave for one or more of the following: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency. Thus, for example, an eligible employee may, during the single 12-month period, take 16 workweeks of FMLA leave to care for a covered servicemember and 10 workweeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12-month period, even if the employee takes fewer than 14 workweeks of FMLA leave to care for a covered servicemember.

(4) In all circumstances, including for leave taken to care for a covered servicemember, the employing office is responsible for designating leave, paid or unpaid, as FMLA-qualifying, and for giving notice of the designation to the employee as provided in 825.300. In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the single

12-month period described in paragraph (e) of this section, the employing office must designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the single 12-month period described in paragraph (e) of this section must not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition. As is the case with leave taken for other qualifying reasons, employing offices may retroactively designate leave as leave to care for a covered servicemember pursuant to 825.301(d).

(f) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 26 workweeks of leave during the single 12-month period described in paragraph (e) of this section if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 26 workweeks of FMLA leave.

SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.200 Amount of Leave.

(a) Except in the case of leave to care for a covered servicemember with a serious injury or illness, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during any 12-month period for any one, or more, of the following reasons:

(1) The birth of the employee's son or daughter, and to care for the newborn child;

(2) The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition;

(4) Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job; and

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty).

(b) An employing office is permitted to choose any one of the following methods for determining the 12–month period in which the 12 weeks of leave entitlement described in paragraph (a) of this section occurs:

(1) The calendar year;

(2) Any fixed 12-month leave year, such as a fiscal year or a year starting on an employee's anniversary date;

(3) The 12-month period measured forward from the date any employee's first FMLA leave under paragraph (a) begins; or

(4) A ''rolling'' 12-month period measured backward from the date an employee uses any FMLA leave as described in paragraph (a).

(c) Under methods in paragraphs (b)(1) and (b)(2) of this section an employee would be entitled to up to 12 weeks of FMLA leave at any time in the fixed 12-month period selected. An employee could, therefore, take 12 weeks of leave at the end of the year and 12 weeks at the beginning of the following year. Under the method in paragraph (b)(3) of this section, an employee would be entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period. Under the method in paragraph (b)(4) of this section, the ''rolling'' 12-month period, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. However, beginning on February 1, 2009, the employee would again be eligible to take FMLA leave, recouping the right to take the leave in the same manner and amounts in which it was used in the previous year. Thus, the employee would recoup (and be entitled to use) one additional day of FMLA leave each day for four weeks, commencing February 1, 2009. The employee would also begin to recoup additional days beginning on June 1, 2009, and additional days beginning on December 1, 2009. Accordingly, employing offices using the rolling 12-month period may need to calculate whether the employee is entitled to take FMLA leave each time that leave is requested, and employees taking FMLA leave on such a basis may fall in and out of FMLA protection based on their FMLA usage in the prior 12 months. For example, in the example above, if the employee needs six weeks of leave for a serious health condition commencing February 1, 2009, only the first four weeks of the leave would be FMLA-protected.

(d)(1) Employing offices will be allowed to choose any one of the alternatives in paragraph (b) of this section for the leave entitlements described in paragraph (a) of this section provided the alternative chosen is applied consistently and uniformly to all employees. An employing office wishing to change to another alternative is required to give at least 60 days' notice to all employees, and the transition must take place in such a way that the employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee. Under no circumstances may a new method be implemented in order to avoid the CAA's FMLA leave requirements.

(2) [Reserved]

(e) If an employing office fails to select one of the options in paragraph (b) of this section for measuring the 12-month period for the leave entitlements described in paragraph (a), the option that provides the most beneficial outcome for the employee will be used. The employing office may subsequently select an option only by providing the 60-day notice to all employees of the option the employing office intends to implement. During the running of the 60-day period any other employee who needs FMLA leave may use the option providing the most beneficial outcome to that employee. At the conclusion of the 60-day period the employing office may implement the selected option.

(f) An eligible employee's FMLA leave entitlement is limited to a total of 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness. An employing office shall determine the single 12-month period in which the 26 weeks of leave entitlement described in this paragraph occurs using the 12-month period measured forward from the date an employee's first FMLA leave to care for the covered servicemember begins. *See* 825.127(e)(1).

(g) During the single 12-month period described in paragraph (f), an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. *See* 825.127(e)(3).

(h) For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, if for some reason the employing office's business activity has temporarily ceased and employees generally are not expected to report for work for one or more weeks (e.g., a school closing two weeks for the Christmas/New Year holiday or the summer vacation or an employing office closing the office for repairs), the days the employing office's activities have ceased do not count against the employee's FMLA leave entitlement. Methods for determining an employee's 12-week leave entitlement are also described in 825.205.

(i)(1) If employing offices jointly employ an employee, and if they designate a primary employing office pursuant to 825.106(c), the primary employing office may choose any one of the alternatives in paragraph (b) of this section for measuring the 12-month period, provided that the alternative chosen is applied consistently and uniformly to all employees of the primary employing office including the jointly employed employee.

(2) If employing offices fail to designate a primary employing office pursuant to 825.106(c), an employee jointly employed by the employing offices may, by so notifying one of the employing offices, select that employing office to be the primary employing office of the employee for purposes of the application of paragraphs (d) and (e) of this section.

825.201 Leave to care for a parent.

(a) *General rule.* An eligible employee is entitled to FMLA leave if needed to care for the employee's parent with a serious health condition. Care for parents-in-law is not covered by the FMLA. *See* 825.122(c) for definition of parent.

(b) *Same employing office limitation.* Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where the spouses both use a portion of the

total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a parent, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition. *See* also 825.127(d).

825.202 Intermittent leave or reduced leave schedule.

(a) *Definition*. FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

(b) *Medical necessity*. For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or to care for a covered servicemember with a serious injury or illness, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition and in the certification of a serious injury or illness, if required by the employing office, addresses the medical necessity of intermittent leave or leave on a reduced leave schedule. *See* 825.306, 825.310. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a serious health condition or of a covered servicemember's serious injury or illness, or for recovery from treatment or recovery from a serious health condition or a covered servicemember's serious injury or illness. It may also be taken to provide care or psychological comfort to a covered family member with a serious health condition or a covered servicemember with a serious injury or illness.

(1) Intermittent leave may be taken for a serious health condition of a spouse, parent, son, or daughter, for the employee's own serious health condition, or a serious injury or illness of a covered servicemember which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave schedule is an employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule.
(2) Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition or a serious injury or illness of a covered servicemember, even if he or she does not receive treatment by a health care provider. *See* 825.113 and 825.127.

(c) *Birth or placement*. When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employing office agrees. Such a schedule reduction might occur, for example, where an employee, with the employing office's agreement, works part-time after the birth of a child, or takes leave in several segments. The employing office's agreement is not required, however, for leave during which the expectant mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition. *See* 825.204 for rules governing transfer to an alternative position that better accommodates intermittent leave. *See* also 825.120 (pregnancy) and 825.121 (adoption and foster care).

(d) *Qualifying exigency*. Leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis.

825.203 Scheduling of intermittent or reduced schedule leave.

Eligible employees may take FMLA leave on an intermittent or reduced schedule basis when medically necessary due to the serious health condition of a covered family member or the employee or the serious injury or illness of a covered servicemember. *See* 825.202. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employing office's operations.

825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave.

(a) *Transfer or reassignment*. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, a family member, or a covered servicemember, including during a period of recovery from one's own serious health condition, a serious health condition of a spouse, parent, son, or daughter, or a serious injury or illness of a covered servicemember, or if the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. *See* 825.601 for special rules applicable to instructional employees of schools.

(b) *Compliance*. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and Federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced scheduled leave.

(c) *Equivalent pay and benefits*. The alternative position must have equivalent pay and benefits. An alternative position for these purposes does not have to have equivalent duties. The employing office may increase the pay and benefits of an existing alternative position, so as to make them equivalent to the pay and benefits of the employee's regular job. The employing office may also transfer the employee to a part-time job with the same hourly rate of pay and benefits, provided the employee is not required to take more leave than is medically necessary. For example, an employee desiring to take leave in increments of four hours per day could be transferred to a half-time job, or could remain in the employee's same job on a part-time schedule, paying the same hourly rate as the employee's previous job and enjoying the same benefits. The employing office may not eliminate benefits which otherwise would not be provided to part-time employees; however, an employing office may proportionately reduce benefits such as vacation leave where an employing office's normal practice is to base such benefits on the number of hours worked.

(d) *Employing office limitations*. An employing office may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee. For example, a white collar employee may not be assigned to perform laborer's work; an employee working the day shift may not be reassigned to the graveyard shift; an employee working in the headquarters facility may not be reassigned to a branch a significant distance away from the employee's normal job location. Any such attempt on the part of the employing office to make such a transfer will be held to be contrary to the prohibited acts provisions of the FMLA, as made applicable by the CAA.

(e) *Reinstatement of employee*. When an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee must be placed in the same or equivalent job as the job he or she left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

825.205 Increments of FMLA leave for intermittent or reduced schedule leave.

(a) *Minimum increment*. (1) When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the employing office must account for the leave using an increment no greater than the shortest period of time that the employing office uses to account for use of other forms of leave provided that it is not greater than one hour and provided further that an employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken. An employing office may not require an employee to take more leave than is necessary to address the circumstances that precipitated the need for the leave, provided that the leave is counted using the shortest increment of leave used to account for any other type of leave. *See also* 825.205(a)(2) for the physical impossibility exception, and 825.600 and 825.601 for special rules applicable to employees of schools. If an employing office uses different increments to account for different types of leave, the employing office must account for FMLA leave in the smallest increment used to account for any other type of leave. For example, if an employing office accounts for the use of annual leave in increments of one hour and the use of sick leave in increments of one-half hour, then FMLA leave use must be accounted for using increments no larger than one-half hour. If an employing office accounts for use of leave in varying increments at different times of the day or shift, the employing office may also account for FMLA leave in varying increments, provided that the increment used for FMLA leave is no greater than the smallest increment used for any other type of leave during the period in which the FMLA leave is taken. If an employing office accounts for other forms of leave use in increments greater than one hour, the employing

office must account for FMLA leave use in increments no greater than one hour. An employing office may account for FMLA leave in shorter increments than used for other forms of leave. For example, an employing office that accounts for other forms of leave in one hour increments may account for FMLA leave in a shorter increment when the employee arrives at work several minutes late, and the employing office wants the employee to begin work immediately. Such accounting for FMLA leave will not alter the increment considered to be the shortest period used to account for other forms of leave or the use of FMLA leave in other circumstances. In all cases, employees may not be charged FMLA leave for periods during which they are working.

(2) Where it is physically impossible for an employee using intermittent leave or working a reduced leave schedule to commence or end work mid-way through a shift, such as where a flight attendant or a railroad conductor is scheduled to work aboard an airplane or train, or a laboratory employee is unable to enter or leave a sealed ''clean room'' during a certain period of time and no equivalent position is available, the entire period that the employee is forced to be absent is designated as FMLA leave and counts against the employee's FMLA entitlement. The period of the physical impossibility is limited to the period during which the employing office is unable to permit the employee to work prior to a period of FMLA leave or return the employee to the same or equivalent position due to the physical impossibility after a period of FMLA leave. *See* 825.214.

(b) *Calculation of leave.* (1) When an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. The actual workweek is the basis of leave entitlement. Therefore, if an employee who would otherwise work 40 hours a week takes off eight hours, the employee would use one-fifth (1/5) of a week of FMLA leave. Similarly, if a full-time employee who would otherwise work eight hour days works four-hour days under a reduced leave schedule, the employee would use one half (1/2) week of FMLA leave each week. Where an employee works a part-time schedule or variable hours, the amount of FMLA leave that an employee uses is determined on a pro rata or proportional basis. If an employee who would otherwise work 30 hours per week, but works only 20 hours a week under a reduced leave schedule, the employee's 10 hours of leave would constitute one-third (1/3) of a week of FMLA leave for each week the employee works the reduced leave schedule. An employing office may convert these fractions to their hourly equivalent so long as the conversion equitably reflects the employee's total normally scheduled hours. An employee does not accrue FMLA-protected leave at any particular hourly rate. An eligible employee is entitled to up to a total of 12 workweeks of leave, or 26 workweeks in the case of military caregiver leave, and the total number of hours contained in those workweeks is necessarily dependent on the specific hours the employee would have worked but for the use of leave. *See also* 825.601 and 825.602 on special rules for schools.

(2) If an employing office has made a permanent or long-term change in the employee's schedule (for reasons other than FMLA, and prior to the notice of need for FMLA leave), the hours worked under the new schedule are to be used for making this calculation.

(3) If an employee's schedule varies from week to week to such an extent that an employing office is unable to determine with any certainty how many hours the employee would otherwise have worked (but for the taking of FMLA leave), a weekly average of the hours worked over the 12 months prior to the beginning of the leave period (including any hours for which the employee took leave of any type) would be used for calculating the employee's leave entitlement.

(c) *Overtime.* If an employee would normally be required to work overtime, but is unable to do so because of a FMLA-qualifying reason that limits the employee's ability to work overtime, the hours which the employee would have been required to work may be counted against the employee's FMLA entitlement. In such a case, the employee is using intermittent or reduced schedule leave. For example, if an employee would normally be required to work for 48 hours in a particular week, but due to a serious health condition the employee is unable to work more than 40 hours that week, the employee would utilize eight hours of FMLA-protected leave out of the 48–hour workweek, or one-sixth (1/6) of a week of FMLA leave. Voluntary overtime hours that an employee does not work due to an FMLA-qualifying reason may not be counted against the employee's FMLA leave entitlement.

825.206 Interaction with the FLSA, as made applicable by the Congressional Accountability Act.

(a) Leave taken under FMLA, as made applicable by the CAA, may be unpaid. If an employee is otherwise exempt from minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), as made applicable by the CAA, and as exempt under regulations issued by the Board, at part 541, providing unpaid FMLA-qualifying leave to such an employee will not cause the employee to lose the FLSA exemption. This means that under regulations currently in effect, where an employee meets the specified duties test, is paid on a salary basis, and is paid a salary of at least the amount specified in the regulations, the employing office may make deductions from the employee's salary for any hours taken as intermittent or reduced FMLA leave within a workweek, without affecting the exempt status of the employee.

(b) For an employee paid in accordance with a fluctuating workweek method of payment for overtime, where permitted by section 203 of the CAA (2 U.S.C. 1313), the employing office, during the period in which intermittent or reduced schedule FMLA leave is scheduled to be taken, may compensate an employee on an hourly basis and pay only for the hours the employee works, including time and one-half the employee's regular rate for overtime hours. The change to payment on an hourly basis would include the entire period during which the employee is taking intermittent leave, including weeks in which no leave is taken. The hourly rate shall be determined by dividing the employee's weekly salary by the employee's normal or average schedule of hours worked during weeks in which FMLA leave is not being taken. If an employing office chooses to follow this exception from the fluctuating workweek method of payment, the employing office must do so uniformly, with respect to all employees paid on a fluctuating workweek basis for whom FMLA leave is taken on an intermittent or reduced leave schedule basis. If an employing office does not elect to convert the employee's compensation to hourly pay, no deduction may be taken for FMLA leave absences. Once the need for intermittent or reduced scheduled leave is over, the employee may be restored to payment on a fluctuating workweek basis.

(c) This special exception to the salary basis requirements of the FLSA exemption or fluctuating workweek payment requirements applies only to employees of covered employing offices who are eligible for FMLA leave, and to leave which qualifies as FMLA leave. Hourly or other deductions which are not in accordance with the Board's FLSA regulations at part 541 or with a permissible fluctuating workweek method of payment for overtime may not be taken, for example, where the employee has not worked long enough to be eligible for FMLA leave without potentially affecting the employee's eligibility for exemption. Nor may deductions which are not permitted by the Board's FLSA regulations at part 541 or by a permissible fluctuating workweek method of payment for overtime be taken from such an employee's salary for any leave which does not qualify as FMLA leave, for example, deductions from an employee's pay for leave required under an employing office's policy or practice for a reason which does not qualify as FMLA leave, e.g., leave to care for a grandparent or for a medical condition which does not qualify as a serious health condition or serious injury or illness; or for leave which is more generous than provided by the FMLA, as made applicable by the CAA. Employing offices may comply with the employing office's own policy/practice under these circumstances and maintain the employee's eligibility for exemption or for the fluctuating workweek method of pay by not taking hourly deductions from the employee's pay, in accordance with FLSA requirements, as made applicable by the CAA, or may take such deductions, treating the employee as an hourly employee and pay overtime premium pay for hours worked over 40 in a workweek.

825.207 Substitution of paid leave, generally.

(a) Generally, FMLA leave is unpaid leave. However, under the circumstances described in this section, the FMLA, as made applicable by the CAA, permits an eligible employee to choose to substitute accrued paid leave for unpaid FMLA leave. Subject to 825.208, if an employee does not choose to substitute accrued paid leave, the employing office may require the employee to substitute accrued paid leave for unpaid FMLA leave. The term substitute means that the paid leave provided by the employing office, and accrued pursuant to established policies of the employing office, will run concurrently with the unpaid FMLA leave. Accordingly, the employee receives pay pursuant to the employing office's applicable paid leave policy during the period of otherwise unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employing office's normal leave policy. When an employee chooses, or an employing office requires, substitution of accrued paid leave, the employing office must inform the employee that the employee must satisfy any procedural requirements of the paid leave policy only in connection with the receipt of such payment. *See* 825.300(c). If an employee does not comply with the additional requirements in an employing office's paid leave policy, the employee is not entitled to substitute accrued paid leave, but the employee remains entitled to take unpaid FMLA leave. Employing offices may not discriminate against employees on FMLA leave in the administration of their paid leave policies.

(b) If neither the employee nor the employing office elects to substitute paid leave for unpaid FMLA leave under the above conditions and circumstances, the employee will remain entitled to all the paid leave which is earned or accrued under the terms of the employing office's plan.

(c) If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the

employee's FMLA leave entitlement. For example, paid sick leave used for a medical condition which is not a serious health condition or serious injury or illness does not count against the employee's FMLA leave entitlement.

(d) Leave taken pursuant to a disability leave plan would be considered FMLA leave for a serious health condition and counted in the leave entitlement permitted under FMLA if it meets the criteria set forth above in 825.112 through 825.115. In such cases, the employing office may designate the leave as FMLA leave and count the leave against the employee's FMLA leave entitlement. Because leave pursuant to a disability benefit plan is not unpaid, the provision for substitution of the employee's accrued paid leave is inapplicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree to have paid leave supplement the disability plan benefits, such as in the case where a plan only provides replacement income for two-thirds of an employee's salary.

(e) The FMLA, as made applicable by the CAA, provides that a serious health condition may result from injury to the employee on or off the job. If the employing office designates the leave as FMLA leave in accordance with 825.300(d), the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, the provision for substitution of the employee's accrued paid leave is not applicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree, to have paid leave supplement workers' compensation benefits, such as in the case where workers' compensation only provides replacement income for two-thirds of an employee's salary. If the health care provider treating the employee for the workers' compensation injury certifies the employee is able to return to a light duty job but is unable to return to the same or equivalent job, the employee may decline the employing office's offer of a light duty job. As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the employing office may require the use of accrued paid leave. *See also* 825.210(f), 825.216(d), 825.220(d), 825.307(a) and 825.702 (d)(1) and (2) regarding the relationship between workers' compensation absences and FMLA leave.

(f) Under the FLSA, as made applicable by the CAA, an employing office always has the right to cash out an employee's compensatory time or to require the employee to use the time. Therefore, if an employee requests and is permitted to use accrued compensatory time to receive pay for time taken off for an FMLA reason, or if the employing office requires such use pursuant to the FLSA, the time taken may be counted against the employee's FMLA leave entitlement.

825.208 Substitution of paid leave—special rule for paid parental leave.

(a) This section provides the basis for determining the periods of unpaid leave for which paid parental leave may be substituted under subpart E of this part, which must be read with this subpart to establish eligibility. This section addresses substitution of accrued paid leave for unpaid FMLA leave:

(1) For birth of a son or daughter, and to care for the newborn child (*See* 825.120);

(2) For the placement of a son or daughter with the employee for adoption or foster care and the care of such son or daughter (*See* 825.121);

(b) *Leave connected to birth or placement.* (1) For unpaid family and medical leave taken under 825.120 or 825.121 (which correspond to 29 U.S.C. 2612(A) or (B), respectively) an employee may elect to substitute—

(i) Up to 12 workweeks of paid parental leave in connection with the occurrence of a birth or placement, as provided in subpart E of this part; and

(ii) Any additional paid annual, vacation, personal, family, medical, or sick leave provided by the employing office to such employee.

(c) *Employee entitlement to substitute.* (1) An employee is entitled substitute paid leave for leave without pay under this subpart, as permitted in this section.

(2) An employing office may not require that an employee first use all or any portion of the leave described in paragraph (b)(1)(ii) of this section before being allowed to use the leave described in paragraph (b)(1)(i) of this section.

(3) An employing office may not require an employee to substitute paid leave for leave without pay.

(4) An employee may request to use annual leave or sick leave without invoking family and medical leave, and, in that case, the employing office exercises its normal authority with respect to approving or disapproving the timing of when the leave may be used.

(d) *Notification by employee and retroactive substitution.* (1) An employee must notify the employing office of the employee's election to substitute paid leave for leave without pay under this section prior to the date such paid leave commences (i.e., no retroactive substitution), except as provided in paragraphs (d)(2) through (d)(4) of this section.

(2) An employee may retroactively substitute annual leave or sick leave for leave without pay granted under this subpart covering a past period of time, if the substitution is made in conjunction with the retroactive granting of leave without pay.

(3) An employee may retroactively substitute transferred (donated) annual leave for leave without pay granted under this subpart.

(4) An employee may retroactively substitute paid parental leave for applicable leave without pay granted under this subpart, as provided in 825.505 and subject to the requirements governing paid parental leave in subpart E of this part. If the employee's leave without pay was not granted on a prospective basis under this subpart, the retroactive substitution of paid parental leave may not be made unless the leave without pay period has been retroactively designated as leave under this subpart.

825.209 Maintenance of employee benefits.

(a) During any FMLA leave, an employing office must maintain the employee's coverage under the Federal Employees Health Benefits Program or any group health plan (as defined in the Internal Revenue Code of 1986 at 26 U.S.C. 5000(b)(1)) on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. All employing offices are subject to the requirements of the FMLA, as made applicable by the CAA, to maintain health coverage. The definition of group health plan is set forth in 825.102. For purposes of FMLA, the term group health plan shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

(1) No contributions are made by the employing office;

(2) Participation in the program is completely voluntary for employees;

(3) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and

(5) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

(b) The same group health plan benefits provided to an employee prior to taking FMLA leave must be maintained during the FMLA leave. For example, if family member coverage is provided to an employee, family member coverage must be maintained during the FMLA leave. Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., must be maintained during leave if provided in an employing office's group health plan, including a supplement to a group health plan, whether or not provided through a flexible spending account or other component of a cafeteria plan.

(c) If an employing office provides a new health plan or benefits or changes health benefits or plans while an employee is on FMLA leave, the employee is entitled to the new or changed plan/benefits to the same extent as if the employee were not on leave. For example, if an employing office changes a group health plan so that dental care becomes covered under the plan, an employee on FMLA leave must be given the same opportunity as other employees to receive (or obtain) the dental care coverage. Any other plan changes (e.g., in coverage, premiums, deductibles, etc.) which apply to all employees of the workforce would also apply to an employee on FMLA leave.

(d) Notice of any opportunity to change plans or benefits must also be given to an employee on FMLA leave. If the group health plan permits an employee to change from single to family coverage upon the birth of a child or otherwise add new family members, such a change in benefits must be made available while an employee is on FMLA leave. If the employee requests the changed coverage it must be provided by the employing office.

(e) An employee may choose not to retain group health plan coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc. *See* 825.212(c).

(f) Except as required by the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) or 5 U.S.C. 8905a, whichever is applicable, and for key employees (as discussed below), an employing office's obligation to maintain health benefits during leave (and to restore the employee to the same or equivalent employment) under FMLA ceases if and when the employment relationship would have terminated if the employee had not taken FMLA leave (e.g., if the employee's position is eliminated as part of a nondiscriminatory reduction in force and the employee would not have been transferred to another position); an employee informs the employing office of his or her intent not to return from leave (including before starting

the leave if the employing office is so informed before the leave starts); or the employee fails to return from leave or continues on leave after exhausting his or her FMLA leave entitlement in the 12–month period.

(g) If a key employee (*See* 825.218) does not return from leave when notified by the employing office that substantial or grievous economic injury will result from his or her reinstatement, the employee's entitlement to group health plan benefits continues unless and until the employee advises the employing office that the employee does not desire restoration to employment at the end of the leave period, or the FMLA leave entitlement is exhausted, or reinstatement is actually denied.

(h) An employee's entitlement to benefits other than group health benefits during a period of FMLA leave (e.g., holiday pay) is to be determined by the employing office's established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate).

825.210 Employee payment of group health benefit premiums.

(a) Group health plan benefits must be maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period. Therefore, any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If premiums are raised or lowered, the employee would be required to pay the new premium rates. Maintenance of health insurance policies which are not a part of the employing office's group health plan, as described in 825.209(a), are the sole responsibility of the employee. The employee and the insurer should make necessary arrangements for payment of premiums during periods of unpaid FMLA leave.

(b) If the FMLA leave is substituted paid leave, the employee's share of premiums must be paid by the method normally used during any paid leave, presumably as a payroll deduction.

(c) If FMLA leave is unpaid, the employing office has a number of options for obtaining payment from the employee. The employing office may require that payment be made to the employing office or to the insurance carrier, but no additional charge may be added to the employee's premium payment for administrative expenses. The employing office may require employees to pay their share of premium payments in any of the following ways:

(1) Payment would be due at the same time as it would be made if by payroll deduction;

(2) Payment would be due on the same schedule as payments are made under COBRA or 5 U.S.C. 8905a, whichever is applicable;

(3) Payment would be prepaid pursuant to a cafeteria plan at the employee's option;

(4) The employing office's existing rules for payment by employees on leave without pay would be followed, provided that such rules do not require prepayment (i.e., prior to the commencement of the leave) of the premiums that will become due during a period of unpaid FMLA leave or payment of higher premiums than if the employee had continued to work instead of taking leave; or

(5) Another system voluntarily agreed to between the employing office and the employee, which may include prepayment of premiums (e.g., through increased payroll deductions when the need for the FMLA leave is foreseeable).

(d) The employing office must provide the employee with advance written notice of the terms and conditions under which these payments must be made. *See* 825. 300(c).

(e) An employing office may not require more of an employee using unpaid FMLA leave than the employing office requires of other employees on leave without pay.

(f) An employee who is receiving payments as a result of a workers' compensation injury must make arrangements with the employing office for payment of group health plan benefits when simultaneously taking FMLA leave. *See* 825.207(e).

825.211 Maintenance of benefits under multi-employer health plans.

(a) A multi-employer health plan is a plan to which more than one employing office is required to contribute, and which is maintained pursuant to one or more collective bargaining agreements between employee organization(s) and the employing offices.

(b) An employing office under a multi-employer plan must continue to make contributions on behalf of an employee using FMLA leave as though the employee had been continuously employed, unless the plan contains an explicit FMLA provision for maintaining coverage such as through pooled contributions by all employing offices party to the plan.

(c) During the duration of an employee's FMLA leave, coverage by the group health plan, and benefits provided pursuant to the plan, must be maintained at the level of coverage and benefits which were applicable to the employee at the time FMLA leave commenced.

(d) An employee using FMLA leave cannot be required to use banked hours or pay a greater premium than the employee would have been required to pay if the employee had been continuously employed.

(e) As provided in 825.209(f) of this part, group health plan coverage must be maintained for an employee on FMLA leave until:

(1) The employee's FMLA leave entitlement is exhausted;

(2) The employing office can show that the employee would have been laid off and the employment relationship terminated; or

(3) The employee provides unequivocal notice of intent not to return to work.

825.212 Employee failure to pay health plan premium payments.

(a)(1) In the absence of an established employing office policy providing a longer grace period, an employing office's obligations to maintain health insurance coverage cease under FMLA if an employee's premium payment is more than 30 days late. In order to drop the coverage for an employee whose premium payment is late, the employing office must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. If the employing office has established policies regarding other forms of unpaid leave that provide for the employing office to cease coverage retroactively to the date the unpaid premium payment was due, the employing office may drop the employee from coverage retroactively in accordance with that policy, provided the 15-day notice was given. In the absence of such a policy, coverage for the employee may be terminated at the end of the 30-day grace period, where the required 15-day notice has been provided.

(2) An employing office has no obligation regarding the maintenance of a health insurance policy which is not a group health plan. *See* 825.209(a).

(3) All other obligations of an employing office under FMLA would continue; for example, the employing office continues to have an obligation to reinstate an employee upon return from leave.

(b) The employing office may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the employing office maintains health coverage by paying the employee's share after the premium payment is missed.

(c) If coverage lapses because an employee has not made required premium payments, upon the employee's return from FMLA leave the employing office must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed, including family or dependent coverage. *See* 825.215(d)(1)(5). In such case, an employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage. If an employing office terminates an employee's insurance in accordance with this section and fails to restore the employee's health insurance as required by this section upon the employee's return, the employing office may be liable for benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable relief tailored to the harm suffered.

825.213 Employing office recovery of benefit costs.

(a) In addition to the circumstances discussed in 825.212(b), and subject to the exceptions provided in 825.504, an employing office may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to:

(1) The continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or

(2) Other circumstances beyond the employee's control. Examples of other circumstances beyond the employee's control are necessarily broad. They include such situations as where a parent chooses to stay home with a newborn child who has a serious health condition; an employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's worksite; a relative or individual other than a covered family member has a serious health condition and the employee is needed to provide care; the employee is laid off while on leave; or, the employee is a key employee who decides not to return to work upon being notified of the employing office's intention to deny restoration because of substantial and grievous economic injury to the employing office's operations and is not reinstated by the employing office. Other circumstances beyond the employee's control would not include a situation where an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care, or a parent chooses not to return to work to stay home with a well, newborn child.

(3) When an employee fails to return to work because of the continuation, recurrence, or onset of either a serious health condition of the employee or employee's family member, or a serious injury or illness of a covered servicemember, thereby precluding

the employing office from recovering its (share of) health benefit premium payments made on the employee's behalf during a period of unpaid FMLA leave, the employing office may require medical certification of the employee's or the family member's serious health condition or the covered servicemember's serious injury or illness. Such certification is not required unless requested by the employing office. The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification. The employee is required to provide medical certification in a timely manner which, for purposes of this section, is within 30 days from the date of the employing office's request. For purposes of medical certification, the employee may use the optional forms developed for this purpose. *See* 825.306(b), 825.310(c)–(d) and Forms A, B, and F. If the employing office requests medical certification and the employee does not provide such certification in a timely manner (within 30 days), or the reason for not returning to work does not meet the test of other circumstances beyond the employee's control, the employing office may recover 100 percent of the health benefit premiums it paid during the period of unpaid FMLA leave.

(b) Under some circumstances an employing office may elect to maintain other benefits, e.g., life insurance, disability insurance, etc., by paying the employee's (share of) premiums during periods of unpaid FMLA leave. For example, to ensure the employing office can meet its responsibilities to provide equivalent benefits to the employee upon return from unpaid FMLA leave, it may be necessary that premiums be paid continuously to avoid a lapse of coverage. If the employing office elects to maintain such benefits during the leave, at the conclusion of leave, the employing office is entitled to recover only the costs incurred for paying the employee's share of any premiums whether or not the employee returns to work.

(c) An employee who returns to work for at least 30 calendar days is considered to have returned to work. An employee who transfers directly from taking FMLA leave to retirement, or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.

(d) When an employee elects or an employing office requires paid leave to be substituted for FMLA leave, the employing office may not recover its (share of) health insurance or other non-health benefit premiums for any period of FMLA leave covered by paid leave. Because paid leave provided under a plan covering temporary disabilities (including workers' compensation) is not unpaid, recovery of health insurance premiums does not apply to such paid leave.

(e) The amount that self-insured employing offices may recover is limited to only the employing office's share of allowable premiums as would be calculated under COBRA, excluding the two percent fee for administrative costs.

(f) When an employee fails to return to work, any health and non-health benefit premiums which this section of the regulations permits an employing office to recover are a debt owed by the non-returning employee to the employing office. The existence of this debt caused by the employee's failure to return to work does not alter the employing office's responsibilities for health benefit coverage and, under a self-insurance plan, payment of claims incurred during the period of FMLA leave. To the extent recovery is allowed, the employing office may recover the costs through deduction from any sums due to the employee (e.g., unpaid wages, vacation pay, etc.), provided such deductions do not otherwise violate applicable wage payment or other laws. Alternatively, the employing office may initiate legal action against the employee to recover such costs.

825.214 Employee right to reinstatement.

General Rule. On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. *See also* 825.106(e) for the obligations of employing offices that are joint employers.

825.215 Equivalent position.

(a) *Equivalent position.* An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits and working conditions, including privileges, prerequisites and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

(b) *Conditions to qualify.* If an employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, etc., as a result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon return to work.

(c) *Equivalent Pay.* (1) An employee is entitled to any unconditional pay increases which may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted in accordance with the employing office's policy or practice with respect to other employees on an equivalent leave status for a reason that does not qualify as FMLA leave. An employee is entitled to be restored to a position with the same or equivalent pay premiums, such as a shift differential. If an employee departed from a position averaging ten hours of overtime (and corresponding overtime pay) each week, an employee is ordinarily entitled to such a position on return from FMLA leave.

(2) Equivalent pay includes any bonus or payment, whether it is discretionary or nondiscretionary, made to employees consistent with the provisions of paragraph (c)(1) of this section. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then the employee who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

(d) *Equivalent benefits.* Benefits include all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office through an employee benefit plan.

(1) At the end of an employee's FMLA leave, benefits must be resumed in the same manner and at the same levels as provided when the leave began, and subject to any changes in benefit levels that may have taken place during the period of FMLA leave affecting the entire work force, unless otherwise elected by the employee. Upon return from FMLA leave, an employee cannot be required to requalify for any benefits the employee enjoyed before FMLA leave began (including family or dependent coverages). For example, if an employee was covered by a life insurance policy before taking leave but is not covered or coverage lapses during the period of unpaid FMLA leave, the employee cannot be required to meet any qualifications, such as taking a physical examination, in order to requalify for life insurance upon return from leave. Accordingly, some employing offices may find it necessary to modify life insurance and other benefits programs in order to restore employees to equivalent benefits upon return from FMLA leave, make arrangements for continued payment of costs to maintain such benefits during unpaid FMLA leave, or pay these costs subject to recovery from the employee on return from leave. *See* 825.213(b).

(2) An employee may, but is not entitled to, accrue any additional benefits or seniority during unpaid FMLA leave. Benefits accrued at the time leave began, however, (e.g., paid vacation, sick or personal leave to the extent not substituted for FMLA leave) must be available to an employee upon return from leave.

(3) If, while on unpaid FMLA leave, an employee desires to continue life insurance, disability insurance, or other types of benefits for which he or she typically pays, the employing office is required to follow established policies or practices for continuing such benefits for other instances of leave without pay. If the employing office has no established policy, the employee and the employing office are encouraged to agree upon arrangements before FMLA leave begins.

(4) With respect to pension and other retirement plans, any period of unpaid FMLA leave shall not be treated as or counted toward a break in service for purposes of vesting and eligibility to participate. Also, if the plan requires an employee to be employed on a specific date in order to be credited with a year of service for vesting, contributions or participation purposes, an employee on unpaid FMLA leave on that date shall be deemed to have been employed on that date. However, unpaid FMLA leave periods need not be treated as credited service for purposes of benefit accrual, vesting and eligibility to participate.

(5) Employees on unpaid FMLA leave are to be treated as if they continued to work for purposes of changes to benefit plans. They are entitled to changes in benefits plans, except those which may be dependent upon seniority or accrual during the leave period, immediately upon return from leave or to the same extent they would have qualified if no leave had been taken. For example if the benefit plan is predicated on a pre-established number of hours worked each year and the employee does not have sufficient hours as a result of taking unpaid FMLA leave, the benefit is lost. (In this regard, 825.209 addresses health benefits.)

(e) *Equivalent terms and conditions of employment.* An equivalent position must have substantially similar duties, conditions, responsibilities, privileges and status as the employee's original position.

(1) The employee must be reinstated to the same or a geographically proximate worksite (i.e., one that does not involve a significant increase in commuting time or distance) from where the employee had previously been employed. If the employee's original worksite has been closed, the employee is entitled to the same rights as if the employee had not been on leave when the worksite closed. For example, if an employing office transfers all employees from a closed worksite to a new worksite in a different city, the employee on leave is also entitled to transfer

under the same conditions as if he or she had continued to be employed.

(2) The employee is ordinarily entitled to return to the same shift or the same or an equivalent work schedule.

(3) The employee must have the same or an equivalent opportunity for bonuses, and other similar discretionary and non-discretionary payments.

(4) FMLA does not prohibit an employing office from accommodating an employee's request to be restored to a different shift, schedule, or position which better suits the employee's personal needs on return from leave, or to offer a promotion to a better position. However, an employee cannot be induced by the employing office to accept a different position against the employee's wishes.

(f) *De minimis exception*. The requirement that an employee be restored to the same or equivalent job with the same or equivalent pay, benefits, and terms and conditions of employment does not extend to de minimis, intangible, or unmeasurable aspects of the job.

825.216 Limitations on an employee's right to reinstatement.

(a) An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. An employing office must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment. For example:

(1) If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employing office's responsibility to continue FMLA leave, maintain group health plan benefits and restore the employee ceases at the time the employee is laid off, provided the employing office has no continuing obligations under a collective bargaining agreement or otherwise. An employing office would have the burden of proving that an employee would have been laid off during the FMLA leave period and, therefore, would not be entitled to restoration. Restoration to a job slated for lay-off when the employee's original position is not would not meet the requirements of an equivalent position.

(2) If a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work that shift or the original overtime hours upon restoration. However, if a position on, for example, a night shift has been filled by another employee, the employee is entitled to return to the same shift on which employed before taking FMLA leave.

(3) If an employee was hired for a specific term or only to perform work on a discrete project, the employing office has no obligation to restore the employee if the employment term or project is over and the employing office would not otherwise have continued to employ the employee. On the other hand, if an employee was hired to perform work for one employing office for a specific time period, and after that time period has ended, the work was assigned to another employing office, the successor employing office may be required to restore the employee if it is a successor employing office.

(b) In addition to the circumstances explained above, an employing office may deny job restoration to salaried eligible employees (key employees, as defined in 825.217(c)), if such denial is necessary to prevent substantial and grievous economic injury to the operations of the employing office; or may delay restoration to an employee who fails to provide a fitness-for-duty certificate to return to work under the conditions described in 825.312.

(c) If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers' compensation, the employee has no right to restoration to another position under the FMLA. The employing office's obligations may, however, be governed by the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA. *See* 825.702.

(d) An employee who fraudulently obtains FMLA leave from an employing office is not protected by the job restoration or maintenance of health benefits provisions of the FMLA, as made applicable by the CAA.

(e) If the employing office has a uniformly-applied policy governing outside or supplemental employment, such a policy may continue to apply to an employee while on FMLA leave. An employing office which does not have such a policy may not deny benefits to which an employee is entitled under FMLA, as made applicable by the CAA, on this basis unless the FMLA leave was fraudulently obtained as in paragraph (d) of this section.

825.217 Key employee, general rule.

(a) A key employee is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite.

(b) The term salaried means paid on a salary basis, within the meaning of the Board's FLSA regulations at part 541, implementing section 203 of the CAA (2 U.S.C. 1313), regarding employees who may qualify as exempt from the minimum wage and overtime requirements of the FLSA, as made applicable by the CAA.

(c) A key employee must be among the highest paid 10 percent of all the employees—both salaried and non-salaried, eligible and ineligible—who are employed by the employing office within 75 miles of the worksite.

(1) In determining which employees are among the highest paid 10 percent, year- to-date earnings are divided by weeks worked by the employee (including weeks in which paid leave was taken). Earnings include wages, premium pay, incentive pay, and non-discretionary and discretionary bonuses. Earnings do not include incentives whose value is determined at some future date, e.g., benefits or prerequisites.

(2) The determination of whether a salaried employee is among the highest paid 10 percent shall be made at the time the employee gives notice of the need for leave. No more than 10 percent of the employing office's employees within 75 miles of the worksite may be key employees.

825.218 Substantial and grievous economic injury.

(a) In order to deny restoration to a key employee, an employing office must determine that the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of the employing office, not whether the absence of the employee will cause such substantial and grievous injury.

(b) An employing office may take into account its ability to replace on a temporary basis (or temporarily do without) the employee on FMLA leave. If permanent replacement is unavoidable, the cost of then reinstating the employee can be considered in evaluating whether substantial and grievous economic injury will occur from restoration; in other words, the effect on the operations of the employing office of reinstating the employee in an equivalent position.

(c) A precise test cannot be set for the level of hardship or injury to the employing office which must be sustained. If the reinstatement of a key employee threatens the economic viability of the employing office, that would constitute substantial and grievous economic injury. A lesser injury which causes substantial, long-term economic injury would also be sufficient. Minor inconveniences and costs that the employing office would experience in the normal course would certainly not constitute substantial and grievous economic injury.

(d) FMLA's substantial and grievous economic injury standard is different from and more stringent than the undue hardship test under the ADA, as made applicable by the CAA. *See* also 825.702.

825.219 Rights of a key employee.

(a) An employing office that believes that reinstatement may be denied to a key employee, must give written notice to the employee at the time the employee gives notice of the need for FMLA leave (or when FMLA leave commences, if earlier) that he or she qualifies as a key employee. At the same time, the employing office must also fully inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the employing office should determine that substantial and grievous economic injury to the employing office's operations will result if the employee is reinstated from FMLA leave. If such notice cannot be given immediately because of the need to determine whether the employee is a key employee, it shall be given as soon as practicable after being notified of a need for leave (or the commencement of leave, if earlier). It is expected that in most circumstances there will be no desire that an employee be denied restoration after FMLA leave and, therefore, there would be no need to provide such notice. However, an employing office who fails to provide such timely notice will lose its right to deny restoration even if substantial and grievous economic injury will result from reinstatement.

(b) As soon as an employing office makes a good faith determination, based on the facts available, that substantial and grievous economic injury to its operations will result if a key employee who has given notice of the need for FMLA leave or is using FMLA leave is reinstated, the employing office shall notify the employee in writing of its determination, that it cannot deny FMLA leave, and that it intends to deny restoration to employment on completion of the FMLA leave. It is anticipated that an employing office will ordinarily be able to give such notice prior to the employee starting leave. The employing office must serve this notice either in person or by certified mail. This notice must explain the basis for the employing office's finding that substantial and grievous economic injury will result, and, if leave has commenced, must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

(c) If an employee on leave does not return to work in response to the employing office's notification of intent to deny restoration, the employee continues to be entitled to maintenance of health benefits and the employing office may not recover its cost of health benefit premiums. A key employee's rights under FMLA continue unless and until the employee either gives notice that he or she no longer wishes to return to work, or the employing office actually denies reinstatement at the conclusion of the leave period.

(d) After notice to an employee has been given that substantial and grievous economic injury will result if the employee is

reinstated to employment, an employee is still entitled to request reinstatement at the end of the leave period even if the employee did not return to work in response to the employing office's notice. The employing office must then again determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the employing office shall notify the employee in writing (in person or by certified mail) of the denial of restoration.

825.220 Protection for employees who request leave or otherwise assert FMLA rights.

(a) The FMLA, as made applicable by the CAA, prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. More specifically, the law contains the following employee protections:

(1) An employing office is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA, as made applicable by the CAA.

(2) An employing office is prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) for opposing or complaining about any unlawful practice under the FMLA, as made applicable by the CAA.

(3) All employing offices are prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) because that covered employee has—

(i) Filed any charge, or has instituted (or caused to be instituted) any proceeding under or related to the FMLA, as made applicable by the CAA;

(ii) Given, or is about to give, any information in connection with an inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA;

(iii) Testified, or is about to testify, in any inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA.

(b) Any violations of the FMLA, as made applicable by the CAA, or of these regulations constitute interfering with, restraining, or denying the exercise of rights provided by the FMLA, as made applicable by the CAA. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* 825.400(c). Interfering with the exercise of an employee's rights would include, for example, not only refusing to authorize FMLA leave, but discouraging an employee from using such leave. It would also include manipulation by a covered employing office to avoid responsibilities under FMLA, for example:

(1) [Reserved]

(2) Changing the essential functions of the job in order to preclude the taking of leave; or

(3) Reducing hours available to work in order to avoid employee eligibility.

(c) The FMLA's prohibition against interference prohibits an employing office from discriminating or retaliating against an employee or prospective employee for having exercised or attempted to exercise FMLA rights. For example, if an employee on leave without pay would otherwise be entitled to full benefits (other than health benefits), the same benefits would be required to be provided to an employee on unpaid FMLA leave. By the same token, employing offices cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions; nor can FMLA leave be counted under no fault attendance policies. *See* 825.215.

(d) Employees cannot waive, nor may employing offices induce employees to waive, their rights under FMLA. For example, employees (or their collective bargaining representatives) cannot trade off the right to take FMLA leave against some other benefit offered by the employing office. Except for settlement agreements covered by 1414 and/or 1415 of the Congressional Accountability Act, this does not prevent the settlement or release of FMLA claims by employees based on past employing office conduct without the approval of the Office of Congressional Workplace Rights or a court. Nor does it prevent an employee's voluntary and uncoerced acceptance (not as a condition of employment) of a light duty assignment while recovering from a serious health condition. *See* 825.702(d). An employee's acceptance of such light duty assignment does not constitute a waiver of the employee's prospective rights, including the right to be restored to the same position the employee held at the time the employee's FMLA leave commenced or to an equivalent position. The employee's right to restoration, however, ceases at the end of the applicable 12-month FMLA leave year.

(e) Covered employees, and not merely eligible employees, are protected from retaliation for opposing (e.g., filing a complaint about) any practice which is unlawful under the FMLA, as made applicable by the CAA. They are similarly protected if they oppose any practice which they reasonably believe to be a violation of the FMLA, as made applicable by the CAA, or regulations.

SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA

825.300 Employing office notice requirements.

(a)(1) If an employing office has any eligible employees and has any written guidance to employees concerning employee benefits or leave rights, such as in an employee handbook, information concerning both entitlements and employee obligations under the FMLA, as made applicable by the CAA, must be included in the handbook or other document. For example, if an employing office provides an employee handbook to all employees that describes the employing office's policies regarding leave, wages, attendance, and similar matters, the handbook must incorporate information on FMLA rights and responsibilities and the employing office's policies regarding the FMLA, as made applicable by the CAA. Informational publications describing the provisions of the FMLA, as made applicable by the CAA, are available from the Office of Congressional Workplace Rights and may be incorporated in such employing office handbooks or written policies.

(2) If such an employing office does not have written policies, manuals, or handbooks describing employee benefits and leave provisions, the employing office shall provide written guidance to an employee concerning all the employee's rights and obligations under the FMLA, as made applicable by the CAA. This notice shall be provided to employees each time notice is given pursuant to paragraph (c), and in accordance with the provisions of that paragraph. Employing offices may duplicate and provide the employee a copy of the FMLA Fact Sheet available from the Office of Congressional Workplace Rights to provide such guidance.

(b) *Eligibility notice.* (1) When an employee requests FMLA leave, or when the employing office acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the employing office must notify the employee of the employee's eligibility to take FMLA leave within five business days, absent extenuating circumstances. See 825.110 for definition of an eligible employee. Employee eligibility is determined (and notice must be provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12-month period. See 825.127(c) and 825.200(b). All FMLA absences for the same qualifying reason are considered a single leave and employee eligibility as to that reason for leave does not change during the applicable 12-month period.

(2) The eligibility notice must state whether the employee is eligible for FMLA leave as defined in 825.110. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible, including as applicable the number of months the employee has been employed by the employing office and the hours of service with the employing office during the 12-month period. Notification of eligibility may be oral or in writing; employing offices may use Form C to provide such notification to employees.

(3) If, at the time an employee provides notice of a subsequent need for FMLA leave during the applicable 12-month period due to a different FMLA-qualifying reason, and the employee's eligibility status has not changed, no additional eligibility notice is required. If, however, the employee's eligibility status has changed (e.g., if the employee has not met the hours of service requirement in the 12 months preceding the commencement of leave for the subsequent qualifying reason), the employing office must notify the employee of the change in eligibility status within five business days, absent extenuating circumstances.

(c) *Rights and responsibilities notice.* (1) Employing offices shall provide written notice detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. This notice shall be provided to the employee each time the eligibility notice is provided pursuant to paragraph (b) of this section. If leave has already begun, the notice should be mailed to the employee's address of record. Such specific notice must include, as appropriate:

(i) That the leave may be designated and counted against the employee's annual FMLA leave entitlement if qualifying (*See* 825.300(c) and 825.301) and the applicable 12-month period for FMLA entitlement (*See* 825.127(c), 825.200(b), (f), and (g));

(ii) Any requirements for the employee to furnish certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of covered active duty or call to covered active duty status, and the consequences of failing to do so (*See* 825.305, 825.309, 825.310, 825.313);

(iii) If applicable, the employee's right to substitute paid parental leave for unpaid FMLA leave for a birth or placement (*See* 825.208) and the employee's right to substitute paid leave generally, whether the employing office will require the substitution of paid leave, the conditions related to any substitution, and the employee's entitlement to take unpaid FMLA leave if the employee does not meet the conditions for paid leave (*See* 825.207);

(iv) Any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments (*See* 825.210), and the possible consequences of failure to make such payments on a timely basis (i.e., the circumstances under which coverage may lapse);

(v) The employee's status as a key employee and the potential consequence that restoration may be denied following FMLA leave, explaining the conditions required for such denial (*See* 825.218);

(vi) The employee's right to maintenance of benefits during the FMLA leave and restoration to the same or an equivalent job upon return from FMLA leave (*See* 825.214 and 825.604); and

(vii) The employee's potential liability for payment of health insurance premiums paid by the employing office during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave (*See* 825.213, 825.504).

(2) The notice of rights and responsibilities may include other information—e.g., whether the employing office will require periodic reports of the employee's status and intent to return to work—but is not required to do so.

(3) The notice of rights and responsibilities may be accompanied by any required certification form.

(4) If the specific information provided by the notice of rights and responsibilities changes, the employing office shall, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, provide written notice referencing the prior notice and setting forth any of the information in the notice of rights and responsibilities that has changed. For example, if the initial leave period was paid leave and the subsequent leave period would be unpaid leave, the employing office may need to give notice of the arrangements for making premium payments.

(5) Employing offices are also expected to responsively answer questions from employees concerning their rights and responsibilities under the FMLA, as made applicable under the CAA.

(6) A prototype notice of rights and responsibilities may be obtained in Form C, or from the Office of Congressional Workplace Rights. Employing offices may adapt the prototype notice as appropriate to meet these notice requirements. The notice of rights and responsibilities may be distributed electronically so long as it otherwise meets the requirements of this section.

(d) *Designation notice.* (1) The employing office is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee as provided in this section. When the employing office has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the employing office must notify the employee whether the leave will be designated and will be counted as FMLA leave within five business days absent extenuating circumstances. Only one notice of designation is required for each FMLA-qualifying reason per applicable 12-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave. If the employing office determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the employing office must notify the employee of that determination. Subject to 825.208, if the employing office requires paid leave to be substituted for unpaid FMLA leave, or that paid leave taken under an existing leave plan be counted as FMLA leave, the employing office must inform the employee of this designation at the time of designating the FMLA leave.

(2) If the employing office has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the employing office may provide the employee with the designation notice at that time.

(3) If the employing office will require the employee to present a fitness-for-duty certification to be restored to employment, the employing office must provide notice of such requirement with the designation notice. If the employing office will require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's position, the employing office must so indicate in the designation notice, and must include a list of the essential functions of the employee's position. *See* 825.312. If the employing office's handbook or other written documents (if any) describing the employing office's leave policies clearly provide that a fitness-for-duty certification will be required in specific circumstances (e.g., by stating that fitness-for-duty certification will be required in all cases of back injuries for employees in a certain occupation), the employing office is not required to provide written notice of the requirement with the designation notice, but must provide oral notice no later than with the designation notice.

(4) The designation notice must be in writing. A prototype designation notice is contained in Form D which may be obtained from the Office of Congressional Workplace Rights. If the leave is not designated as FMLA leave because it does not meet the requirements of the FMLA, as made applicable by the CAA, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement. The designation notice may be distributed electronically so long as it otherwise meets the requirements of this section and the employing office can demonstrate that the employee (who may already be on leave and who may not have access to employing office-provided computers) has access to the information electronically.

(5) If the information provided by the employing office to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), the employing office shall provide, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

(6) The employing office must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement and, if applicable, the employee's paid parental leave entitlement. If the amount of leave needed is known at the time the employing office designates the leave as FMLA-qualifying, the employing office must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the designation notice. If it is not possible to provide the hours, days, or weeks that will be counted against the employee's FMLA leave entitlement (such as in the case of unforeseeable intermittent leave), then the employing office must provide notice of the amount of leave counted against the employee's FMLA leave entitlement and, if applicable, paid parental leave entitlement, upon the request by the employee, but no more often than once in a 30-day period and only if leave was taken in that period. The notice of the amount of leave counted against the employee's FMLA entitlement and, if applicable, paid parental leave entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing no later than the following payday (unless the payday is less than one week after the oral notice, in which case the notice must be no later than the subsequent payday). Such written notice may be in any form, including a notation on the employee's pay stub.

(e) *Consequences of failing to provide notice.* Failure to follow the notice requirements set forth in this section may constitute an interference with, restraint, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* 825.400(c). 825.301 Designation of FMLA leave.

(a) *Employing office responsibilities.* The employing office's decision to designate leave as FMLA-qualifying must be based only on information received from the employee or the employee's spokesperson (e.g., if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, etc., may provide notice to the employing office of the need to take FMLA leave). In any circumstance where the employing office does not have sufficient information about the reason for an employee's use of leave, the employing office should inquire further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-qualifying. Once the employing office has acquired knowledge that the leave is being taken for a FMLA-qualifying reason, the employing office must notify the employee as provided in 825.300(d).

(b) *Employee responsibilities.* An employee giving notice of the need for FMLA leave does not need to expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA to meet his or her obligation to provide notice, though the employee would need to state a qualifying reason for the needed leave and otherwise satisfy the notice requirements set forth in 825.302 or 825.303 depending on whether the need for leave is foreseeable or unforeseeable. An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow the employing office to determine whether the leave qualifies under the FMLA, as made applicable by the CAA. If the employee fails to explain the reasons, leave may be denied. In many cases, in explaining the reasons for a request to use leave, especially when the need for the leave was unexpected or unforeseen, an employee will provide sufficient information for the employing office to designate the leave as FMLA leave. An employee using accrued paid leave may in some cases not spontaneously explain the reasons or their plans for using their accrued leave. However, if an employee requesting to use paid leave for a FMLA-qualifying reason does not explain the reason for the leave and the employing office denies the employee's request, the employee will need to provide sufficient information to establish a FMLA-qualifying reason for the needed leave so that the employing office is aware that the leave may not be denied and may designate that the paid leave be appropriately counted against (substituted for) the employee's FMLA leave entitlement. Similarly, an employee using accrued paid vacation leave who seeks an extension of unpaid leave for a FMLA-qualifying reason will need to state the reason. If this is due to an event which occurred during the period of paid leave, the employing office may count the leave used after the FMLA-qualifying reason against the employee's FMLA leave entitlement.

(c) *Disputes.* If there is a dispute between an employing office and an employee as to whether leave qualifies as FMLA leave, it should be resolved through discussions between the employee and the employing office. Such discussions and the decision must be documented.

(d) *Retroactive designation*. If an employing office does not designate leave as required by 825.300, the employing office may retroactively designate leave as FMLA leave with appropriate notice to the employee as required by 825.300 provided that the employing office's failure to timely designate leave does not cause harm or injury to the employee. In all cases where leave would qualify for FMLA protections, an employing office and an employee can mutually agree that leave be retroactively designated as FMLA leave.

(e) *Remedies*. If an employing office's failure to timely designate leave in accordance with 825.300 causes the employee to suffer harm, it may constitute an interference with, restraint of, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* 825.400(c). For example, if an employing office that was put on notice that an employee needed FMLA leave failed to designate the leave properly, but the employee's own serious health condition prevented him or her from returning to work during that time period regardless of the designation, an employee may not be able to show that the employee suffered harm as a result of the employing office's actions. However, if an employee took leave to provide care for a son or daughter with a serious health condition believing it would not count toward his or her FMLA entitlement, and the employee planned to later use that FMLA leave to provide care for a spouse who would need assistance when recovering from surgery planned for a later date, the employee may be able to show that harm has occurred as a result of the employing office's failure to designate properly. The employee might establish this by showing that he or she would have arranged for an alternative caregiver for the seriously-ill son or daughter if the leave had been designated timely.

825.302 Employee notice requirements for foreseeable FMLA leave.

(a) *Timing of notice*. An employee must provide the employing office at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. For example, an employee's health condition may require leave to commence earlier than anticipated before the birth of a child. Similarly, little opportunity for notice may be given before placement for adoption. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. Whether FMLA leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise the employing office as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. In those cases where the employee is required to provide at least 30 days' notice of foreseeable leave and does not do so, the employee shall explain the reasons why such notice was not practicable upon a request from the employing office for such information.

(b) As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. In all cases, however, the determination of when an employee could practicably provide notice must take into account the individual facts and circumstances.

(c) *Content of notice*. An employee shall provide at least verbal notice sufficient to make the employing office aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), and that the requested leave is for one of the reasons listed in 825.126(b); if the leave is for a family member, that the condition renders the family member unable to perform daily activities, or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a FMLA-qualifying reason, for which the employing office has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave. In all cases, the employing office should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought by the employee, and obtain the necessary details of the leave to be taken. In the case of medical conditions, the employing office may find it necessary to inquire further to determine if the leave is because of a serious health condition and may request medical certification to support the need for such leave. *See* 825.305. An employing office may also request certification to support the need for leave for a qualifying exigency or for military caregiver leave. See 825.309, 825.310. When an employee has been previously certified for leave due to more than one FMLA-qualifying reason, the employing office may need to inquire further to determine for which qualifying reason the leave is needed. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

(d) Complying with the employing office policy. An employing office may require an employee to comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require that written notice set forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave. An employee also may be required by an employing office's policy to contact a specific individual. Unusual circumstances would include situations such as when an employee is unable to comply with the employing office's policy that requests for leave should be made by contacting a specific number because on the day the employee needs to provide notice of his or her need for FMLA leave there is no one to answer the call-in number and the voice mail box is full. Where an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied. However, FMLA-protected leave may not be delayed or denied where the employing office's policy requires notice to be given sooner than set forth in paragraph (a) of this section and the employee provides timely notice as set forth in paragraph (a) of this section.

(e) *Scheduling planned medical treatment*. When planning medical treatment, the employee must consult with the employing office and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employing office's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their employing offices prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the employing office and the employee. For example, if an employee who provides notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglects to consult with the employing office to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the employing office's operations, the employing office may initiate discussions with the employee and require the employee to attempt to make such arrangements, subject to the approval of the health care provider. *See* 825.203 and 825.205.

(f) Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the employing office, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and employing office shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employing office's operations, subject to the approval of the health care provider.

(g) An employing office may waive employees' FMLA notice requirements. *See* 825.304.

825.303 Employee notice requirements for unforeseeable FMLA leave.

(a) *Timing of notice*. When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the employing office as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employing office's usual and customary notice requirements applicable to such leave. *See* 825.303(c). Notice may be given by the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally. For example, if an employee's child has a severe asthma attack and the employee takes the child to the emergency room, the employee would not be required to leave his or her child in order to report the absence while the child is receiving emergency treatment. However, if the

child's asthma attack required only the use of an inhaler at home followed by a period of rest, the employee would be expected to call the employing office promptly after ensuring the child has used the inhaler.

(b) *Content of notice.* An employee shall provide sufficient information for an employing office to reasonably determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), that the requested leave is for one of the reasons listed in 825.126(b), and the anticipated duration of the absence; or if the leave is for a family member that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a qualifying reason, for which the employing office has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. Calling in ''sick'' without providing more information will not be considered sufficient notice to trigger an employing office's obligations under the FMLA, as made applicable by the CAA. The employing office will be expected to obtain any additional required information through informal means. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries office regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

(c) *Complying with employing office policy.* When the need for leave is not foreseeable, an employee must comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require employees to call a designated number or a specific individual to request leave. However, if an employee requires emergency medical treatment, he or she would not be required to follow the call-in procedure until his or her condition is stabilized and he or she has access to, and is able to use, a phone. Similarly, in the case of an emergency requiring leave because of a FMLA-qualifying reason, written advance notice pursuant to an employing office's internal rules and procedures may not be required when FMLA leave is involved. If an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

825.304 Employee failure to provide notice.

(a) *Proper notice required.* In all cases, in order for the onset of an employee's FMLA leave to be delayed due to lack of required notice, it must be clear that the employee had actual notice of the FMLA notice requirements. This condition would be satisfied by the employing office's proper posting, at the worksite where the employee is employed, of the information regarding the FMLA provided (pursuant to section 301(h)(2) of the CAA, 2 U.S.C. 1381(h)(2)) by the Office of Congressional Workplace Rights to the employing office in a manner suitable for posting.

(b) *Foreseeable leave—30 days.* When the need for FMLA leave is foreseeable at least 30 days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employing office may delay FMLA coverage until 30 days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee 30 days in advance of the leave. For example, knowledge that an employee would receive a telephone call about the availability of a child for adoption at some unknown point in the future would not be sufficient to establish the leave was clearly foreseeable 30 days in advance.

(c) *Foreseeable leave—less than 30 days.* When the need for FMLA leave is foreseeable fewer than 30 days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if an employee reasonably should have given the employing office two weeks' notice but instead only provided one week's notice, then the employing office may delay FMLA-protected leave for one week (thus, if the employing office elects to delay FMLA coverage and the employee nonetheless takes leave one week after providing the notice (i.e., a week before the two week notice period has been met) the leave will not be FMLA-protected).

(d) *Unforeseeable leave.* When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with 825.303, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if it would have been practicable for an employee to have given the employing office notice of the need for leave very soon after the need arises consistent with the employing office's policy, but instead the employee provided notice two days after the leave began, then the employing office may delay FMLA coverage of the leave by two days.

(e) *Waiver of notice.* An employing office may waive employees' FMLA notice obligations or the employing office's own internal rules on leave notice requirements. If an employing office does not waive the employee's obligations under its internal leave rules, the employing office may take appropriate action under its internal rules and procedures for failure to follow its usual and customary notification rules, absent unusual circumstances, as long as the actions are taken in a manner that does not discriminate against employees taking FMLA leave and the rules are not inconsistent with 825.303(a).

825.305 Certification, general rule.

(a) *General.* An employing office may require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. An employing office may also require that an employee's leave because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness be supported by a certification, as described in 825.309 and 825.310, respectively. An employing office must give notice of a requirement for certification each time a certification is required; such notice must be written notice whenever required by 825.300(c). An employing office's oral request to an employee to furnish any subsequent certification is sufficient.

(b) *Timing.* In most cases, the employing office should request that an employee furnish certification at the time the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave commences. The employing office may request certification at some later date if the employing office later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the employing office within 15 calendar days after the employing office's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts or the employing office provides more than 15 calendar days to return the requested certification.

(c) *Complete and sufficient certification.* The employee must provide a complete and sufficient certification to the employing office if required by the employing office in accordance with 825.306, 825.309, and 825.310. The employing office shall advise an employee whenever the employing office finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if the employing office receives a certification, but one or more of the applicable entries have not been completed. A certification is considered insufficient if the employing office receives a complete certification, but the information provided is vague, ambiguous, or non-responsive. The employing office must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by the employing office are not cured in the resubmitted certification, the employing office may deny the taking of FMLA leave, in accordance with 825.313. A certification that is not returned to the employing office is not considered incomplete or insufficient, but constitutes a failure to provide certification.

(d) *Consequences.* At the time the employing office requests certification, the employing office must also advise an employee of the anticipated consequences of an employee's failure to provide adequate certification. If the employee fails to provide the employing office with a complete and sufficient certification, despite the opportunity to cure the certification as provided in paragraph (c) of this section, or fails to provide any certification, the employing office may deny the taking of FMLA leave, in accordance with 825.313. It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the employing office to support the employee's FMLA request. This provision will apply in any case where an employing office requests a certification permitted by these regulations, whether it is the initial certification, a recertification, a second or third opinion, or a fitness-for-duty certificate, including

any clarifications necessary to determine if such certifications are authentic and sufficient. *See* 825.306, 825.307, 825.308, and 825.312.

(e) *Annual medical certification.* Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year (as defined in 825.200), the employing office may require the employee to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the provisions for authentication and clarification set forth in 825.307, including second and third opinions.

825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

(a) *Required information.* When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, an employing office may require an employee to obtain a medical certification from a health care provider that sets forth the following information:

(1) The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;

(2) The approximate date on which the serious health condition commenced, and its probable duration;

(3) A statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave. Such medical facts may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment (physical therapy, for example), or any other regimen of continuing treatment;

(4) If the employee is the patient, information sufficient to establish that the employee cannot perform the essential functions of the employee's job as well as the nature of any other work restrictions, and the likely duration of such inability (*See* 825.123(b));

(5) If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is in need of care, as described in 825.124, and an estimate of the frequency and duration of the leave required to care for the family member;

(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment of the employee's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery;

(7) If an employee requests leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the frequency and duration of the episodes of incapacity; and

(8) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member, as described in 825.124 and 825.203(b), which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.

(b) The Office of Congressional Workplace Rights has developed two optional forms (Form A and Form B) for use in obtaining medical certification, including second and third opinions, from health care providers that meets FMLA's certification requirements, as made applicable by the CAA. (*See* Forms A and B.) Optional Form A is for use when the employee's need for leave is due to the employee's own serious health condition. Optional Form B is for use when the employee needs leave to care for a family member with a serious health condition. These optional forms reflect certification requirements so as to permit the health care provider to furnish appropriate medical information. Forms A and B are modeled closely on Form WH–380E and Form WH–380F, as revised, which were developed by the Department of Labor (*See* 29 C.F.R. Part 825). The employing office may use the Office of Congressional Workplace Rights's forms, or Form WH–380E and Form WH–380F, as revised, or another form containing the same basic information; however, no information may be required beyond that specified in 825.306, 825.307, and 825.308. In all instances the information on the form must relate only to the serious health condition for which the current need for leave exists.

(c) If an employee is on FMLA leave running concurrently with a workers' compensation absence, and the provisions of the workers' compensation statute permit the employing office or the employing office's representative to request additional information from the employee's workers' compensation health care provider, the FMLA does not prevent the employing office from following the applicable workers' compensation provisions and information received under those provisions may be considered in determining the employee's entitlement to FMLA-protected leave. Similarly, an employing office may request additional information in accordance with a paid leave policy or disability plan that requires greater information to qualify for payments or benefits, provided that the employing office informs the employee that the additional information only needs to be provided in connection with receipt of such payments or benefits. Any information received pursuant to such policy or plan may be considered in determining the employee's entitlement to FMLA-protected leave. If the employee fails to provide the information required for receipt of such payments or benefits, such failure will not affect the employee's entitlement to take unpaid FMLA leave. *See* 825.207(a).

(d) If an employee's serious health condition may also be a disability within the meaning of the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA. Any information received pursuant to these procedures may be considered in determining the employee's entitlement to FMLA-protected leave.

(e) While an employee may choose to comply with the certification requirement by providing the employing office with an authorization, release, or waiver allowing the employing office to communicate directly with the health care provider of the employee or his or her covered family member, the employee may not be required to provide such an authorization, release, or waiver. In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. *See* 825.305(d).

825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions.

(a) *Clarification and authentication.* If an employee submits a complete and sufficient certification signed by the health care provider, the employing office may not request additional information from the health care provider. However, the employing office may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the employing office has given the employee an opportunity to cure any deficiencies as set forth in 825.305(c). To make such contact, the employing office must use a health care provider, a human resources professional, a leave administrator, or a management official. An employee's direct supervisor may not contact the employee's health care provider, unless the direct supervisor is also the only individual in the employing office designated to process FMLA requests and the direct supervisor receives specific authorization from the employee to contact the employee's health care provider. For purposes of these regulations, authentication means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested.

Clarification means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. Employing offices may not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, (*See* 45 CFR parts 160 and 164), which governs the privacy of individually-identifiable health information created or held by HIPAA-covered entities, must be satisfied when individually-identifiable health information of an employee is shared with an employing office by a HIPAA-covered health care provider. If an employee chooses not to provide the employing office with authorization allowing the employing office to clarify the certification with the health care provider, and does not otherwise clarify the certification, the employing office may deny the taking of FMLA leave if the certification is unclear. *See* 825.305(d). It is the employee's responsibility to provide the employing office with a complete and sufficient certification and to clarify the certification if necessary.

(b) *Second Opinion.* (1) An employing office that has reason to doubt the validity of a medical certification may require the employee to obtain a second opinion at the employing office's expense. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to the benefits of the FMLA, as made applicable by the CAA, including maintenance of group health benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the employing office's established leave policies. In addition, the consequences set forth in 825.305(d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a second opinion in order

to render a sufficient and complete second opinion.

(2) The employing office is permitted to designate the health care provider to furnish the second opinion, but the selected health care provider may not be employed on a regular basis by the employing office. The employing office may not regularly contract with or otherwise regularly utilize the services of the health care provider furnishing the second opinion unless the employing office is located in an area where access to health care is extremely limited (e.g., a rural area where no more than one or two doctors practice in the relevant specialty in the vicinity).

(c) *Third opinion.* If the opinions of the employee's and the employing office's designated health care providers differ, the employing office may require the employee to obtain certification from a third health care provider, again at the employing office's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by the employing office and the employee. The employing office and the employee must each act in good faith to attempt to reach agreement on whom to select for the third opinion provider. If the employing office does not attempt in good faith to reach agreement, the employing office will be bound by the first certification. If the employee does not attempt in good faith to reach agreement, the employee will be bound by the second certification. For example, an employee who refuses to agree to see a doctor in the specialty in question may be failing to act in good faith. On the other hand, an employing office that refuses to agree to any doctor on a list of specialists in the appropriate field provided by the employee and whom the employee has not previously consulted may be failing to act in good faith. In addition, the consequences set forth in 825.305(d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a third opinion in order to render a sufficient and complete third opinion.

(d) *Copies of opinions.* The employing office is required to provide the employee with a copy of the second and third medical opinions, where applicable, upon request by the employee. Requested copies are to be provided within five business days unless extenuating circumstances prevent such action.

(e) *Travel expenses.* If the employing office requires the employee to obtain either a second or third opinion the employing office must reimburse an employee or family member for any reasonable ''out of pocket'' travel expenses incurred to obtain the second and third medical opinions. The employing office may not require the employee or family member to travel outside normal commuting distance for purposes of obtaining the second or third medical opinions except in very unusual circumstances.

(f) *Medical certification abroad.* In circumstances in which the employee or a family member is visiting in another country, or a family member resides in another country, and a serious health condition develops, the employing office shall accept a medical certification as well as second and third opinions from a health care provider who practices in that country. Where a certification by a foreign health care provider is in a language other than English, the employee must provide the employing office with a written translation of the certification upon request.

825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

(a) *30-day rule.* An employing office may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless paragraphs (b) or (c) of this section apply.

(b) *More than 30 days.* If the medical certification indicates that the minimum duration of the condition is more than 30 days, an employing office must wait until that minimum duration expires before requesting a recertification, unless paragraph (c) of this section applies. For example, if the medical certification states that an employee will be unable to work, whether continuously or on an intermittent basis, for 40 days, the employing office must wait 40 days before requesting a recertification. In all cases, an employing office may request a recertification of a medical condition every six months in connection with an absence by the employee. Accordingly, even if the medical certification indicates that the employee will need intermittent or reduced schedule leave for a period in excess of six months (e.g., for a lifetime condition), the employing office would be permitted to request recertification every six months in connection with an absence.

(c) *Less than 30 days.* An employing office may request recertification in less than 30 days if:

(1) The employee requests an extension of leave;

(2) Circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications). For example, if a medical certification stated that an employee would need leave for one to two days when the employee suffered a migraine headache and the employee's absences for his or her last two migraines lasted four days each, then the increased duration of absence might constitute a significant change in circumstances allowing the employing office to request a recertification in less than 30 days. Likewise, if an employee had a pattern of using unscheduled FMLA leave for migraines in conjunction with his or her scheduled days off, then the timing of the absences also might constitute a significant change in circumstances sufficient for an employing office to request a recertification more frequently than every 30 days; or

(3) The employing office receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. For example, if an employee is on FMLA leave for four weeks due to the employee's knee surgery, including recuperation, and the employee plays in company softball league games during the employee's third week of FMLA leave, such information might be sufficient to cast doubt upon the continuing validity of the certification allowing the employing office to request a recertification in less than 30 days.

(d) *Timing.* The employee must provide the requested recertification to the employing office within the time frame requested by the employing office (which must allow at least 15 calendar days after the employing office's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

(e) *Content.* The employing office may ask for the same information when obtaining recertification as that permitted for the original certification as set forth in 825.306. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or adequate authorization to the health care provider) in the recertification process as in the initial certification process. *See* 825.305(d). As part of the information allowed to be obtained on recertification for leave taken because of a serious health condition, the employing office may provide the health care provider with a record of the employee's absence pattern and ask the health care provider if the serious health condition and need for leave is consistent with such a pattern.

(f) Any recertification requested by the employing office shall be at the employee's expense unless the employing office provides otherwise. No second or third opinion on recertification may be required.

825.309 Certification for leave taken because of a qualifying exigency.

(a) *Active Duty Orders.* The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of a military member (See 825.126(a)), an employing office may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the military member's covered active duty service. This information need only be provided to the employing office once. A copy of new active duty orders or other documentation issued by the military may be required by the employing office if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of the same or a different military member;

(b) *Required information.* An employing office may require that leave for any qualifying exigency specified in 825.126 be supported by a certification from the employee that sets forth the following information:

(1) A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave. Such facts should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the request for leave; such documentation, for example, may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs;

(2) The approximate date on which the qualifying exigency commenced or will commence;

(3) If an employee requests leave because of a qualifying exigency for a single, continuous period of time, the beginning and end dates for such absence;

(4) If an employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;

(5) If the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting (such as the name, title, organization, address, telephone number, fax number, and email address) and a brief description of the purpose of the meeting; and

(6) If the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the

military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

(c) The Office of Congressional Workplace Rights has developed an optional form (Form E) for employees' use in obtaining a certification that meets FMLA's certification requirements. This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave because of a qualifying exigency. Form E, or Form WH–384 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section. (d) Verification. If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the employing office may not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the employing office may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the employing office. An employing office also may contact an appropriate unit of the Department of Defense to request verification that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty); no additional information may be requested and the employee's permission is not required.

825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave).

(a) *Required information from health care provider*. When leave is taken to care for a covered servicemember with a serious injury or illness, an employing office may require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. For purposes of leave taken to care for a covered servicemember, any one of the following health care providers may complete such a certification:

(1) A United States Department of Defense (''DOD'') health care provider;

(2) A United States Department of Veterans Affairs (''VA'') health care provider;

(3) A DOD TRICARE network authorized private health care provider;

(4) A DOD non-network TRICARE authorized private health care provider; or

(5) Any health care provider as defined in 825.125.

(b) If the authorized health care provider is unable to make certain military-related determinations outlined below, the authorized health care provider may rely on determinations from an authorized DOD representative (such as a DOD recovery care coordinator) or an authorized VA representative. An employing office may request that the health care provider provide the following information:

(1) The name, address, and appropriate contact information (telephone number, fax number, and/or email address) of the health care provider, the type of medical practice, the medical specialty, and whether the health care provider is one of the following:

(i) A DOD health care provider;

(ii) A VA health care provider;

(iii) A DOD TRICARE network authorized private health care provider;

(iv) A DOD non-network TRICARE authorized private health care provider; or

(v) A health care provider as defined in 825.125.

(2) Whether the covered servicemember's injury or illness was incurred in the line of duty on active duty or, if not, whether the covered servicemember's injury or illness existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty;

(3) The approximate date on which the serious injury or illness commenced, or was aggravated, and its probable duration;

(4) A statement or description of appropriate medical facts regarding the covered servicemember's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave.

(i) In the case of a current member of the Armed Forces, such medical facts must include information on whether the injury or illness may render the covered servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating and whether the member is receiving medical treatment, recuperation, or therapy;

(ii) In the case of a covered veteran, such medical facts must include:

(A) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is the continuation of an injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating; or

(B) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and that such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(C) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(D) Documentation of enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(5) Information sufficient to establish that the covered servicemember is in need of care, as described in 825.124, and whether the covered servicemember will need care for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time;

(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment appointments for the covered servicemember, whether there is a medical necessity for the covered servicemember to have such periodic care and an estimate of the treatment schedule of such appointments;

(7) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered servicemember other than for planned medical treatment (e.g., episodic flare-ups of a medical condition), whether there is a medical necessity for the covered servicemember to have such periodic care, which can include assisting in the covered servicemember's recovery, and an estimate of the frequency and duration of the periodic care.

(c) Required information from employee and/or covered servicemember. In addition to the information that may be requested under 825.310(b), an employing office may also request that such certification set forth the following information provided by an employee and/or covered servicemember:

(1) The name and address of the employing office of the employee requesting leave to care for a covered servicemember, the name of the employee requesting such leave, and the name of the covered servicemember for whom the employee is requesting leave to care;

(2) The relationship of the employee to the covered servicemember for whom the employee is requesting leave to care;

(3) Whether the covered servicemember is a current member of the Armed Forces, the National Guard or Reserves, and the covered servicemember's military branch, rank, and current unit assignment;

(4) Whether the covered servicemember is assigned to a military medical facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit), and the name of the medical treatment facility or unit;

(5) Whether the covered servicemember is on the temporary disability retired list;

(6) Whether the covered servicemember is a veteran, the date of separation from military service, and whether the separation was other than dishonorable. The employing office may require the employee to provide documentation issued by the military which indicates that the covered servicemember is a veteran, the date of separation, and that the separation is other than dishonorable. Where an employing office requires such documentation, an employee may provide a copy of the veteran's Certificate of Release or Discharge from Active Duty issued by the U.S. Department of Defense (DD Form 214) or other proof of veteran status. *See* 825.127(c)(2).

(7) A description of the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care. (d) The Office of Congressional Workplace Rights has developed an optional form (Form F) for employees' use in obtaining certification that meets FMLA's certification requirements. (*See* Form F). This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave to care for a covered servicemember with a serious injury or illness. Form F, or Form WH–385 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section. In all instances the information on the certification must relate only to the serious injury or illness for which the current need for leave exists. An employing office may seek authentication and/or clarification of the certification under 825.307. Second and third opinions under 825.307 are not permitted for leave to care for a covered servicemember when the certification has been completed by one of the types of healthcare providers identified in section 825.310(a)(1–4). However, second and third opinions under 825.307 are permitted when the certification has been completed by a health care provider as defined in 825.125 that is not one of the types identified in 825.310(a)(1)–(4). Additionally, recertifications under 825.308 are not permitted for leave to care for a covered servicemember. An employing office may require an employee to provide confirmation of covered family relationship to the seriously

injured or ill servicemember pursuant to 825.122(k) of the FMLA.

(e) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification, in lieu of the Office of Congressional Workplace Rights's optional certification form (Form F) or an employing office's own certification form, invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at his or her bedside. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave may not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

(1) If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, an employing office may request that the employee have one of the authorized health care providers listed under 825.310(a) complete the Office of Congressional Workplace Rights optional certification form (Form F) or an employing office's own form, as requisite certification for the remainder of the employee's necessary leave period.

(2) An employing office may seek authentication and clarification of the ITO or ITA under 825.307. An employing office may not utilize the second or third opinion process outlined in 825.307 or the recertification process under 825.308 during the period of time in which leave is supported by an ITO or ITA.

(3) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) when an employee supports his or her request for FMLA leave with a copy of an ITO or ITA.

(f) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification of the servicemember's serious injury or illness documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. Such documentation is sufficient certification of the servicemember's serious injury or illness to support the employee's request for military caregiver leave regardless of whether the employee is the named caregiver in the enrollment documentation.

(1) An employing office may seek authentication and clarification of the documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers under 825.307. An employing office may not utilize the second or third opinion process outlined in 825.307 or the recertification process under 825.308 when the servicemember's serious injury or illness is shown by documentation of enrollment in this program.

(2) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) when an employee supports his or her request for FMLA leave with a copy of such enrollment documentation. An employing office may also require an employee to provide documentation, such as a veteran's Form DD–214, showing that the discharge was other than dishonorable and the date of the veteran's discharge.

(g) Where medical certification is requested by an employing office, an employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good-faith efforts to obtain such documents. *See* 825.305(b). In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. *See* 825.305(d).

825.311 Intent to return to work.

(a) An employing office may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The employing office's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation.

(b) If an employee gives unequivocal notice of intent not to return to work, the employing office's obligations under FMLA, as made applicable by the CAA, to maintain health benefits (subject to COBRA requirements) and to restore the employee cease. However, these obligations continue if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.

(c) It may be necessary for an employee to take more leave than originally anticipated. Conversely, an employee may discover after beginning leave that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. An employee may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave. In both of these situations, the employing office may require that the employee provide the employing office reasonable notice (i.e., within two business days) of the changed circumstances where foreseeable. The employing office may also obtain information on such changed circumstances through requested status reports.

825.312 Fitness-for-duty certification.

(a) As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, an employing office may have a uniformly-applied policy or practice that requires all similarly-situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or providing sufficient authorization to the health care provider to provide the information directly to the employing office) in the fitness-for-duty certification process as in the initial certification process. *See* 825.305(d).

(b) An employing office may seek a fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. The certification from the employee's health care provider must certify that the employee is able to resume work. Additionally, an employing office may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. In order to require such a certification, an employing office must provide an employee with a list of the essential functions of the employee's job no later than with the designation notice required by 825.300(d), and must indicate in the designation notice that the certification must address the employee's ability to perform those essential functions. If the employing office satisfies these requirements, the employee's health care provider must certify that the employee can perform the identified essential functions of his or her job. Following the procedures set forth in 825.307(a), the employing office may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty certification. Clarification may be requested only for the serious health condition for which FMLA leave was taken. The employing office may not delay the employee's return to work while contact with the health care provider is being made. No second or third opinions on a fitness-for-duty certification may be required.

(c) The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

(d) The designation notice required in 825.300(d) shall advise the employee if the employing office will require a fitness-for-duty certification to return to work and whether that fitness-for-duty certification must address the employee's ability to perform the essential functions of the employee's job.

(e) An employing office may delay restoration to employment until an employee submits a required fitness-for-duty certification unless the employing office has failed to provide the notice required in paragraph (d) of this section. If an employing office provides the notice required, an employee who does not provide a fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement under the FMLA. *See* 825.313(d).

(f) An employing office is not entitled to a certification of fitness to return to duty for each absence taken on an intermittent or reduced leave schedule. However, an employing office is entitled to a certification of fitness to return to duty for such absences up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took such leave. If an employing office chooses to require a fitness-for-duty certification under such circumstances, the employing office shall inform the employee at the same time it issues the designation notice that for each subsequent instance of intermittent or reduced schedule leave, the employee will be required to submit a fitness-for-duty certification unless one has already been submitted within the past 30 days. Alternatively, an employing office can set a different interval for requiring a fitness-for-duty certification as long as it does not exceed once every 30 days and as long as the employing office advises the employee of the requirement in advance of the employee taking the intermittent or reduced schedule leave. The employing office may not terminate the employment of the employee while awaiting such a certification of fitness to return to duty for an intermittent or reduced schedule leave absence. Reasonable safety concerns means a reasonable belief of significant risk of harm to the individual employee or others. In determining whether reasonable safety concerns exist, an employing office should consider the nature and severity of the potential harm and the likelihood that potential harm will occur.

(g) If the terms of a collective bargaining agreement govern an employee's return to work, those provisions shall be applied.

(h) Requirements under the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, apply. After an employee returns from FMLA leave, the ADA requires any medical examination at an employing office's expense by the employing office's health care provider be job-related and consistent with business necessity. For example, an attorney could not be required to submit to a medical examination or inquiry just because her leg had been amputated. The essential functions of an attorney's job do not require use of both legs; therefore such an inquiry would not be job related. An employing office may require a warehouse laborer, whose back impairment affects the ability to lift, to be examined by an orthopedist, but may not require this employee to submit to an HIV test where the test is not related to either the essential functions of his or her job or to his/her impairment. If an employee's serious health condition may also be a disability within the meaning of the ADA, as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA.

825.313 Failure to provide certification.

(a) *Foreseeable leave*. In the case of foreseeable leave, if an employee fails to provide certification in a timely manner as required by 825.305, then an employing office may deny FMLA coverage until the required certification is provided. For example, if an employee has 15 days to provide a certification and does not provide the certification for 45 days without sufficient reason for the delay, the employing office can deny FMLA protections for the 30-day period following the expiration of the 15-day time period, if the employee takes leave during such period.

(b) *Unforeseeable leave*. In the case of unforeseeable leave, an employing office may deny FMLA coverage for the requested leave if the employee fails to provide a certification within 15 calendar days from receipt of the request for certification unless not practicable due to extenuating circumstances. For example, in the case of a medical emergency, it may not be practicable for an employee to provide the required certification within 15 calendar days. Absent such extenuating circumstances, if the employee fails to timely return the certification, the employing office can deny FMLA protections for the leave following the expiration of the 15-day time period until a sufficient certification is provided. If the employee never produces the certification, the leave is not FMLA leave.

(c) *Recertification*. An employee must provide recertification within the time requested by the employing office (which must allow at least 15 calendar days after the request) or as soon as practicable under the particular facts and circumstances. If an employee fails to provide a recertification within a reasonable time under the particular facts and circumstances, then the employing office may deny continuation of the FMLA leave protections until the employee produces a sufficient recertification. If the employee never produces the recertification, the leave is not FMLA leave. Recertification does not apply to leave taken for a qualifying exigency or to care for a covered servicemember.

(d) *Fitness-for-duty certification*. When requested by the employing office pursuant to a uniformly applied policy for similarly-situated employees, the employee must provide medical certification, at the time the employee seeks reinstatement at the end of FMLA leave taken for the employee's serious health condition, that the employee is fit for duty and able to return to work (*See* 825.312(a)) if the employing office has provided the required notice (*See* 825.300(e)); the employing office may delay restoration until the certification is provided. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave is concluded, the employee may be terminated. *See also* 825.213(a)(3).

SUBPART D—ADMINISTRATIVE PROCESS

825.400 Administrative process, general rules.

(a) The Procedural Rules of the Office of Congressional Workplace Rights set forth the procedures for considering and resolving alleged violations of the laws made applicable by the CAA, including the FMLA. The Rules include procedures for filing claims and participating in administrative dispute resolution proceedings at the Office of Congressional Workplace Rights, including procedures for the conduct of hearings and for appeals to the Board of Directors. The Procedural Rules also address other matters of general applicability to the dispute resolution process and to the operations of the Office.

(b) If an employing office has violated one or more provisions of FMLA, and if justified by the facts of a particular case, an employee may receive one or more of the following: wages, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or, where no such tangible loss has occurred, such as when FMLA leave was unlawfully denied, any actual monetary loss sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 26 weeks of wages for the employee in a case involving leave to care for a covered servicemember or 12 weeks of wages for the employee in a case involving leave for any other FMLA qualifying reason. In addition, the employee may be entitled to interest on such sum, calculated at the prevailing rate. An amount equaling the preceding sums may also be awarded as liquidated damages unless such amount is reduced by the court because the violation was in good faith and the employer had reasonable grounds for believing the employer had not violated the Act. When appropriate, the employee may also obtain appropriate equitable relief, such as employment, reinstatement and promotion. When the employer is found in violation, the employee may recover a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action from the employer in addition to any judgment awarded by the court.

(c) The Procedural Rules of the Office of Congressional Workplace Rights are found at 165 Cong. Rec. H4896 (daily ed. June 19, 2019) and 165 Cong. Rec. S4105 (daily ed. June 19, 2019), and may also be found on the Office's website at www.ocwr.gov.

825.401 [Reserved]
825.402 [Reserved]
825.403 [Reserved]
825.404 [Reserved]

SUBPART E—PAID PARENTAL LEAVE

825.500 Purpose, applicability, and employing office responsibilities.

(a) *Purpose.* This subpart provides regulations to govern the granting of paid parental leave to eligible employees. Since paid parental leave may only be substituted for unpaid leave granted following a birth or placement under specific provisions of the Family and Medical Leave Act in title 29, United States Code—specifically, section 2612(a)(1)(A) and (B) in 5 U.S.C. chapter 29—this subpart links to subpart B (Family and Medical Leave) of this part.

(b) *Applicability*. (1) Except as otherwise provided in this paragraph (b), this subpart applies to employees to whom subpart B of this part applies, as provided in 825.111.

(2) The OCWR will defer to supplemental regulations on paid parental leave issued by the Library of Congress pursuant to the authority in 29 USC 2617, provided those supplemental regulations are consistent with the regulations in this subpart.

(3) This subpart applies to a birth or placement occurring on or after October 1, 2020.

(c) *Employing office responsibilities*. The head of an employing office having employees covered by this subpart is responsible for the proper administration of this subpart, including the responsibility of informing employees of their entitlements and obligations.

825.501 Definitions.

(a) *Applicability of subpart B definitions*. The definitions of terms in 825.102 are applicable in this subpart to the extent the terms are used, except that, to the extent any definitions of terms have been further revised in 825.501(b), the provisions of that section shall apply for purposes of this subpart.

(b) Other definitions. In this subpart—

Employing Office means an employing office as defined in 2 U.S.C. 1301(a)(9). When the term ''employing office'' is used in the context of an employing office making determinations or taking actions, it means the employing office head or management officials who are authorized (including by delegation) to make the given determination or take the given action.

Child means a son or daughter as defined in 825.102 whose birth or placement is the basis for entitlement to paid parental leave.

Paid parental leave means paid time off from an employee's scheduled tour of duty that is authorized under 2 U.S.C. 1312(d)(2)(A) and this subpart and that is granted to an employee who has a current parental role in connection with the child whose birth or placement was the basis for granting unpaid FMLA leave under 825.120 or 825.121. This leave is not available to an employee who does not have a current parental role.

Unpaid FMLA leave means leave without pay granted under the Family and Medical Leave Act (FMLA) regulations in subpart B of this part.

825.502 Leave entitlement.

(a) *Election*. An employee may elect to substitute available paid parental leave for any unpaid FMLA leave granted under 825.120 or 825.121 (which correspond to 29 U.S.C. 2612(a)(1)(A) or (B), respectively) in connection with the occurrence of a birth or placement. *See* 825.208.

(b) *Available paid parental leave*. (1) The paid parental leave that is available for purposes of paragraph (a) of this section is 12 workweeks in connection with the birth or placement involved.

(2) Since an employee may use only 12 weeks of unpaid FMLA leave in any 12-month period under 825.200(a), any use of unpaid FMLA leave not associated with paid parental leave may affect an employee's ability to use the full 12 weeks of paid parental leave. Notwithstanding paragraph (b)(1) of this section, an employee will be able to use the full amount of paid parental leave only to the extent that there are 12 weeks of available unpaid FMLA leave granted under the birth or placement provisions in 825.112(a)(1); or (2) during the 12-month period referred to in section 102(a)(1) of the FMLA (29 U.S.C. 2612(a)(1)) to which it relates. The availability of paid parental leave will depend on when the employee uses various types of unpaid FMLA leave relative to any 12-month period established under 825.200(b).

(c) *Leave usage.* (1) An employing office may not require an employee to use accrued paid annual, vacation, personal, family, medical, or sick leave as a condition to be met before the employee uses paid parental leave. An employee may request to use annual leave or sick leave without invoking unpaid FMLA leave under subpart B of this part, and, if the request is granted, the employing office exercises its normal authority with respect to approving or disapproving the timing of when the leave may be used.

(2) An employee with a seasonal work schedule may not use paid parental leave during the off-season period designated by the employing office—the period during which the employee is scheduled to be released from work and placed in nonpay status.

(d) *Treatment of unused leave.* If an employee has any unused balance of paid parental leave that remains at the end of the 12-month period following the birth or placement involved, the entitlement to the unused leave elapses at that time. No payment may be made for unused paid parental leave that has expired. Paid parental leave may not be considered annual leave for purposes of making a lump-sum payment for annual leave or for any other purpose.

825.503 Pay during leave.

(a) The pay an employee receives when using paid parental leave shall be the same pay the employee would receive if the employee were using annual leave.

(b) The pay received during paid parental leave may not include Sunday premium pay. (See section 624 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, div. A, 101(h), October 21, 1998.)

825.504 Work obligation.

Paid parental leave under this subpart shall apply without regard to:

(a) the limitations in subparagraphs (E), (F), or (G) of section 6382(d)(2) of title 5, United States Code (requiring employees of executive branch agencies to agree in writing to work for the executive branch agency for at least 12 months after returning from leave); or

(b) the limitations in 825.213 (permitting employing offices to recover an amount equal to the total amount of government contributions for maintaining such employee's health coverage if the employee fails to return from leave).

825.505 Cases of employee incapacitation.

(a) If an employing office determines that an otherwise eligible employee who could have made an election during a past period to substitute paid parental leave (as provided in 825.502) was physically or mentally incapable of doing so during that past period, the employee may, within 5 workdays of the employee's return to duty status, make an election to substitute paid parental leave for applicable unpaid FMLA leave under 825.502(a) on a retroactive basis. Such a retroactive election shall be effective on the date that such an election would have been effective if the employee had not been incapacitated at the time.

(b)(1) If an employing office determines that an otherwise eligible employee is physically or mentally incapable of making an election to substitute paid parental leave (as provided in 825.207), the employing office must, upon the request of a personal representative of the employee, provide conditional approval of substitution of paid parental leave for applicable unpaid FMLA leave on a prospective basis. The conditional approval is based on the presumption that the employee would have elected to substitute paid parental leave for the applicable unpaid FMLA leave.

825.506 Cases of multiple children born or placed in the same time period.

(a) If an employee has multiple children born or placed on the same day, the multiple-child birth/placement event is considered to be a single event that triggers a single entitlement of up to 12 weeks of paid parental leave under 825.502(b).

(b) If an employee has one or more children born or placed during the 12-month period following the date of an earlier birth or placement of a child of the employee, the provisions of this subpart shall be independently administered for each birth or placement event. Any paid parental leave substituted for unpaid FMLA leave during the 12-month period beginning on the date of a child's birth or placement shall count towards the 12-week limit on paid parental leave described in 825.502(b) applicable in connection with the birth or placement involved. The substitution of paid parental leave may count toward multiple 12-week limits to the extent that there are multiple ongoing 12-month periods beginning on the date of an applicable birth or placement, each of which encompasses the day on which the leave is used. Therefore, whenever paid parental leave is substituted during periods of time when separate 12-month periods (each beginning on a date of birth or placement) overlap, the paid parental leave will count toward each affected period's 12-week limit. For example, if an employee has a child born on June 1 and another child placed for adoption on October 1 of the same year, each event would generate entitlement to substitute up to 12 weeks of paid parental leave during the separate 12-month periods beginning on the date of the birth and on the date of the placement, respectively. Those two 12-month periods would be June 1–May 31 and October 1–September 30. The overlap period for these two 12-month periods would be October 1–May 31. If the employee substitutes paid parental leave during that overlap period, that amount of paid parental leave would count towards both the 12-week limit associated with the birth event and the 12-week limit associated with the placement event.

825.507 Records.

Record of usage of paid parental leave. An employing office must maintain an accurate record of an employee's usage of paid parental leave.

825.508 [Reserved]

SUBPART F—SPECIAL RULES APPLICABLE TO EMPLOYEES OF SCHOOLS

825.600 Special rules for school employees, definitions.

(a) Certain special rules apply to employees of local educational agencies, including public school boards and elementary schools under their jurisdiction, and private elementary and secondary schools. The special rules do not apply to other kinds of educational institutions, such as colleges and universities, trade schools, and preschools.

(b) Educational institutions are covered by FMLA, as made applicable by the CAA (and these special rules). The usual requirements for employees to be eligible do apply.

(c) The special rules affect the taking of intermittent leave or leave on a reduced leave schedule, or leave near the end of an academic term (semester), by instructional employees. Instructional employees are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include, and the special rules do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

(d) Special rules which apply to restoration to an equivalent position apply to all employees of local educational agencies.

825.601 Special rules for school employees, limitations on intermittent leave.

(a) Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

(1) If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered servicemember, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the employing office may require the employee to choose either to:

(i) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

(ii) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

(2) These rules apply only to a leave involving more than 20 percent of the working days during the period over which the leave extends. For example, if an instructional employee who normally works five days each week needs to take two days of FMLA leave per week over a period of several weeks, the special rules would apply. Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position. Periods of a particular duration means a block, or blocks, of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave.

(b) If an instructional employee does not give required notice of foreseeable FMLA leave (See 825.302) to be taken intermittently or on a reduced leave schedule, the employing office may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employing office may require the employee to delay the taking of leave until the notice provision is met.

825.602 Special rules for school employees, limitations on leave near the end of an academic term.

(a) There are also different rules for instructional employees who begin leave more than five weeks before the end of a term, less than five weeks before the end of a term, and less than three weeks before the end of a term. Regular rules apply except in circumstances when:

(1) An instructional employee begins leave more than five weeks before the end of a term. The employing office may require the

employee to continue taking leave until the end of the term if—

(i) The leave will last at least three weeks, and

(ii) The employee would return to work during the three-week period before the end of the term.

(2) The employee begins leave during the five-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if—

(i) The leave will last more than two weeks, and

(ii) The employee would return to work during the two-week period before the end of the term.

(3) The employee begins leave during the three-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if the leave will last more than five working days.

(b) For purposes of these provisions, academic term means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA, as made applicable by the CAA. An example of leave falling within these provisions would be where an employee plans two weeks of leave to care for a family member which will begin three weeks before the end of the term. In that situation, the employing office could require the employee to stay out on leave until the end of the term.

825.603 Special rules for school employees, duration of FMLA leave.

(a) If an employee chooses to take leave for periods of a particular duration in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

(b) In the case of an employee who is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The employing office has the option not to require the employee to stay on leave until the end of the school term. Therefore, any additional leave required by the employing office to the end of the school term is not counted as FMLA leave; however, the employing office shall be required to maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave.

825.604 Special rules for school employees, restoration to an equivalent position.

The determination of how an employee is to be restored to an equivalent position upon return from FMLA leave will be made on the basis of ''established school board policies and practices, private school policies and practices, and collective bargaining agreements.'' The ''established policies'' and collective bargaining agreements used as a basis for restoration must be in writing, must be made known to the employee prior to the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to an equivalent position must provide substantially the same protections as provided in the FMLA, as made applicable by the CAA, for reinstated employees. See 825.215. In other words, the policy or collective bargaining agreement must provide for restoration to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. For example, an employee may not be restored to a position requiring additional licensure or certification.

SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA.

825.700 Interaction with employing office's policies.

(a) An employing office must observe any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established by the FMLA. Conversely, the rights established by the FMLA, as made applicable by the CAA, may not be diminished by any employment benefit program or plan. For example, a provision of a collective bargaining agreement (CBA) which provides for reinstatement to a position that is not equivalent because of seniority (e.g., provides lesser pay) is superseded by FMLA. If an employing office provides greater unpaid family leave rights than are afforded by FMLA, the employing office is not required to extend additional rights afforded by FMLA, such as maintenance of health benefits (other than through COBRA or 5 U.S.C. 8905a, whichever is applicable), to the additional leave period not covered by FMLA.

(b) Nothing in the FMLA, as made applicable by the CAA, prevents an employing office from amending existing leave and employee benefit programs, provided they comply with FMLA, as made applicable by the CAA. However, nothing in the FMLA, as made applicable by the CAA, is intended to discourage employing offices from adopting or retaining more generous leave policies.

825.701 [Reserved]

825.702 Interaction with anti-discrimination laws, as applied by section 201 of the CAA.

(a) Nothing in the FMLA modifies or affects any applicable law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability (e.g., Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act and as made applicable by the CAA). FMLA's legislative history explains that FMLA is ''not intended to modify or affect the Rehabilitation Act of 1973, as amended, the regulations concerning employment which have been promulgated pursuant to that statute, or the Americans with Disabilities Act of 1990 [as amended] or the regulations issued under that act. Thus, the leave provisions of the [FMLA] are wholly distinct from the reasonable accommodation obligations of employers covered under the [ADA] . . . or the Federal government itself. The purpose of the FMLA, as applied by the CAA, is to make leave available to eligible employees and [employing offices] within its coverage, and not to limit already existing rights and protection.'' S. Rep. No. 3, 103d Cong., 1st Sess. 38 (1993). An employing office must therefore provide leave under whichever statutory provision provides the greater rights to employees. When an employer violates both FMLA and a discrimination law, an employee may be able to recover under either or both statutes (double relief may not be awarded for the same loss; when remedies coincide a claimant may be allowed to utilize whichever avenue of relief is desired. *Laffey v. Northwest Airlines, Inc.*, 567 F.2d 429, 445 (D.C. Cir. 1976), *cert. denied*, 434 U.S. 1086 (1978).

(b) If an employee is a qualified individual with a disability within the meaning of the Americans with Disabilities Act (ADA), as made applicable by the CAA, the employing office must make reasonable accommodations, etc., barring undue hardship, in accordance with the ADA. At the same time, the employing office must afford an employee his or her FMLA rights, as made applicable by the CAA. ADA's ''disability'' and FMLA's ''serious health condition'' are different concepts, and must be analyzed separately. FMLA entitles eligible employees to 12 weeks of leave in any 12-month period due to their own serious health condition, whereas the ADA allows an indeterminate amount of leave, barring undue hardship, as a reasonable accommodation. FMLA requires employing offices to maintain employees' group health plan coverage during FMLA leave on the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period, whereas ADA does not require maintenance of health insurance unless other employees receive health insurance during leave under the same circumstances.

(c)(1) A reasonable accommodation under the ADA might be accomplished by providing an individual with a disability with a part-time job with no health benefits, assuming the employing office did not ordinarily provide health insurance for part-time employees. However, FMLA would permit an employee to work a reduced leave schedule until the equivalent of 12 workweeks of leave were used, with group health benefits maintained during this period. FMLA permits an employing office to temporarily transfer an employee who is taking leave intermittently or on a reduced leave schedule to an alternative position, whereas the ADA allows an accommodation of reassignment to an equivalent, vacant position only if the employee cannot perform the essential functions of the employee's present position and an accommodation is not possible in the employee's present position, or an accommodation in the employee's present position would cause an undue hardship. The examples in the following paragraphs of this section demonstrate how the two laws would interact with respect to a qualified individual with a disability.

(2) A qualified individual with a disability who is also an eligible employee entitled to FMLA leave requests 10 weeks of medical leave as a reasonable accommodation, which the employing office grants because it is not an undue hardship. The employing office advises the employee that the 10 weeks of leave is also being designated as FMLA leave and will count towards the employee's FMLA leave entitlement. This designation does not prevent the parties from also treating the leave as a reasonable accommodation and reinstating the employee into the same job, as required by the ADA, rather than an equivalent position under FMLA, if that is the greater right available to the employee. At the same time, the employee would be entitled under FMLA to have the employing office maintain group health plan coverage during the leave, as that requirement provides the greater right to the employee.

(3) If the same employee needed to work part-time (a reduced leave schedule) after returning to his or her same job, the employee would still be entitled under FMLA to have group health plan coverage maintained for the remainder of the two-week equivalent of FMLA leave entitlement, notwithstanding

an employing office policy that part-time employees do not receive health insurance. This employee would be entitled under the ADA to reasonable accommodations to enable the employee to perform the essential functions of the part-time position. In addition, because the employee is working a part-time schedule as a reasonable accommodation, the FMLA's provision for temporary assignment to a different alternative position would not apply. Once the employee has exhausted his or her remaining FMLA leave entitlement while working the reduced (part-time) schedule, if the employee is a qualified individual with a disability, and if the employee is unable to return to the same full-time position at that time, the employee might continue to work part-time as a reasonable accommodation, barring undue hardship; the employee would then be entitled to only those employment benefits ordinarily provided by the employing office to part-time employees.

(4) At the end of the FMLA leave entitlement, an employing office is required under FMLA to reinstate the employee in the same or an equivalent position, with equivalent pay and benefits, to that which the employee held when leave commenced. The employing office's FMLA obligations would be satisfied if the employing office offered the employee an equivalent full-time position. If the employee were unable to perform the essential functions of that equivalent position even with reasonable accommodation, because of a disability, the ADA may require the employing office to make a reasonable accommodation at that time by allowing the employee to work part-time or by reassigning the employee to a vacant position, barring undue hardship.

(d)(1) If FMLA entitles an employee to leave, an employing office may not, in lieu of FMLA leave entitlement, require an employee to take a job with a reasonable accommodation. However, ADA may require that an employing office offer an employee the opportunity to take such a position. An employing office may not change the essential functions of the job in order to deny FMLA leave. *See* 825.220(b).

(2) An employee may be on a workers' compensation absence due to an on-the-job injury or illness which also qualifies as a serious health condition under FMLA. The workers' compensation absence and FMLA leave may run concurrently (subject to proper notice and designation by the employing office). At some point the health care provider providing medical care pursuant to the workers' compensation injury may certify the employee is able to return to work in a light duty position. If the employing office offers such a position, the employee is permitted but not required to accept the position. *See* 825.220(d). As a result, the employee may no longer qualify for payments from the workers' compensation benefit plan, but the employee is entitled to continue on unpaid FMLA leave either until the employee is able to return to the same or equivalent job the employee left or until the 12-week FMLA leave entitlement is exhausted. *See* 825.207(e). If the employee returning from the workers' compensation injury is a qualified individual with a disability, he or she will have rights under the ADA, as made applicable by the CAA.

(e) If an employing office requires certifications of an employee's fitness for duty to return to work, as permitted by FMLA under a uniform policy, it must comply with the ADA requirement that a fitness for duty physical be job-related and consistent with business necessity.

(f) Under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, and as made applicable by the CAA, an employing office should provide the same benefits for women who are pregnant as the employing office provides to other employees with short-term disabilities. Because Title VII does not require employees to be employed for a certain period of time to be protected, an employee employed for less than 12 months by the employing office may not be denied maternity leave if the employing office normally provides short-term disability benefits to employees with the same tenure who are experiencing other short-term disabilities.

(g) Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301, *et seq.*, veterans are entitled to receive all rights and benefits of employment that they would have obtained if they had been continuously employed. Therefore, under USERRA, a returning servicemember would be eligible for FMLA leave if the months and hours that he or she would have worked for the civilian employing office during the period of absence due to or necessitated by USERRA-covered service, combined with the months employed and the hours actually worked, meet the FMLA eligibility threshold of 12 months of employment and the hours of service requirement. *See* 825.110(b)(2)(i) and (c)(2) and 825.802(c).

(h) For further information on Federal antidiscrimination laws applied by section 201 of the CAA (2 U.S.C. 1311), including Title VII, the Rehabilitation Act, and the ADA, individuals are encouraged to contact the Office of Congressional Workplace Rights.

ORDERS FOR TUESDAY, NOVEMBER 17, 2020

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, November 17; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, following leader remarks, the Senate proceed to executive session and resume consideration of the Johnson nomination under the previous order. Finally, I ask that the Senate recess following the cloture vote on the Beaton nomination until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator BROWN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

NOMINATION OF JUDY SHELTON

Mr. BROWN. Mr. President, I start by asking the Presiding Officer to wear a mask as he speaks and the people are below him.

I can't tell you what to do.

The PRESIDING OFFICER. I don't wear a mask when I am speaking like most Senators. I will put it back on, but I don't need your instruction.

Mr. BROWN. I know you don't need my instruction.

There clearly isn't much interest in this body in public health. We have a President who hasn't shown up at the Coronavirus Task Force in months. We have a majority leader who calls us back here to vote on an unqualified nominee and, at the same time, to vote for judge after judge, exposing all the people who can't say anything. I understand. There are people in front of the Presiding Officer and we expose all the staff here and the majority leader doesn't seem to care.

The American people sent a clear message in this election. They voted for stability. They rejected an administration that has failed them in the middle of a public health crisis and economic crisis. People want a government that works for them and is on their side. My colleagues in both parties know this.

I know some of you feel like you have to humor the outgoing President, continue to make excuses for him, continue to run from the media when they might ask a question about your opinion on the President. But you know that Joe Biden won, and you won. Most of you won your elections—including the Presiding Officer—fair and square on the same ballot. You don't have to play along with the tweets and the chaos.

He threatened the Republican Governor of Ohio today, for instance, because the Governor of Ohio—I think he said the term ''President-Elect Biden,'' and that offended the President. You don't have to play along with the tweets and the chaos and the crazy anymore.

We need to move on. We need to actually deliver for the people who voted for us and put their faith in us. The last thing we should be doing is granting Trump one last wish—one more opportunity to salt the earth on his way out.

The Federal Reserve is supposed to be a steady, guiding hand, making sure our economy actually delivers for the people who make it work. They are supposed to worry about the big picture of the economy so hard-working families don't have to.

But Judy Shelton—most of my colleagues know this. I have talked to many of them. She believes the opposite. That is why Trump wants one last pick for the Federal Reserve, and Senator MCCONNELL and all the spineless people in this body continue to give him that last wish.

Eighty million Americans voted for stability. Shelton promises more Trump chaos. I know we have disagreements. We have progressive economic ideas and conservative economic ideas. I am fine with disagreements. That is what government is about. That is what self-government is about.

Judy Shelton isn't a conservative. She is way, way off the ideological spectrum. For three decades and more than 50 publications, Shelton has advocated returning to the gold standard. Let's be clear what that means. It would mean abandoning some of the most important tools we have to make people's lives better. We can't sabotage our economic recovery before it even happens by putting people in charge who would drive us backward. You all know that.

I know you all know that, but you have to do President Trump's bidding one last time. If we had followed Shelton's advice earlier, we might still be in the great recession. In multiple writings, she said she opposes FDIC deposit insurance—the insurance that protects your money and mine when we put it in the bank. In other words, she thinks that if a bank fails—and we all remember from 2008, at the end of the Bush years, banks do, indeed, fail, one after another after another. If a bank fails, then she thinks all the families whose savings and paychecks are stored in the bank should just lose their money.

Passing Federal deposit insurance was one of FDR's first acts during the Great Depression for a reason. It guaranteed that your money was safe in the bank as a bedrock of our modern economy. It is not some intellectual exercise; it is real.

I dare anyone to explain to working families in Georgia or Ohio or Florida or Pennsylvania or Colorado or any community that saw banks close their doors in the great recession that, as Judy Shelton wrote, that the FDIC insurance is ''a hugely distorting factor,'' whatever that means.

Don't take my word for it. People on both sides of the aisle agree that she has no business making huge decisions that affect what kinds of jobs people can get and the interest rates on their mortgages and the power they have to negotiate for higher pay.

The New York Times, seen by many as pretty progressive, and National Review, seen by an equal number as pretty conservative, both oppose her, so do conservative thinkers at the American Enterprise Institute. They use words like ''dangerous'' and a ''gamble.''

Over 100 experts—many of whom don't see the economy the way I do, who are much more conservative than I—warned against putting her on the Fed. Their basic concern is she won't do what is good for workers or what is good for the economy. She is a political hack. She is the outgoing President's political hack.

That is why Senator MCCONNELL marches down the aisle, stands at his desk, and pushes Judy Shelton—why? Not because his Members want it; they don't. Most don't have the guts to stand up to Leader MCCONNELL or especially to the President. He is pushing it because President Trump has one last request to put his hack on the Federal Reserve.

The American people had enough of gambling. They made that very clear. Now is not the time, in this terrible economy, for fringe theories. We are in a public health crisis. We are in an economic crisis.

During her nomination hearing, one of my Republican colleagues asked her this question—how she would we get us out of a situation. This is last year, keep in mind. How would she get us out of a situation where consumer confidence and spending dropped, unemployment jumped from 3.5 percent to 6.5 percent in a short period of time, and we are in a recession—how would she we get out of that?

Her response was: ''It is hard to imagine that situation.'' Think about that: ''It is hard to imagine that situation.''

Really? That is supposed to be the job of the Federal Reserve. Every worker in America imagines it right now. They live through it. Things are much worse than that question—3.5 percent to 6.5 percent in a short period of time.

When the pandemic set in, consumer spending plummeted, and the unemployment rate shot up from 3.5 percent to 15 percent in April. Right now, 11 million people are out of work. Coronavirus cases are skyrocketing all over the country.

The outgoing President has abandoned his job except, of course, pushing for a hack at the Federal Reserve. He is not going to coronavirus meetings. Senator MCCONNELL doesn't seem to care. The Republican majority doesn't seem to care that he is not going to those meetings.

Instead, we are meeting this week to confirm young, far-right judges and a hack on the Federal Reserve who a whole lot of former Fed Chairs of both parties, that all kinds of Bush economists and economists working in Democratic administrations—both sides are saying she is a hack. They are saying she shouldn't be on the Federal Reserve. Yet 1, 2, 3, 4—count them, 49, 50—I don't know how many Republican Senators are in line because Trump said to get in line and vote for Judy Shelton.

People have enough to worry about: the health of their loved ones, their jobs, their rent, their utility bills. But Shelton is so out of touch, she can't imagine so many families live that reality every day.

Americans shouldn't also have to worry that fringe academics are running experiments with our national economy. People want peace of mind. They want stability. They want to have confidence that the people in charge can handle this crisis so they can get back to their lives.

You can't say you support working people and want to get back to work and get back to their paychecks, while at the same time putting someone in a position of authority who has no problem threatening their jobs and their savings to push her bizarre, intellectual, academic agenda.

In fact, at a time when unemployed Americans would love to be able to safely go to any job, Judy Shelton didn't even show up for her last job. That is not someone who has empathy.

My colleagues knows she has no business on our central bank, just like you know Trump lost the election. I know you can't really say that. You can't say Trump lost the election. You can't say President-Elect Joe Biden because if you do, as the Governor of Ohio did, President Trump will threaten you as he did this morning.

I know most of you don't even think you can vote against a hack that you didn't want to support before the election now that the election is over. Most of you said you are going to vote for her. I don't understand that. Americans have had enough of people who treat governing like a game.

We need to rise to meet this moment. We need to restore people's faith in their government. Judy Shelton will make that harder. We can't allow Trump to keep sabotaging our government and our economy by creating chaos wherever he can, especially after voters decisively rejected him by more than 5 million votes—an electoral college landslide and 5 million more votes to President-Elect Biden than President Trump.

I urge my colleagues to join me in opposing Judy Shelton's nomination.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow morning.

Thereupon, the Senate, at 6:41 p.m., adjourned until Tuesday, November 17, 2020, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JOSEPH L. BARLOON, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE LEO MAURY GORDON, RETIRED.

THOMAS L. KIRSCH II, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE AMY CONEY BARRETT, ELEVATED.

EXTENSIONS OF REMARKS

RECOGNITION OF BRENT HILL SERVICE TO THE IDAHO SENATE

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. SIMPSON. Madam Speaker, I rise today to congratulate my friend Brent Hill on nearly two decades of service in the Idaho State Senate.

Born and raised in Idaho, Brent graduated from Madison High School in Rexburg, the very city he would represent. He went on to graduate from my alma mater, Utah State University.

Hill had an impressive career in accounting, serving over twenty years as the Chief Executive Office of Rudd & Company and a member of the Board of Directors of Citizens Community Bank in Eastern Idaho. This expertise would make him the go-to lawmaker on tax issues in the legislature.

In 2001, Hill was first appointed to the Idaho Senate. Ten years into his political career he was elected Senate President Pro Tempore. He held this position for a decade, making him the longest serving pro tempore in Idaho history.

Hill is admired by his colleagues in both chambers for his commitment to honesty and civility. He is someone who wants to bring all parties to the table and reach solutions together. His selfless service has been a template for the countless lawmakers that have looked to him as a mentor.

With twenty grandchildren, he may find himself busier now than ever. The citizens of Idaho have greatly benefited by having leaders like Brent Hill in office. He has been a great friend to Kathy and me over the years, and I want to thank him for his diligent service and congratulate him on his retirement from the Idaho State Senate.

IN HONOR OF ROBERT J. FLANIGAN

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to honor Robert J. Flanigan of Huntingdon County for his service in the United States Air Force. Robert is an outstanding Pennsylvanian, and I am grateful for his service to our nation, the Commonwealth of Pennsylvania, and our community.

In Pennsylvania and across the country, our veterans have served and sacrificed for Americans' freedom and our values. They answered the call to serve and fight for us—at a great cost. Truly, our veterans are the best of America.

In Congress, it is my privilege—and my responsibility—to stand up for those who have served our country in uniform, as well as to recognize these brave Americans. As a nation, we are indebted to them. On behalf of the 13th Congressional District, I thank Robert for his service to our nation and our community.

HONORING WILLIAM F. MILLER, JR. FOR HIS SERVICE TO OUR COUNTRY DURING WORLD WAR II

HON. ELISE M. STEFANIK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Ms. STEFANIK. Madam Speaker, I rise today to honor William F. Miller Jr. for his unwavering service to our country during World War II as Radioman Petty Officer Second Class aboard the USS *Oglethorpe* in the Navy.

William was born in Albany, New York on March 21, 1926. He was drafted into the Navy in July 1944 at the end of his junior year of high school, prior to receiving his diploma. William went on to serve in the Pacific theater and earned his Shellback after crossing the Equator on multiple occasions before he was honorably discharged in 1946. During his time in the Navy, he exemplified extreme courage and bravery as he valiantly protected our American values and our nation from enemies.

As Lake George High School presents William with an honorary diploma on this Veterans Day, November 11, 2020, we reflect on his many lifetime achievements. William has been happily married to Marie Luther since 1949, and they are celebrating their 71st anniversary this year with their five children, eight grandchildren, and a great-grandchild due in February. For many years, William ran a successful small business as a general contractor. The family continues William's strong military tradition and commitment to our nation as both his son and grandson have served in the Navy.

On behalf of New York's 21st district, I would like to thank William for his service to our country and congratulate him on officially receiving his diploma from Lake George High School. We owe our veterans a great deal of gratitude for the freedoms we enjoy today. I wish him and his family continued health and happiness.

MARION COUNTY INDUSTRIAL FOUNDATION

HON. JAMES COMER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. COMER. Madam Speaker, I rise today to honor the Marion County Industrial Foundation, which has been leading economic development efforts in Marion County since 1972. The MCIF is a non-profit, municipal and county-funded economic development organization. The MCIF has recently redoubled their efforts by purchasing the industries housed at 405 Old Springfield Road, or as locals call it, the Jane and Linda building.

This site has been a staple in the community since 1946, when Handmacher-Vogel built Lebanon Manufacturing Company. With over 500 employees, Handmacher-Vogel became the largest employer in Marion County at the time. The building underwent an ownership change in 1952, when Jane and Linda Sportswear took over the building. Ownership would eventually switch to Telecom in 1973 for a period ending in 1993.

After sitting unoccupied for over 20 years, the MCIF purchased the property earlier this summer. Staying true to their mission, the MCIF will market the property for new economic development opportunities. I am confident in this proud organization's ability to bring jobs to central Kentucky, which will create opportunity and hope for residents, businesses, and industries.

I join with everyone in Marion County and the Commonwealth in celebrating the extraordinary work of the Marion County Industrial Foundation. I am honored to represent this foundation as they continue to lead economic development efforts in the 1st District.

RECOGNIZING COUNCILOR BOB CAVANAUGH

HON. TOM RICE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. RICE of South Carolina. Madam Speaker, I rise today to recognize North Myrtle Beach City Councilman Bob Cavanaugh for his years of service to the North Myrtle Beach community.

Since beginning his tenure in 2001, Bob has provided invaluable sen-ice to the community and seen North Myrtle Beach expand into the tourist destination it has become. His experience in the private sector as an executive for General Electric provided an important perspective on city council.

During Bob's tenure, North Myrtle Beach further developed the North Myrtle Beach Park and Sports Complex, as well as the aquatic center. In his nearly two decades of service, he has seen North Myrtle Beach continually evolve.

Madam Speaker, I join the people of North Myrtle Beach in recognizing and thanking Councilman Bob Cavanaugh for his commitment to the community. We wish him the best in retirement.

IN HONOR OF DAVID P. FRYER

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to honor David P. Fryer of Huntingdon County for his service in the United States Army Military Police. David is an outstanding Pennsylvanian, and I am grateful for his service to our nation, the Commonwealth of Pennsylvania, and our community.

In Pennsylvania and across the country, our veterans have served and sacrificed for Americans' freedom and our values. They answered the call to serve and fight for us—at a great cost. Truly, our veterans are the best of America.

In Congress, it is my privilege—and my responsibility—to stand up for those who have served our country in uniform, as well as to recognize these brave Americans. As a nation, we are indebted to them. On behalf of the 13th Congressional District, I thank David for his service to our nation and our community.

HONORING THE 2020 WOMEN OF THE YEAR

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. GARAMENDI. Madam Speaker, I rise today to honor the 2020 Women of the Year. The honorees represent some of the most outstanding and dedicated women in the 3rd Congressional District. Nominated by their peers, these women and the leadership they have provided are being recognized for playing an integral and crucial role in improving the lives of everyone in their communities. This year, we mark the 100th anniversary of the passage of the 19th Amendment, guaranteeing and protecting women's constitutional right to vote. Since then, our nation has seen women take great strides in every American industry from business to politics to the arts. This progress has not come easy and many women who have come before have worked hard and strived to achieve the independence and rights women have today. Though there is more work to be done to ensure that women have equal pay, flexible work schedules, and affordable education, each of the honorees will be a vital part of the work to get there.

2020's Women of the Year are:

Born and raised in Colusa County, Janita Smith has used her creativity, determination, and skilled leadership to make a vast and visible impact on her community. Janita is a dedicated advocate for the most vulnerable populations in her community. For years, she has donated her time to reducing hunger by volunteering at and coordinating food drives, including an annual giveaway for the Christmas holiday. In 1998 she co-founded the Colusa County Food Basket Association, creating a nonprofit organization that dedicates itself to serving those in most need throughout Colusa. What began as a very small community outreach program has now grown into an immensely rewarding Colusa County community service program that has served and fed an average of 450 local families every holiday season for the past ten years. Recently, Janita collaborated with a local veteran's group to identify and create a register of all deceased veterans interred at the local Catholic cemetery. She spent nearly two years researching and networking with local families to ensure that all veterans were accounted for. Her work ensured that all 245 veterans were honored on Memorial Day with an American flag on their grave, marking their service and sacrifice. Janita's compassion, generosity, and heartfelt dedication to making her community a better place are an inspiration to all who know her.

Gina Tarke is more than just a volunteer in the Sutter County area, but a devoted leader with an extensive record of service to her community. Gina is known for her work ethic and constantly extends her hand to assist projects across the community with a kind heart. She has been the driving force behind many student, youth, and community projects. She spearheaded the Sutter Community Flag Project, has been in 4H Leadership for over 18 years, directs Sutter Union High School Football fundraising dinners and annual Meet the Huskies events, and never hesitates to lend a hand to the Sutter Youth Organization. Despite having children who have outgrown the youth activities in her community, Gina continues to volunteer her time ensuring that all Sutter youth have the opportunity to benefit from these programs. Under her leadership, the Yuba-Sutter 4H has expanded its reach over the years, providing vital learning opportunities to thousands of students in the community and offering invaluable leadership experiences. Gina has not only given her own time and generosity to youth organizations throughout her community, but also encouraged others to do the same by raising awareness of the need and benefit of each program. Her leadership, volunteerism, and generosity have touched countless individuals and left a lasting impact throughout her community.

Marie Teria is a dedicated community servant whose leadership, generosity, and compassion inspire all who know her. Her volunteer work with organizations such as the Casa De Esperanza, the Shady Creek Outdoor Education Foundation, the Live Oak High School Key Club, and local Kiwanis Clubs demonstrate her commitment to helping those in need. As a leader within the Kiwanis Clubs of Yuba City and Live Oak, Marie has worked tirelessly to organize fundraising events like the annual Kiwanis Lobster Feed that enable the organization to support students, families, and charitable organizations throughout the community. She also serves as the Key Club Advisor at Live Oak High School, teaching students important values such as cooperation, responsibility, and community service. Under her leadership, the club has tripled its membership and increased their community involvement. Marie also serves on the board of the Shady Creek Outdoor Education Foundation which provides scholarships to low income families to send their children to outdoor education camps. She works to ensure that no child is deprived the benefit of these formative experiences due to their family's economic situation. Her passion for serving others led her to serve on the board of Casa de Esperanza for the past eight years, where she demonstrates her commitment to improving the lives of survivors of domestic abuse and human trafficking. Over her many years of community service, she has been recognized with numerous awards, including the Modem Woodmen "Hometown Hero" Award, State of California Legislature and Congressional Recognition as Ambassador of the Year, the William A. Dunlap Fellowship, and many more. Marie's extensive volunteer work and tireless advocacy on behalf of children and families has touched the lives of many and will leave a lasting impact on her community

Raji Tumber has made vast and meaningful contributions to the Yuba-Sutter area throughout her lifetime. As a caring mother, exceptional community leader, and engaged volunteer, she finds countless ways to make an impact, whether as a past board member of the American Red Cross or by volunteering her time to the local Tierra Buena Gurdwara, which serves over 20,000 Sikhs in the area. Her work as a board member of the Yuba-Sutter Food Bank has helped the organization further its mission to distribute food to over 16,000 individuals each and every month. She also gives her time working with SEV A, an organization that promotes selfless service and works to provide meals to homeless individuals across the region. Raji's leadership is characterized by a warm and outgoing nature, coupled with the highest standards of integrity and professionalism in all she does. Her work has promoted transparency in the Punjabi community, allowing more women to be actively involved in breaking down barriers at two of the local Gurdwaras. Through her effective leadership and enthusiastic approach, she continues to touch the lives of many throughout the Yuba-Sutter community.

Mary Vasquez is a third-generation resident of Vacaville who has followed in her family's footsteps to support and represent her community. For several years, Mary worked with her father in the family business, where she was instilled with a strong and independent work ethic. Using this experience as a foundation, Mary attended UC Davis and San Francisco State University, becoming the first member of her family to receive a graduate degree. Mary has now worked for 13 years at UC Davis where she is the Associate Director of the Academic Senate. Through her work, she enables UC Davis to carry out their mission of teaching, research, and public service. In her free time, Mary dedicates herself to supporting and improving her local community. As a devoted mother of three, Mary is heavily involved with her children's schools and served on the Vacaville Bobby Sox Board for two years. She has also spent seven years supporting the Cal Inc. Cares Relay for Life Team where she has helped to raise over 20 million dollars for the American Cancer Society. Most recently, Mary was appointed by the mayor to the Vacaville Parks and Recreation Commission where she advises the City Council on matters important to her community. Mary is an engaged and dedicated member of her community who is always working willing and eager to help out where it is needed.

A long-time resident and devoted civic leader in Vacaville, Jeanette Wylie is a determined advocate for everyone in her community. Having retired after 22 years teaching with Travis Unified School District, education is one of Jeanette's many passions. She spent eight years as President of the Travis Unified Teachers Association where she supported teachers at all levels and worked to advance

their priorities as a delegate to the California Teachers Association's State Council. Jeanette is tireless in her efforts to engage others and ensure that everyone in her community has a place to express their beliefs and take part in the democratic process. She currently serves on her county's Democratic Central Committee where she promotes accountable leadership and encourages civic engagement. Jeanette aspires to be a leader in her community who listens to the needs of everyone. Recently she has been reaching out to her neighbors and peers to have conversations on city safety, the importance of neighborhood parks, plans to address poverty, and providing quality education to future generations. Jeanette's years of service as an educator and community advocate are an inspiration to all who know her.

Robin Ziegenmeyer is an enthusiastic community servant who has made significant contributions to programs benefitting local children and families. Robin has coached little league, organized school field trips, and provided digital media for school, sports, and community organizations in Sutter. As a dedicated member of the Sutter Youth Organization, Robin works with the community to maintain the foundation along with its recreational centers and philanthropic events. Robin's work on behalf of the Sutter Youth Organization has allowed the center to be renovated and updated, providing facilities where youth can gather to play sports, train, and swim recreationally. Her work has benefitted countless members of the community, enabling a beloved city institution to flourish. Robin is a kind, generous, and enthusiastic leader in her community whose work will leave a lasting legacy.

I congratulate each of them and commend them for their work. I am inspired by them and firmly believe when women succeed, America succeeds.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. HIGGINS of New York. Madam Speaker, on October 2, 2020, I was unable to be present for the recorded votes on Roll Call No. 218. Had I been present, I would have voted YEA on agreeing to the resolution H. Res. 1154, Condemning QAnon and rejecting the conspiracy theories it promotes.

HONORING ROBERT ''BOBBY'' SMITH FOR 34 YEARS OF PUBLIC SERVICE

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. HUDSON. Madam Speaker, I rise today to honor Robert ''Bobby'' Smith for more than three decades of service to our country, our state, and our community. A U.S. Navy veteran and leader in emergency management, Mr. Smith's public service has spanned more than 34 years.

Mr. Smith began his career in 1985 as a Telecommunicator and Emergency Medical Technician for Guilford County Emergency Medical Services. Over his career in public service he has also served as a firefighter, hazardous materials technician, rescue technician, fire inspector, and Chief Fire Investigator. During his work in Emergency Management he has developed, tested, and implemented numerous response, recovery, mitigation, preparedness and continuity plans, and has been an integral part of emergency operations during national events and disasters. Today, he retires as Director of Emergency Management and Fire Services for Cabarrus County.

Over the years, Mr. Smith has proven to be a strong and effective leader and our region is better and more prepared due to his work. He has served as Unified Incident Commander during the ongoing coronavirus pandemic; coordinated response to a number of declared natural disasters; served as a member of the Domestic Preparedness Region (DPR 7) Committee, North Carolina Emergency Management Association Legislative Committee, and Rowan Cabarrus Community College Emergency Management Advisory Committee; and worked closely with the Local Emergency Planning Committee to develop emergency response infrastructure for local businesses.

An exemplary public servant, Mr. Smith represents the best our nation has to offer and we will look up to his leadership for generations to come. I know I speak for everyone in our community when I say we are truly grateful for his tireless service and cannot thank him enough. I would like to offer my most heartfelt appreciation and wish him a long and happy retirement.

Madam Speaker, please join me today in honoring Robert ''Bobby'' Smith for his 34 years of public service.

HONORING THE ACHIEVEMENTS AND UNSELFISH WORK OF HILLSBOROUGH COMMISSIONER LESLEY ''LES'' MILLER, JR.

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Ms. CASTOR of Florida. Madam Speaker, I rise today in admiration and respect to honor the achievements and unselfish work of Hillsborough Commissioner Lesley ''Les'' Miller, Jr. and to congratulate him on his retirement. Les' remarkable contributions to our hometown of Tampa have had a tremendous impact on our neighbors and citizens of Florida and is worthy of recognition.

Les was born in Tampa in 1951, graduated from Middleton High School and later served in the United States Air Force as an administrative specialist. He holds a bachelor's degree in political science and master's degree in public administration from the University of South Florida (USF) and received an honorary doctorate degree in humane letters from Florida A&M University in 2005. During his academic career, Les served as the First African American President of the Student Government Association and President of the Black Student Union. Before making a switch to political science, Les was a music major and rose to be drum major at Middleton High.

Les' involvement and willingness to serve did not stop after his college career. He also served as a member of the Florida House of Representatives from 1992 to 2000 and as a member in the Florida Senate from 2000 2006. Commissioner Miller was the first Democrat in Florida to serve as both Florida House and Senate Minority Leader. His hard work and dedication towards public policy and passion for giving back to his community, has granted him several awards including the Florida Education Association President's Award; the Dr. Martin Luther King, Jr. Interfaith Memorial Service Robert W. Saunders Award for Efforts to Promote Civil Rights; the University of South Florida Presidents' Distinguished Citizen Award; the Early Learning Coalition Legislative Excellence Award; Florida League of Cities Legislative Award; and the Florida Housing Coalition Legislative Award.

Les has been an integral part of the growth and development of Moffitt Cancer Center, Florida's only National Cancer Institute-designated Comprehensive Cancer Center. Les was already a cancer survivor before Moffitt opened, but throughout his life, he and his loved ones still needed Moffitt more than he might have imagined. Les has survived three bouts of cancer, and both his wife, Gwen and daughter LeJeane, have twice survived cancer. Through his career in the Florida Legislature, Les made funding Moffitt one of his priority issues. His many accomplishments there, include, a measure he authored to earmark a percentage of Florida's tobacco sales taxes for Moffitt research and patient care. Les continues to give back through Moffitt's annual Men's Health Forum which encourages men regardless race, religion and socioeconomic background to get information and guidance on prostate and men health. Les credits Moffitt for being alive today and has made it a life mission to help the center in any capacity.

Les' relentlessness to fight for what is right inspired him to lead efforts throughout his career, both at the state and local level, for tough laws to stop gun violence and keep guns out of the hands of people like the men who shot his son, Trey. Les' tough and collaborative approach has allowed him success despite strong opposition from special interests and even the Florida Legislature. It passed a law to try to take gun violence efforts from local governments. Les' strength and passion can be seen in his continuing efforts to fight to stop gun violence even in the face of rules that threaten local officials personally who try to protect their communities.

During his tenure as a Commissioner for Hillsborough County, Les has continued to improve the lives of many by continuously fighting for affordable housing, better transportation and protection of the environment. He also served on several Boards and Councils including Aviation Authority, Committee of Six, Expressway Authority, Florida State Fair Authority, HART, Hillsborough County Emergency Policy Group, Metropolitan Planning Organization, Visit Tampa Bay, Tourist Development Council and Election Canvassing Board.

Outside of his role as Commissioner, Les continues to be an active voice in civic affairs including being a life member of Kappa Alpha Psi Fraternity, Inc. a member of Harram Temple No. 23, Prince Hall Shriners; a member of the United Supreme Council, 33rd Degree Mason, Ancient and Accepted Scottish Rite Freemasonry, Prince Hall Affiliate; Life Member and Past Master of Landmark Lodge No.

93 of Prince Hall Free & Accepted Masons; Life Member of the Tampa Branch of the NAACP; and a Deacon of the New Mount Zion Missionary Baptist Church of Tampa, Inc. He also continues to uplift and highlight the history and contributions of the African American community to Hillsborough County.

Madam Speaker, Les Miller, Jr. embodies what it is to be a public servant and citizen. He has shown the way for generations to come, always giving his very best, leading by example and always working to make lives better for those he serves. On behalf of the citizens of Florida and my neighbors across Tampa Bay, I am proud to honor Les Miller, Jr. for his formidable efforts and selfless devotion to the people in our community and congratulate him one more time, on his retirement.

IN HONOR OF CHARLES E. TROSTLE

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to honor Charles E. Trostle of Huntingdon County for his service in the United States Army. Charles is an outstanding Pennsylvanian, and I am grateful for his service to our nation, the Commonwealth of Pennsylvania, and our community.

In Pennsylvania and across the country, our veterans have served and sacrificed for Americans' freedom and our values. They answered the call to serve and fight for us—at a great cost. Truly, our veterans are the best of America.

In Congress, it is my privilege—and my responsibility—to stand up for those who have served our country in uniform, as well as to recognize these brave Americans. As a nation, we are indebted to them. On behalf of the 13th Congressional District, I thank Charles for his service to our nation and our community.

RETIREMENT OF WANDA BLACKWELL

HON. JAMES COMER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. COMER. Madam Speaker, I rise today to congratulate Wanda Blackwell on her retirement from the Webster County Senior Center, where she has served as Director for the last four years. She is beloved by the seniors she cares for and their families because her devotion to serving others is evident in every effort she undertakes.

Just a year ago, Webster County opened a new senior center that has already enriched the lives of so many and is evidence of the devotion Wanda and her team have for their fellow citizens.

Whether she was serving or delivering meals, decorating and improving the center or raising funds to expand their offerings and programming, she did it all with a smile on her face. Wanda lives by the saying, ''grow where God planted you'' and has been a shining example of giving back to the local community.

I join with Wanda's family, friends, and all those she has served throughout her time with the center to thank her for her outstanding efforts to better the lives of others, and I wish her many happy years of retirement.

HONORING CITY OF ST. HELENA EMPLOYEES

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. THOMPSON of California. Madam Speaker, I rise today to honor the city employees of my hometown, St. Helena, California, for their bravery and service while protecting our community from the devastating Glass Fire. These first responders, public works employees, and civil servants rose to responsibilities well outside of their roles, exhibiting altruism and versatility in their efforts to protect our community in times of crisis.

St. Helena is fortunate to have dedicated first responders to call upon when disaster strikes. Despite dangerous conditions, the men and women of the St. Helena Fire Department courageously battled the blaze for 23 continuous days. Working 12- and 24-hour shifts, they successfully defended our city from the wildfire. In coordination with the Fire Department's efforts, the St. Helena Police Department went door to door to notify residents of the mandatory evacuation orders. Officers, many of whom were displaced by the Glass Fire, worked night and day to ensure public safety by closing roads and escorting evacuees to collect their belongings.

In addition to the heroes in St. Helena's emergency services, other city employees answered the call to safeguard our community. Six Public Works employees risked their lives to shield vital infrastructure at the Louis Stralla Water Treatment Plant and the Bell Canyon Reservoir from destruction, fighting flames in their street clothes alongside city and CalFire crews. Persevering through power outages and poor air quality, city workers across numerous city departments continued to work to meet critical needs in the face of disaster. These are only a few examples of the tremendous grit and commitment city employees showed during the emergency.

Lastly, the city of St. Helena could not have gotten through this disaster without strong leaders at its helm. In particular, Fire Chief John Sorenson, Police Chief Chris Hartley, and City Manager Mark Prestwich distinguished themselves through their exemplary leadership and expertise in coordinating the city's response.

Madam Speaker, during times of crisis, our citizens often look to their public servants for guidance and assistance. The employees of the City of St. Helena represent the very best in service, dedication, and selfless conviction to community. It is therefore fitting and proper that we honor them today.

IN HONOR OF EDWARD J. SCRAM

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to honor Edward J. Scram of Huntingdon County for his service in the United States Air Force. Edward is an outstanding Pennsylvanian, and I am grateful for his service to our nation, the Commonwealth of Pennsylvania, and our community.

In Pennsylvania and across the country, our veterans have served and sacrificed for Americans' freedom and our values. They answered the call to serve and fight for us—at a great cost. Truly, our veterans are the best of America.

In Congress, it is my privilege—and my responsibility—to stand up for those who have served our country in uniform, as well as to recognize these brave Americans. As a nation, we are indebted to them. On behalf of the 13th Congressional District, I thank Edward for his service to our nation and our community.

HONORING THE LIFE OF HEE SOOK LEE

HON. JIMMY GOMEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. GOMEZ. Madam Speaker, I rise today to honor the life of Hee Sook Lee, the founder of Buk Chang Dong (BCD) Tofu House, a chain of Korean soondubu jjigae (tofu soup) restaurants that have since become a cultural touchstone to so many Korean Americans and have helped bring Korean cuisine to the global stage.

Lee's life story reflects the passion and commitment to which she built the legacy of BCD. When Lee was younger, her father suffered a debilitating stroke. Lee decided to skip college to support her mother who had been washing dishes in restaurants and selling dishware at flea markets to support Lee and her three siblings.

In 1989, Lee immigrated to the U.S. and settled in Los Angeles so her children could learn English and seize the opportunities life in the U.S. offered. Her husband became an established restauranteur and Lee became busy raising their three sons. However, Lee was itching to start something of her own. Seeing how so many Koreans found success in opening restaurants, Lee decided to open one of her own. In 1996, on Vermont Avenue in LA's Koreatown, Lee opened BCD, naming the restaurant after the district in Korea where Lee gained some experience and training in the food industry.

Lee eventually achieved her dream of opening a restaurant where she could share her love and passion for Korean cuisine. However, she never imagined what she had started would soon become an empire of Korean restaurants, with 13 locations across the U.S., and that she would have Asian supermarkets stocked full of her soup starter kits.

Over the years, BCD has become the go-to place for those seeking good and authentic Korean food. To others it quickly became

more than a restaurant to go to eat soondubu, bulgogi, or bibimbap. It was the place to go when one was longing for the comforts of home or looking for a refuge after a long shift at work or after a late-night out with friends. At the beginning, BCD drew in a predominantly Korean and Asian crowd, but as word got around of the restaurant's delicious food, non-Asians and a diverse body of people became BCD's main patrons. After trying BCD, those who were initially unfamiliar with Korean food and culture would want to try other Korean foods, watch Korean TV shows and listen to Korean music, gaining a greater interest in and respect for Korea. Lee and BCD soon became a diplomat of sorts for Korean food and culture.

While Lee was busy feeding the hungry customers who frequented BCD, she was also helping feed thousands of starving children around the world. She was the President of Global Children Foundation, a nonprofit launched by Korean American mothers who wanted to provide relief to children and families throughout the world.

Lee's commitments to those in need didn't stop there. In the midst of the global COVID–19 pandemic and her own battle with ovarian cancer, Lee partnered with a local organization, Koreatown Youth and Community Center, to provide and distribute hot meals to low-income and vulnerable seniors. Her generosity of spirit didn't just end with the food that was served at BCD but continued in all the things that Lee did for the Koreatown community and beyond. Madam Speaker, I ask my colleagues to join me in remembering and celebrating the life of Hee Sook Lee.

MARKING WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. HASTINGS. Madam Speaker, on behalf of myself and Congressman RICHARD HUDSON, Co-Chairs of the International Road Safety Caucus, I rise today to mark the 25th World Day of Remembrance for Road Traffic Victims. This day of remembrance is a day to commemorate the millions of people who have lost their lives or been injured on the world's roads. It is also a day to thank emergency responders for their role in responding to emergencies and saving lives on roads and highways across the globe; a day to reflect on the impact of road traffic deaths and injuries on families and communities; and a day to draw attention to the need for improved legislation, awareness, infrastructure, technology, and international cooperation to save more families from the tragedy of losing a loved one.

More than one million people die from road crashes every year, and tens of millions are seriously injured. Road traffic crashes are the number one killer of young people aged 15 to 29 and the eighth leading cause of death among all people worldwide. Rochelle Sobel, President of the Association for Safe International Road Travel, highlighted the gravity of this issue and the imperative to fix it: Every 27 seconds, somewhere in the world, a person dies in a road crash.

On this 25th anniversary of World Day of Remembrance for Road Traffic Victims, it is important to remember the history and recommit to the goals of this day. It was initiated in 1995 as the European Day of Remembrance and quickly spread around the globe to countries in Africa, South America, and Asia. In 2005 the United Nations General Assembly adopted Resolution 60/2, recognizing November 15th as the World Day of Remembrance for Road Traffic Victims. Since that time, the observance of this day has continued to spread to a growing number of countries on every continent.

This year, the stated goals of World Day of Remembrance 2020 include remembering all people killed and seriously injured on the roads; acknowledging the crucial work of the emergency services; advocating for better support to road traffic victims and their families; and promote evidence-based actions to prevent and eventually stop further road traffic deaths and injuries.

Indeed, the day has become an important call to attention and an advocacy tool in global efforts to reduce road casualties. As a result of the growing awareness and global call to action that World Day of Remembrance for Road Traffic Victims has generated, in September 2020, the United Nations passed a resolution declaring the years 2021 to 2030 a new Decade of Action for Road Safety. The declaration affirms the UN's commitment to work vigorously to implement a new, ambitious agenda to halve road crash deaths by 2030.

Additionally, the United Nations Sustainable Development Goal 3.6 calls on governments and their stakeholders, including NGOs and private citizens, to address the personal, medical, and financial burdens associated with road traffic deaths and injuries.

In every Congressional district across America, families lose loved ones to road traffic crashes at home and abroad. It is an issue that affects every demographic and almost every mode of mobility, leaving behind profound trauma and economic impacts.

In Florida's 20th Congressional district and North Carolina's 8th Congressional district, road traffic crashes claimed 1,947 and 669 lives respectively between 2014 and 2018, costing an estimated combined $27 billion in medical expenses, lost wages, vehicle damages, administrative costs, and uninsured costs. Not to mention pain, anguish, and devastation of losing a child, parent, sibling, partner, friend, caregiver, or caretaker; the struggle of having to care for a permanently disabled loved one—these are incalculable. Those of us who have lost loved ones in a crash know all too well the ongoing pain that this tragedy causes families and communities.

Road traffic crashes are preventable. We owe it to our communities to work together so that the hopes and dreams of our loved ones are not shattered on the roads of the United States and the world. Today, we call on our colleagues in the United States Congress, Executive Branch agencies, and every community in America to remember, support, and act to prevent these avoidable tragedies and save lives.

HONORING CHRIS GLADDEN

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. GRIFFITH. Madam Speaker, I offer these remarks in honor of Thomas Christopher Gladden of Salem, Virginia, who died on October 22, 2020. Chris Gladden was a journalist and antiquarian whose work was enjoyed by many in the Roanoke Valley.

Chris was born on December 25, 1948 in Roanoke to Hobart Augustus Gladden and Phyllis Ann Denit. He graduated from Andrew Lewis High School in Salem. In his youth, his carefree lifestyle, which included hitchhiking to Nashville to see Bob Dylan and turning down a chance to attend Woodstock to instead go to the Atlantic City Pop Festival, earned him a place in the Roanoke World-News as a subject of columnist Mike Ives. Eventually Chris joined the paper as an employee. He started as a copy boy in 1974 and found one of his strengths was writing movie reviews. Readers of the Roanoke World-News and then the Roanoke Times, following the merger of the papers in 1977, enjoyed his astute and entertaining film commentary until 1993.

Chris then opted to leave the Roanoke Times and open a bookstore. He specialized in rare books, antiques, and really interesting stuff. As one of his customers, I enjoyed browsing his collection and learning of his finds. During this time, he also earned a degree in history from Roanoke College. His love of history extended beyond his studies and his rare book collection; he served on the board of the Salem Historical Society and was involved in the Historical Society of Western Virginia. He also served as president of the Salem Friends of the Library Board.

Chris had two sons that he loved, and shortly before his death lost his son Sean. He is survived by his son William. I offer my condolences on his loss.

TULSA COMMUNITY COLLEGE 50TH ANNIVERSARY

HON. KEVIN HERN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. KEVIN HERN of Oklahoma. Madam Speaker, Tulsa Community College celebrated 50 years in the Tulsa community this September.

In 1970, Tulsa Junior College opened, helping educate workers to fill the expanding Tulsa aerospace industry.

Their first class consisted of 2,796 students, 50 classrooms, and over 150 instructors. Today, Tulsa Community College enrolls about 17,000 students per semester and has over 800 full and part-time faculty members.

TCC has served nearly 450,000 students and awarded more than 70,000 degrees and certificates over the last 50 years.

No matter your background, goals, or schedule, students at TCC have found an accessible and affordable education.

Congratulations to TCC on an incredible 50 years in our community. I'm looking forward to 50 more.

IN HONOR OF PAUL SUPKO

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to honor Paul Supko of Huntingdon County for his service in the United States Navy. Paul is an outstanding Pennsylvanian, and I am grateful for his service to our Nation, the Commonwealth of Pennsylvania, and our community.

In Pennsylvania and across the country, our veterans have served and sacrificed for Americans' freedom and our values. They answered the call to serve and fight for us—at a great cost. Truly, our veterans are the best of America.

In Congress, it is my privilege—and my responsibility—to stand up for those who have served our country in uniform, as well as to recognize these brave Americans. As a Nation, we are indebted to them. On behalf of the 13th Congressional District, I thank Paul for his service to our Nation and our community.

HONORING EDWARD J. TRACEY

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. RYAN. Madam Speaker, on this the 75th anniversary of the end of WWII, I rise to pay tribute to Edward J. Tracey. Like so many of our courageous WWII veterans, Ed is gone but will not be forgotten. Madam Speaker, I am confident that the following highlights of the contributions Ed Tracey made to the War effort will reveal a legacy, not only for the 13th District of Ohio. but for the broader impact Capt. Tracey had on the victory against tyranny.

Ed along with his two brothers and two sisters, grew up at RFD No. 3, a farm located in Cortland, Ohio. Ed began his lifelong love of flying by taking lessons from a local flight instructor by the name of Ernie C. Hall at Hall's Airport. Ernest ''Ernie'' C. Hall who is widely recognized for his long career in aviation, was born near Warren, Ohio in 1890. A friend of the Wright brothers, Hall built his first powered airplane in 1909 and flew it in 1911. He began his career as a civilian flight instructor in 1913, opening a flying school in Pennsylvania in 1915. During World War I he transferred to Call Field in Wichita Falls, Texas where he trained over 500 military pilots for combat. In 1922 Hall relocated his flight school to Warren, Ohio where he taught until his death in 1972. His 1911 monoplanes have been displayed at the Smithsonian's National Air & Space Museum in Washington, D.C. and at the National Museum of the U.S. Air Force in Dayton, Ohio. Ed logged a total of 110 hrs. at Hall's Airport.

Ed left the family farm and traveled to Canada to join the Royal Canadian Air Force in May 1941, seven months before Pearl Harbor. Ed became a Flying Sergeant in the Royal Canadian Air Force and trained in the following aircraft: Fleet Finch, Harvard, Tiger Moth and the Fairey Battle. Ed logged a total of 375 hrs. in the RCAF from May 1941 through May 1942 and was awarded the Canadian War Medal.

After serving one year in the RCAF, Ed transferred to the U.S. Army Air Corps in June 1942 and was posted to Tyndall Airfield Gunnery School near Panama City, Florida for combat training. During training at Tyndall Field, 2nd Lt. Tracey met 2nd Lt. Clark Gable, the ''King of Hollywood'' and one of the stars of the 1939 film classic ''Gone With the Wind''. After what must have been a night full of many stories, most likely related to training and the uncertainties that lie ahead, Tracey left sporting Gable's service hat (also known as a crusher) and vice versa. They met again the next day for the ROTC (Return of The Crushers). Ed logged a total of 264 hrs. in the following aircraft from June 1942 through September 1943: O–46A, L–4B, AT–6A, AT–6C, BT–13A, O–47A, O–47B, (P–51A, P–51B Mustangs), A–33, AT–9, AT–9B, P40L Warhawk, (B–25C, B–25D Mitchells), B–26 Marauder, B–34 Lexington.

In October of 1943 Ed transferred to the 522nd Squadron—27th Fighter Bomber Group. The 27th supported the 5th Army's drive toward Rome. Ed flew the A–36 Apache, the P–40F Warhawk, and the P–47D Thunderbolt in combat. The nose art on his Thunderbolt read RFD No. 3—Ed wanted the enemy to know where his special deliveries were coming from, and there were many.

January 12, 1944: Ed was on a mission to take out enemy gun positions close to the front lines in South Central Italy. His A–36 Apache developed engine trouble near Gaeta Point and he had to leave the formation. Ed got as far as the Voltumo River Valley before coming down in a field for a belly landing.

The impact caused the prop to slice through the canopy. Lucky for Ed, his head went down and forward, just in time to avoid disaster. Ed flew a total of 102 air combat missions from October 1943 through August 1944 and logged a total of 165 hrs. of flight in the Mediterranean Theatre of War. Rome was liberated on June 5, 1944. ''ANGELS ON OUR SHOULDERS'' said Captain Miller, in reference to the P–51 Mustangs in one of the last scenes of the movie, ''Saving Private Ryan''. Many of the Angels of the 27th Fighter Bomber Group did not return.

Captain Tracey transferred to the 3rd Army Air Force in July 1944 and trained and prepared students for combat in the P–40 and P–51 Mustang. Captain Tracey logged a total of 362 hrs. in the following Aircraft until his discharge on December 7, 1945: B–17F Fortress, P–47D Thunderbolt, BT–13B, C–47A, UC–78, (P–40, P–40F, P–40K10, P–40L, P–40N, P–40N15, P–40N20, P–40N25, P–40N35, RP–40N, RP–40N25 Warhawks), (P–51C, P–51C6, P–51C10, P–51D, P–51D20, P–51K5, P–51K10 Mustangs).

All together Captain Tracey served a total of one year in the Royal Canadian Air Force and three years and seven months in the U.S. Army Air Forces. Ed logged 375 hours in the Royal Canadian Air Force and 825 hours in the U.S. Army Air Forces for a total of 1,200 hours. Ed logged flight time in a total of 45 individual aircraft.

Ed's love of aviation was not about to end. He became a member of the EAA (Experimental Aircraft Association) and built and flew his homebuilt Mustang II.

I ask you and my other distinguished colleagues to join me in saluting the legacy of a very accomplished WWII combat pilot and instructor Edward J. Tracey.

HONORING DR. MICHELLE KAVANAUGH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. HIGGINS of New York. Madam Speaker, I rise today to honor Dr. Michelle Kavanaugh. Dr. Kavanaugh was the Founding Director, President, and Acting Executive of the Western New York Science Technology Engineering Math (STEM) Hub. The WNY STEM Hub mobilizes schools and stakeholders to develop, nurture, and maximize interest in STEM-focused careers through hands-on, one of a kind experiences.

Dr. Kavanaugh's inspiring career in education began with her position as a principal in Sweet Home Central School District. She later became the Assistant Superintendent for Lockport City Schools and then the Superintendent of Plattsburgh City Schools and Honeoye Falls-Lima Central School Districts. Dr. Kavanaugh served as President of the start-up WNY STEM Hub from 2013 to 2019, translating her experience in school administration to a program that seeks to foster a love of STEM learning in students across the Buffalo-Niagara region. She believes that learning about and experimenting with science, technology, engineering, and math as young adults can foster a lifelong commitment to learning and dedication to making a difference in the future.

Under her leadership, WNY STEM Hub's capacity to change lives through learning was especially evident in the ''Hand in Hand'' program launched in 2017. This rich learning experience engages students to design prosthetic hands for local children in need using 3D printing technology, biomedical design, leadership development, disability awareness and conversations with professionals in related fields. Everyone involved—from students to teachers to mentors to recipient children, including children from Africa—are changed by this program that puts service learning at its center. Dr. Kavanaugh's commitment, energy and vision infused this lesson in learning to help others including the smiles and tears of gratitude from the children and their families who received their hands in a celebratory program.

One of the most successful programs for WNY STEM Hub students focused on developing experiments ready to be tested by astronauts at the International Space Station during their Take Flight—Space Experiments Project. As an early and enthusiastic supporter of WNY STEM Hub, I was especially thrilled to join in honoring three Buffalo Public School students in 2017 who won a competition through the Student Spaceflight Experiments Program and partnered with NASA to test their experiment in outer space. The female middle school students' project ''Tuber Growth in Microgravity'' questioned the ability for potatoes to grow at the International Space Station, earning the students the nickname ''Spud Launchers.''

Most importantly and to Dr. Kavanaugh's credit, these ''life-altering'' and ''out of this

world'' programs were not retired when she took her much deserved retirement but have continued on under new and equally committed leadership as this organization works to be accessible to female and minority students, who have traditionally been underrepresented in the STEM world. The vision of WNY STEM Hub is to create an environment where students of all backgrounds and genders can maximize their individual potential. Dr. Kavanaugh has truly dedicated herself to this mission through her determination to inspire local youth and encourage adults to share their time and talent. Under her leadership, involved students serve as evidence and inspiration that the Buffalo Niagara region can prepare some of the best U.S. scientists and engineers for our nation's future.

Thank you, Madam Speaker, for allowing me to acknowledge Dr. Michelle Kavanaugh's inspiring career here as she was recognized for her significant contributions at the WNY STEM Hub Annual Meeting on November 10, 2020. We are truly indebted to her for ensuring increasing opportunities and a brighter future for Western New York's students.

RECOGNITION OF JAMES K. NEILL

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. SIMPSON. Madam Speaker, I rise today to recognize the outstanding service of Jamie Neill who will be leaving my office at the end of this month. My staff and I have been very fortunate to have him in our office and our lives as he is a terrific staffer and incredible person.

Jamie first started in my office as an intern in 2012. His willingness to do hard work made a very strong impression and the fact he is a genuinely nice person was a bonus. We kept our eye on Jamie's career and were fortunate to bring him back full time in 2013.

Since then he has grown in his legislative role taking on increasing responsibilities of scope and importance to my district and the country. He has done a tremendous job working on healthcare, agriculture and resource issues for the past eight years and has achieved many successes.

Jamie played a critical role in crafting and passing both the Farm Workforce Modernization Act and the Great American Outdoors Act. True to Jamie's nature, no problem or legislative obstacle was too great to overcome through ingenuity and hard work. Jamie's kind and honest demeanor kept people working together and allowed great accomplishments to happen.

I will miss Jamie tremendously, but am very pleased he will be residing and working in Boise so he will not be too far away. I congratulate Jamie on a job well done, and wish him best of luck in his future endeavors.

IN HONOR OF WARREN V. DEMIER

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to honor Warren V. DeMier of Huntingdon County for his service in the United States Army. Warren is an outstanding Pennsylvanian, and I am grateful for his service to our nation, the Commonwealth of Pennsylvania, and our community.

In Pennsylvania and across the country, our veterans have served and sacrificed for Americans' freedom and our values. They answered the call to serve and fight for us—at a great cost. Truly, our veterans are the best of America.

In Congress, it is my privilege—and my responsibility—to stand up for those who have served our country in uniform, as well as to recognize these brave Americans. As a nation, we are indebted to them. On behalf of the 13th Congressional District, I thank Warren for his service to our nation and our community.

HONORING THE 2020 WOMEN OF THE YEAR

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. GARAMENDI. Madam Speaker, I rise today to honor the 2020 Women of the Year. The honorees represent some of the most outstanding and dedicated women in the 3rd Congressional District. Nominated by their peers, these women and the leadership they have provided are being recognized for playing an integral and crucial role in improving the lives of everyone in their communities. This year, we mark the 100th anniversary of the passage of the 19th Amendment, guaranteeing and protecting women's constitutional right to vote. Since then, our nation has seen women take great strides in every American industry from business to politics to the arts. This progress has not come easy and many women who have come before have worked hard and strived to achieve the independence and rights women have today. Though there is more work to be done to ensure that women have equal pay, flexible work schedules, and affordable education, each of the honorees will be a vital part of the of the work to get there.

2020's Women of the Year are:

Judi Booe is a long-time community supporter whose impact is seen and felt by many. As a semi-retired administrative staff member for the Collinsville Levee District, Judi works closely with community members and vendors. Formerly a resident of both Las Vegas, NV and Richmond, VA, Judi's community influence has followed wherever she has been. She is a supporter and board member of many local nonprofits in her community, including the Solano Symphony, Child Haven, Habitat for Humanity, the Vaca Arts Council, and so many others. Her dedication, compassion, and expertise make her well suited to the work she does assisting non-profits to review their by-laws and maintain crucial records. Judi has a generous heart and is the first to offer guidance or direction in any given situation. She leads by example in every setting and is an inspiration to all her peers. Her drive and generosity have earned her numerous awards, including the Solano Symphony League 2015 Volunteer of the Year, the Women's Club of Summerlin 2004 Award of Excellence, Habitat for Humanity Volunteer of the Year, and the Fairfax County Fire and Rescue Department Citizen of the Year award. Judi's leadership has made a positive impact on non-profits and community organizations across the country.

Wendy Breckon is a dedicated public servant who is tirelessly committed to improving her community. Wendy began her public service as an environmental specialist for the U.S. Environmental Protection Agency, before deciding to pursue a law degree. As an attorney, she continued her governmental work, both prosecuting and defending administrative cases for state agencies, and reviewing contracts. She recently retired as an Administrative Law Judge for the California Unemployment Insurance Appeals Board. She is an expert on employer tax cases and used her expertise to educate other judges on the subject. Wendy is the founder and current chair of the Vacaville Community Association, an organization which advocates for increased transparency and accountability in local government. Under her leadership, the group was instrumental in bringing about policy change at the city level. Wendy also helped found Vacavillians for Fiscal Health and continues to lend her expertise on governmental budgets to the organization, advocating for fiscal accountability at the city level. Wendy's dedication to public service, civic engagement, and improving her community is an inspiration to all her peers.

Aimee Brewer is a guiding force in her community with a passion for ensuring that all individuals live healthy, productive lives. She has put this passion to work at NorthBay Healthcare Group, a community-based organization that takes in everyone in need of care, regardless of their financial situation. It is her true calling to make a difference in her patients' lives every day. As president of the NorthBay Healthcare Group, her leadership has led to the launch of neurosurgery and robotic surgery programs, the advent of two community urgent care clinics, and the opening of a new state-of-the-art hospital wing. During the early weeks of the COVID–19 outbreak, Aimee lead the NorthBay Command Center team and maintained critical relationships with local, state, and federal agencies, where she promoted the first and most robust safety measures of any hospital. Throughout the pandemic, she has been an integral part of her community's COVID–19 response. Her leadership also stretches beyond the NorthBay Healthcare Group to many community organizations. She serves as Chair of the Solano Coalition for Better Health, Section Chair of the Northern & Central California Hospital Council, and a member of the board for Touro University California, Partnership HealthPlan, and the Solano Economic Development Corporation. Aimee brings strong leadership, boundless compassion, and unwavering generosity to all she does.

Ms. Brenda Cameron is a selfless community servant who has dedicated her time and energy to countless youth organizations across her community. When not working in the UC Davis Evolution and Ecology Department as a lab manager, she has spent her time volunteering with organizations such as the Davis Senior High School Grad Night, Davis youth baseball and softball leagues, the Davis Comic Opera Company, and the Girl Scouts of the USA. Over the years, Brenda has worked closely with the Davis Girl Scouts and the Girl Scouts Heart of Central California

Council. She became involved with the organization in 1999 and spent the next 13 years as a troop leader. In 2016, she began serving as the Davis Service Unit Coordinator where she has worked tirelessly to create an improved experience for Girl Scouts in her community. She recently participated in an experience with Girl Scouts and NASA where she learned new ways to encourage young women to get involved in STEM fields. Brenda brought what she learned back to the Davis Girl Scouts where she has helped introduce girls in her community to STEM fields through firsthand experiences. Her many acts of volunteerism have touched the lives of countless girls and young women throughout her community and inspired them to achieve their goals and go on to become young leaders in their own right.

Adrian Carpenter-McKinney has long been an active member of her community. Adrian's upbringing and experiences instilled in her a deep desire to serve communities like hers and help anyone who faced similar adversity. After attaining her law degree, Adrian became a respected prosecutor both in the District Attorney's office and as a Deputy City Attorney for Sacramento. These positions also allowed her to pursue her passion for community involvement and civic engagement. She served as a Deputy Legal Affairs Secretary within Governor Brown's administration where she reviewed potential legislation and counselled the Governor on paroles and commutations. She later started her own consulting firm, where she works to empower young women to take on leadership positions within their community. She also serves as an advisor to Breakthrough Sacramento, a program that she previously participated in herself, where she encourages and assists disadvantaged young students to expand their worldview and works with them to achieve their goals. Adrian also serves on the Board for the Wiley W. Manuel Bar Association, where she has created mentorship programs to support African American law students reach their maximum potential. Adrian has a true passion for serving others and has been a part of numerous community organizations, including AmeriCorps, National Night Out, and the Veterans Stand Down, where she provided legal advice to homeless veterans in the greater Sacramento area. Her work within her community demonstrates her compassion, enthusiasm, and dedication to helping others.

Kristine Cassidy has spent many years shaping Adventist Health with her influence and passion. Her ability to navigate changes and apply innovative thinking has earned her a distinguished career. Many of Kristine's achievements are not widely known, as she rarely seeks the spotlight and instead defers praise to her staff. She has guided Adventist Health through an intense period of change as they gained an affiliation with a new organization, assisted with recovery efforts during the Camp Fire, and became a driving force during the recent COVID–19 pandemic. Kristine's commitment to service is an inspiration to all as she consistently works to achieve important community goals and create a better life for everyone in the Yuba-Sutter community. Kristine started at Adventist Health 31 years ago, where she began enhancing dietetic services and developing high levels of food service management. Kristine was then asked to take over Rideout's Assisted Living Services where she elevated it to the premier choice for individuals seeking assisted living and increased its performance to unprecedented levels. Kristine is known to leave every department better than she found it, act as a quiet and steady leader, and is a vital member of her community. Outside of her leadership within Adventist Health, Kristine served as chair of the board of the Yuba-Sutter Chamber of Commerce where her vision, hard work, and leadership can still be seen through the effective and growing Chamber today. She has also given her time to the Yuba-Sutter Food Bank, the Yuba City High School girls basketball team, and the Yuba College District. Kristine has been a mentor to countless young women and her leadership in the community will be felt for years to come.

Denise Conrado is an activist and dedicated volunteer within her community. Currently serving as the co-leader of Indivisible Colusa County, Denise plays a crucial role in raising the profile of progressive voices and values within Colusa County. Through hard work, determination, and focus, she has spent over two years organizing monthly events for Indivisible Colusa, including Conversations with Community Leaders, a public forum where local leaders and activists come together to find common ground on critical issues to both Colusa County and to the country as a whole. Furthermore, Denise is a founding member of the Colusa County Democratic Central Committee, where she served as Treasurer until August when she decided to run for Colusa City Council. Activism work is not the only place that Denise shines. She is also a dedicated advocate for children, having had a successful career as a school administrator, she volunteers her time with youth organizations and lends her voice to issues impacting children. Denise has consistently worked in her community to promote civic engagement and her optimism, passion, and empathy for others have inspired everyone around her to become forces for good in the community.

Stacey Costello is a talented and passionate community servant whose hard work and dedication have completely transformed the presence and role of her local county library. For the last five years, Stacey has been the Director of Library Services in Colusa County where she has enhanced existing programs, created new programs, remodeled the library, and worked tirelessly to ensure the library remains an integral part of the community. Some of her additions include a summer free lunch program for children under 18, a financial literacy program, a U.S. Census hub, and annual citizenship workshops. During the trying times of adjusting to life with a global pandemic, Stacey quickly adapted to the regulations that affected the library. She made story times digital, established curbside pick-up services, and implemented an appointment system so individuals would still have access to computers, copiers, and other library resources. Stacey's impressive efforts earned her the California State Library's ''Outstanding Librarian in Support of Literacy'' award in 2018 and a place on the Virginia Yerxa Community Read committee, which she now runs. She has transformed the role of the local library from a place where books are stored to an active community center that caters to adults and children of all ages and abilities. Her creative talent and ability to spread her positive energy to others has made her a crucial asset to her community.

Yvonne Cox is a beloved figure in her community. Living in an area faced with high rates of crime, drug and alcohol abuse, and poverty, she made it her goal to provide children and young adults with a safe place within their community. She understood the importance of providing young adults a supportive location with understanding people to turn to when they were not in school. In 1999, she launched a weekly Tuesday dinner for anyone and everyone who cared to join. In 21 years, Yvonne has never skipped a Tuesday. Her motto is ''Come and serve or be served'' and she ensures that everyone knows they can find a safe place with her. This achievement has not received any financial support or recognition, nor has Yvonne ever asked for assistance. Outside of her work helping the youth in her community, Yvonne owns a café that enables her to further help those in need. She opens her parking lot to trailers and cars for evacuees during wildfires, opens her cafe as a warm place for food in the winter months, and has even opened her home to six children under the age of 14 to call their home. Yvonne works closely with many other organizations, including North Coast Opportunities (NCO), Clearlake Senior Center, Sunrise Special Services, and many local grocery stores and markets. Yvonne's selflessness is an inspiration to many within her community. She is a positive role model for children and adults alike, demonstrating what it means to be a selfless, empathetic, and passionate member of the community.

Lois Cross' work in our community has enriched the lives of countless residents from all walks of life. As the System Line Director for Sutter Health and a Sutter Medical Foundation leader she has dramatically expanded the Walk-In Clinic (WIC) network, overseeing the opening of 10 WIC's in the Valley Operating Unit alone. She now directs the 27 Walk-In Clinics throughout the Sutter Health footprint. With the arrival of the COVID–19 pandemic, her role and responsibilities have only increased. By partnering with local military bases, Travis AFB and Beale AFB, Lois has been able to provide video visits to military personnel for evening and weekend care, connecting 15,000 military service members and their families. Beyond her professional work, Lois has served as the President of the Dixon Rotary Club, Assistant District Governor for Rotary District 5160, President of the American Case Management Association for Northern California, Professor at Samuel Merritt School of Nursing, and as a national speaker on the topic of the Affordable Care Act. Furthermore, Lois stands out for her emphasis on the professional development of others; she cares deeply for her teams and works tirelessly to make sure others have professional development and training opportunities. It is precisely this caring and generous mindset that has enabled her to have a positive impact on thousands of lives throughout the district.

Rachel Davidson consistently brings care, compassion, and dedication to the work she does. Six years ago, Rachel began as a Case Manager for the Sacramento Downtown Streets Program where she worked with individuals facing homelessness to find the care and resources they need. Through her demonstrated hard work and respect for the organization's mission, she became the Sacramento Area Director. Through her work, she has helped thousands of Californians find new

hope by guiding them out of homelessness, and into steady employment. Her work enables those in need to find the resources that can help them get back on their feet. Rachel treats everyone she meets with the same respect and compassion, regardless of their situation in life. This caring attitude makes her an invaluable member of her organization and a universally respected leader. The work she does empowering those facing homelessness has not only shaped the lives of countless individuals but has had a far-reaching impact on the larger community.

Narinder Dhaliwal has served her adopted community of Yuba City in a profound and meaningful way since first immigrating from England in 1995. Narinder has spent her career in the field of public health and has worked tirelessly to promote improved health and quality of life for all those in her community and beyond. As Project Director for the Education, Training & Research program of California's Clean Air Project, she devoted her passion and expertise to educating tribal communities and young students on the harmful effects of tobacco use and secondhand smoke. She has been recognized many times for her success promoting smoke-free environments and forging invaluable relationships with many of California's tribal communities based on compassion and mutual respect. Narinder has also served as a board member for numerous important organizations, such as the National Child Safety Board, the Peach Tree Health Care System, the Sutter Performing Arts Association, Friends of Yuba City Parks & Recreation, and she currently serves as President of the Yuba Sutter Arts & Culture Board of Directors. She has been instrumental in securing important grants enabling countless community projects and programs. Beyond her community service, Narinder is a role-model and mentor to women of all ages and backgrounds, and is known to be a kind and passionate force in her community.

Anne Marie Flynn has dedicated her career to organizations aimed at helping those most in need. Anne Marie spent seven years working in community development abroad before returning to Davis where she brought her passion and expertise to her own community. Over the years she has worked with many non-profit organizations, including the Rural Community Services Corporation, the Yolo County Food Bank, and the UC Davis program for Regional Change. She is now the Community Development Officer for Mutual Housing California, where she has helped the organization become one of the highest-quality affordable housing developers in the state. Anne Marie has spearheaded numerous programs that have helped residents to improve their financial standing and given them a brighter outlook on higher education. She also oversees fundraising and grant-writing efforts, and advocates tirelessly for increased funding for affordable housing. Under her leadership, residents and staff have built a community around civic engagement that is actively invested in their future. Anne Marie is a talented and dedicated leader determined to build a strong and thriving community. During the COVID–19 pandemic she has put her skill and expertise to work, organizing the delivery of over 30,000 meals to her residents, and ensuring that everyone was taken care of. Outside of work, Anne Marie volunteers her time with organizations such as the Davis Phoenix Coalition and Show Up for Racial Justice, organizations that work towards a more just and equal society. Anne Marie is a passionate, dedicated, and kind community servant whose work has had an impact throughout her community and around the world.

Andrea Garcia has brought hard work and dedication to everything she does; from the beginning of her career raising twins and pursuing higher education, to her current extensive involvement in community leadership. Andrea served as President of the Solano Soccer Club where she took the opportunity to keep children actively engaged in a community activity and ensured that they were surrounded by positive role models. Recently, she was appointed to the Diversity, Equity, and Inclusion Commission for the National U.S. Youth Soccer League. For years, Andrea has been a strong advocate for minority communities and worked tirelessly to promote diversity wherever she could. As President of the Solano Hispanic Chamber of Commerce, she created an environment of inclusivity and empowerment and spearheaded the fundraising efforts for the ''Inspire Learning'' scholarship program which enabled Hispanic students to pursue higher education. As Associate Vice President of University Advancement for Touro University, Andrea helped create the Mosaic Celebration, a fundraiser which has raised over $500,000 and awarded scholarships to 25 students with diverse backgrounds to help with college tuition. Just this year, Andrea has been a part of multiple community efforts, lending her time and expertise to the Touro University Equity, Diversity, and Inclusion Commission, and the Suisun City Economic Pandemic Impact Committee. Andrea is an accomplished community leader and role model with an unyielding work ethic, charitable heart, and compassionate disposition.

Neena Gill will be remembered as a tireless community leader whose constant smile and ceaseless gratitude brought joy to all around her. A Punjabi immigrant, Neena was an integral part of the Yuba-Sutter community. She and her beloved husband Kash are known in the community for farming peaches, prunes, walnuts, and almonds. Neena was also known for her dedication to her students at the Yuba Community College. For the last 30 years she was an academic counselor and professor who advocated tirelessly for students from disadvantaged backgrounds. She gave them the courage and direction to succeed in their academic endeavors and pursue their passions. She exemplified this to such a degree that Yuba College created the Neena Gill Spirit Award in her honor, to annually award one Yuba College member who displays spirit and love for their students. Neena was also a strong advocate for women's health, raising over $75,000 to procure a 3D Toma Imaging Machine to assist in Breast Cancer diagnoses. While she herself had her own battle with breast cancer, she did not let it inhibit her courage and relentless dedication to helping those in need. Neena's legacy will continue to reverberate within the campus of Yuba Community College and the greater Yuba-Sutter area. It is my distinct honor to award posthumously the 2020 Woman of the Year Award to Neena Gill.

Nicole Howell devotes herself with unparalleled enthusiasm to making her community a better place, especially for the elderly, English as a Second Language learners, and those facing socio-economic hardship. Her choice of career was driven by the experiences and memory of her grandmother, a Native American woman who faced many of the same struggles Nicole works every day to alleviate. For well over a decade, she has worked within the non-profit sector building programs, teams, and resource networks to educate communities and combat ageism. Nicole's belief in the power and equity of shared leadership has allowed her to thrive as the Executive Director for Ombudsman Services of Contra Costa, Solano, and Alameda (OSCCSA), where she is responsible for ensuring that nearly 29,000 long-term care residents and their families have access to the highest level of care and are treated with respect and dignity. During her tenure as Executive Director, Nicole has grown the OSCCSA's budget by over 600 percent while spearheading new programs such as the Solano Elder Justice Program, Telephone Reassurance, Residents' Rights, and Healthcare Career Pathways. Furthermore, her passion, dedication, drive, and expertise have helped Solano County tremendously in combatting COVID–19 and protecting our communities' elderly. At the beginning of the pandemic, she worked to distribute PPE to over 15,000 residents in long-term care and educate the public on the risks of COVID–19 to older adults. Nicole's dedication to culture-changing initiatives and person-centered care philosophies have made her an indispensable part of building healthy communities. Her work advocating for some of our community's most vulnerable members has directly benefited countless individuals.

Sara Johnson has been a staunch advocate for the disadvantaged and incarcerated in Yolo County. As head of the Post-Conviction Relief Unit of the Yolo County Public Defender's Office, Sara works tirelessly on behalf of rehabilitated and incarcerated individuals. She devotes her time and energy to giving hope and assistance to those in prison, ensuring that they are not left without help following a conviction. This work has always been important, but during the Coronavirus pandemic, her advocacy on behalf of medically vulnerable clients has been absolutely critical. She exhausted every option open to those seeking post-conviction relief and successfully secured the release of several eligible community members. As a Disaster Services Worker during the pandemic, Sara also worked with Project Room Key, the state effort to house at-risk homeless individuals and prevent the further spread of COVID–19. She oversaw the care of over 30 individuals affected by homelessness, advocating for their needs. She has also volunteered her time with the Yolo Food Bank and other efforts to assist those in need throughout her community. Sara is known by her peers as a model community servant whose work is both meaningful on an individual level as well as having far-reaching impact within her community.

I congratulate each of them and commend them for their work. I am inspired by them and firmly believe when women succeed, America succeeds!

ORESTUS FLOWERS' 100TH BIRTHDAY

HON. JAMES COMER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. COMER. Madam Speaker, I rise today to honor Mr. Orestus Flowers of the First District of Kentucky who turned 100 years old on September 7th. Mr. Flowers was born in Bow, Kentucky and continues to reside in the 1st District.

Mr. Flowers served in the Army for 3.5 years and was stationed in the Philippines from 1942 to 1945. I stand with all Americans to congratulate him on years of bravery and sacrifice to preserve our safety and freedoms.

On February 1, 1946, Mr. Flowers married Geraldine and together they have three daughters. A true entrepreneur, he was responsible for bringing Houchens Market to Burkesville in 1952 and served as manager for 32 years. Upon retiring from Houchens, he worked at Norris and New Funeral Home for the next 25 years.

I join with everyone in Burkesville and throughout the Commonwealth who has had the privilege of knowing him to celebrate his fearless spirit. I am honored to represent Mr. Flowers and wish him a happy 100th birthday.

CONGRATULATING FANNIE MAY ON ITS 100TH ANNIVERSARY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. DANNY K. DAVIS of Illinois. Madam Speaker, I rise to recognize and congratulate Fannie May on its 100th year anniversary serving the Chicagoland community with handcrafted, premium American chocolates.

H. Teller Archibald opened the first Fannie May shop in 1920 at 11 N. LaSalle St. in the heart of downtown Chicago. By 1935 there were four dozen shops in Illinois and surrounding states and in 1946, the iconic PIXIE was developed. This mouth-watering combination of caramel, chocolate and nuts are one of the companies best sellers and one of my favorites. During World War II, while other companies chose to change their recipes when ingredients were scare, Fannie May stuck with its exact recipes, making only what they could with the available superior ingredients. Though the company battled many cultural and financial challenges, it never stop creating new treats for the young, old and health conscious. In 1991 Fannie May produced sugar-free chocolate, which quickly became a favorite among dieters and people with diabetes. To this day, Fannie May does not compromise on quality, and their 55 stores including their flagship store on Michigan Avenue in my district, and 500 employees in the Chicago area serve the community with the utmost pride.

Fannie May chocolates are undeniably some of the most popular in the U.S. and often a favorite for Valentines and the holiday shopper. Again, congratulations to Fannie May, we look forward to another 100 years with you as a vital member of the Chicagoland community.

HONORING CBP OFFICER DOMINGO JASSO III

HON. FILEMON VELA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. VELA. Madam Speaker, I rise today with a heavy heart to honor the life and legacy of Customs and Border Protection (CBP) Officer Domingo Jasso III, who passed away on November 5, 2020. Officer Jasso's service to his community and country touched the lives of many, and he will be remembered for the good-natured support he provided his colleagues and those he encountered.

Officer Domingo Jasso began his dedicated service as a Customs and Border Protection officer in December of 2011. Officer Jasso was known for his leadership, his exceptional work ethic, and his positive attitude. During his time as a CBP Officer, he served as a devoted trumpet player for the Customs and Border Protection Honor Guard. He was also a member of the Border Patrol's Mobile Field Force and was deployed with Operation Secure Line in 2019.

Officer Jasso is survived by his beloved wife Monica Jasso and their three daughters, Jenny, Faith and Alizae. He also leaves behind many dear relatives and the many work friends he made over his career with CBP. Officer Jasso honored his loving family by setting an example as a brave public servant to his community and country.

Madam Speaker, I ask my colleagues to join me in honoring the legacy of Officer Jasso as a father, husband, role model, and brave servant to our community.

IN HONOR OF WILLIAM SUVAK

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to honor William Suvak of Huntingdon County for his service in the United States Air Force. William is an outstanding Pennsylvanian, and I am grateful for his service to our nation, the Commonwealth of Pennsylvania, and our community.

In Pennsylvania and across the country, our veterans have served and sacrificed for Americans' freedom and our values. They answered the call to serve and fight for us—at a great cost. Truly, our veterans are the best of America.

In Congress, it is my privilege—and my responsibility—to stand up for those who have served our country in uniform, as well as to recognize these brave Americans. As a nation, we are indebted to them. On behalf of the 13th Congressional District, I thank William for his service to our nation and our community.

REMEMBERING JOHN JOSEPH ''JACK'' MEEHAN

HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. SWALWELL of California. Madam Speaker, I rise to recognize the life of John Joseph "Jack" Meehan, who passed away recently at the age of 88.

Born and raised in San Francisco, Jack graduated from the University of San Francisco (USF) in 1954. Following service in the United States Army, Jack went to USF for law school; he earned his law degree in 1959.

In 1960, Jack joined the Alameda County District Attorney's (ACDA) Office. While there he created Point of View, a monthly publication, and Points and Authorities, a weekly video series, to help teach California prosecutors. He was recognized for his accomplishments by being presented with the 1978 Prosecutor of the Year award by the California District Attorneys Association (CDAA).

In 1981 Jack was appointed Alameda County District Attorney. He won reelected unopposed in 1982, 1986, and 1990. He did not run for reelection in 1994.

Jack was affectionately known as the "Big Guy" at the ACDA Office, beloved by all of his colleagues. His leadership, respect for our system of justice, and concern for victims of crime will be long-remembered.

It also should be noted that as district attorney Jack hired a young KAMALA HARRIS, now a United States senator from California and the Democratic Party's nominee to be vice president of the United States, to be a deputy district attorney. Clearly he could spot talent when he saw it.

Jack was well-recognized for his lifetime of career success and community service. USF awarded him its alumnus of the year award in 1994, and four years later it created the John J. Meehan Alumni Fellowship to honor USF alumni who help develop young lawyers. CDAA created the John J. Meehan Career Prosecutor Award, to recognize lawyers for career achievement in criminal prosecution. And, in 2003, the Saint Thomas More Society of San Francisco present him with its Saint Thomas Moore award.

While Jack had many professional successes, it was his family that mattered most. He and his wife, Janet, were married for 59 years, before she died in 2017. They had four children—sons John Matthew ("Matt") James Patrick ("Jim"), and Mark Emmett, and a daughter, Anne Marie (who passed away in 1968).

It was mostly in San Rafael where Jack and Janet raised their family. There they hosted many a family event, at which Jack showed his talents for playing piano and bartending that he honed over the years.

My deepest condolences go out to Jack's many family members and friends. He will be greatly missed.

CELEBRATING THE UNIVERSITY OF ST. FRANCIS' 100TH ANNIVERSARY

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. FOSTER. Madam Speaker, I rise today to honor the University of St. Francis located in Joliet, Illinois, which is celebrating its 100th anniversary. Since 1920, the University of St. Francis has distinguished itself as a valuable institution for its students and a major contributor to Joliet and the greater Illinois area.

Founded in 1920, the Congregation of the Third Order of St. Francis of Mary Immaculate established the Sisters' Normal Institute of Higher Leaming, now known as the University of St. Francis, to educate its own members. By 1930, the institution reorganized its education to provide a full college curriculum and grant bachelor's degrees. As the college expanded its educational opportunities, it was eventually renamed the University of St. Francis in 1998.

The University of St. Francis has been an institution committed to providing opportunity for its students and educating a community of learners who are engaged in the continuous pursuit of knowledge, faith, wisdom, and justice. Their academic excellence makes the institution a valuable part of the community.

Madam Speaker, I ask my colleagues to join me in celebrating the University of St. Francis' 100 years of excellence and congratulating the institution on achieving this milestone.

CELEBRATING THE CAREER OF JUSTICE JOHN F. O'DONNELL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. HIGGINS of New York. Madam Speaker, I rise today to celebrate the retirement of the Honorable John F. O'Donnell, J.S.C. Justice O'Donnell is stepping down from his position as the New York State Supreme Court Justice of the Eighth Judicial District after a remarkable legal career.

In doing so, I recognize the efforts Justice O'Donnell has made on behalf of Western New York families; especially those affected by child abuse and domestic violence. Justice O'Donnell has been an outspoken advocate for women and children within the court system.

Justice O'Donnell began his career in the private sector in 1971, and later ventured into public service as a confidential law clerk. Justice O'Donnell soon became a pillar of the Erie County Family Court. In November 1985, he was appointed as a hearing examiner, and in January 1988, he became an Erie County Family Court Judge. In January 1992, he was named the Supervising Judge of the Family Courts, and the Domestic Violence Education Coordinator for New York's Eighth Judicial District.

Justice O'Donnell has served on the State Supreme Court since 1995. In November 2003, Justice O'Donnell became the first judge to preside over the Erie County branch of the Integrated Domestic Violence Court. This monumental court reform initiative allowed New York State to streamline the legal processes involved in domestic violence cases, thereby better serving individuals and families.

Justice O'Donnell has been honored with numerous accolades throughout his rich career, including the 1999 Judges and Police Executives Conference Jurist of the Year, the 1997 Western New York Matrimonial Trial Lawyers Association Judge of the Year, the 1998 Bar Association of Erie County Family and Matrimonial Law Committee Special Achievement Award, the 1993 William B. Hoyt Award from the Erie County Coalition Against Family Violence, and the 2001 Ted Hengerer Award from the Theatre of Youth. In 1997, Justice O'Donnell was inducted into the Signum Fidei Society of his alma mater, St. Joseph's Collegiate Institute.

Madam Speaker, thank you for allowing me to recognize the retirement of Justice John O'Donnell here today. He has dedicated his career to finding justice for the people of Western New York and we greatly appreciate his service.

IN HONOR OF LESTER J. STOUDT

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to honor Lester J. Stoudt of Huntingdon County for his service in the United States Army. Lester is an outstanding Pennsylvanian, and I am grateful for his service to our nation, the Commonwealth of Pennsylvania, and our community.

In Pennsylvania and across the country, our veterans have served and sacrificed for Americans' freedom and our values. They answered the call to serve and fight for us—at a great cost. Truly, our veterans are the best of America.

In Congress, it is my privilege—and my responsibility—to stand up for those who have served our country in uniform, as well as to recognize these brave Americans. As a nation, we are indebted to them. On behalf of the 13th Congressional District, I thank Lester for his service to our nation and our community.

HONORING RICHARD BRUMFIELD, JR. AND GUILLERMO AVINA'S CONTRIBUTIONS TO HEALTHCARE

HON. JIMMY GOMEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. GOMEZ. Madam Speaker, I rise today to recognize Richard Brumfield, Jr. and Guillermo Avina, Co-Founders of Full Spectrum Omega, Inc. (FSO), a Service-Disabled Veteran-Owned Small Business (SDVOSB) and phytocannabinoids life science company in Los Angeles. FSO's mission is providing access to FDA-approved marijuana-derived products that address unmet medical conditions and improve people's lives and wellbeing.

Richard and Guillermo have a long history of developing cannabis-derived products, operating under California state laws and focused on putting ''patients before profits.''

With FSO headquartered in California's 34th District, Messrs. Brumfield and Avina play an important role in our community. They also recently held an event in the district to 'kick off' a major new initiative. Richard and Guillermo have tirelessly worked to serve our community, and I want to recognize and thank them for their innovative contributions.

HONORING LYNDELL ''DALE'' WOODS

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. GRIFFITH. Madam Speaker, I submit these remarks in honor of Lyndell ''Dale'' Woods of Salem, Virginia, who died on November 8, 2020. He was a longtime volunteer at the Fort Lewis Fire Department, and the heart disease that took his life developed as a result of his service.

Mr. Woods was born in Stuttgart, Germany, on March 8, 1960 to Rodney Leroy and Maria Liebelt Woods. He graduated from Salem High School in 1978 as part of the school's first graduating class. Volunteer firefighting in the Fort Lewis Fire Department was a calling he pursued for 35 years, from March 1981 until his diagnosis with heart disease in 2016. During that time, he attained the ranks of Lieutenant, Captain, and Membership Office and acquired certifications including Firefighter 1–2, Fire Instructor, and Emergency Vehicle Operator—Class 4.

Mr. Woods worked at PMI Lubricants for 22 years. His community involvement in addition to his volunteer firefighting service included the Boy Scouts of America and coaching Glenvar Recreation League soccer.

Mr. Woods' survivors include his wife Jewel, his son Daniel, four stepdaughters, and eight grandchildren. I wish to offer them and the Fort Lewis Fire Department my condolences on their loss. Many communities across the Ninth District rely on volunteer firefighters such as Mr. Woods for their safety, and his death as a result of the performance of his duties reminds us of their great dedication and sacrifice.

RECOGNIZING THE INSTITUTE FOR INCLUSION IN THE LEGAL PROFESSIONAL

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. DANNY K. DAVIS of Illinois. Madam Speaker, I stand tonight to recognize the Institute for Inclusion in the Legal Profession on its 10th Anniversary. The legal profession remains one of the least diverse professions in the United States. This adversely impacts the pipeline of women, racial/ethnic minorities, openly LGBTQ+ individuals, individuals with disabilities, and religious minorities, who will serve as future legislators, judges, public policy advocates, civic and community leaders,

and the lawyers who can be found daily in boardrooms and courtrooms. While there are an abundance of organizations working to make the American legal profession more diverse and inclusive, and some progress made, much remains to be done.

For ten years, the Institute for Inclusion in the Legal Profession (''IILP'') has been working for ''Real change. Now.'' Its approach has differed from more traditional efforts. It has focused on inclusion rather than just diversity. It has emphasized the supply side over the demand side: making the legal profession more hospitable to diverse individuals, one where anyone with the talent, aptitude, ambition, and determination may enter and rise as high as those abilities will permit. It has grounded its work in research and data that go beyond the anecdotal. It discusses the hard issues and tackles the tough questions that need to be resolved before this profession can truly become more diverse and inclusive. It addresses all types of diversity in all practice settings all over the United States. More importantly, everyone in the legal profession has a home within the Institute for Inclusion in the Legal Profession.

I was honored to give remarks during the inaugural year of the formation of the IILP in 2009 and I am pleased to share these highlights from its first ten years of service. The IILP is continuing to publish its ''Review on the State of Diversity and Inclusion in the Legal Profession,'' the only comprehensive compilation of data, statistics, demographics, and thought leadership essays designed in the country. This report has become an important tool to everyone in the legal profession who is concerned about diversity and inclusion issues. In addition, the IILP presented some 40 Symposia on the State of Diversity and Inclusion in the Legal Profession to lawyers all over the United States. These symposia bring together an extremely diverse group of lawyers who learn about all types of diversity and find synergies that allow them to work across lines of difference. The IILP provided the legal profession with the only hard data available on the business case for diversity in ''The Business Case for Diversity: Reality or Wishful Thinking?''. The IILP published the series, ''Competing Interests,'' which is the only analysis of the conflict between corporate efforts aimed at economy and efficiency with corporate efforts supporting diversity and inclusion in the legal profession and the impact this has upon minority lawyers. The IILP established the Social Impact Incubator, a group of Millennial lawyers from a wide range of backgrounds and practice settings, who are learning to be thought leaders on diversity and inclusion for their generation. The IILP developed the program, ''Diversity and Data Privacy in a Digital World.'' While much has been focused on data privacy issues, this program is the first to examine those issues through the lens of diversity and inclusion concerns. The IILP conducts programs that offer unique and thought-provoking ways to look at and think about diversity and inclusion, such as ''The Ethics of Diversity and the Politics of Inclusion,'' wherein IILP examined challenges to diversity and political considerations that are impacting inclusion efforts; and ''Women and Minorities,'' studying the root causes and potential strategies to address tensions between white women, women of color, lesbians, and trans women. The IILP presented the first conference outside the United States or United Kingdom that was dedicated to diversity and inclusion issues within the legal profession.

For its 10th Anniversary, the Institute for Inclusion in the Legal Profession is celebrating with another thought-provoking program: ''Is ROI (Return on Investment) the Appropriate Measure for D&I (Diversity and Inclusion)?''. On behalf of the 7th Congressional District of Illinois, I offer my deepest appreciation for the work that they do and encourage that they continue to find innovative approaches to ensure our legal professionals produce diverse and inclusive workforces.

HONORING THE 2020 WOMEN OF THE YEAR

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. GARAMENDI. Madam Speaker, I rise today to honor the 2020 Women of the Year. The honorees represent some of the most outstanding and dedicated women in the 3rd Congressional District. Nominated by their peers, these women and the leadership they have provided are being recognized for playing an integral and crucial role in improving the lives of everyone in their communities. This year, we mark the 100th anniversary of the passage of the 19th Amendment, guaranteeing and protecting women's constitutional right to vote. Since then, our nation has seen women take great strides in every American industry from business to politics to the arts. This progress has not come easy and many women who have come before have worked hard and strived to achieve the independence and rights women have today. Though there is more work to be done to ensure that women have equal pay, flexible work schedules, and affordable education, each of the honorees will be a vital part of the work to get there.

2020's Women of the Year are:

Dawn La Bar is a dedicated public servant who has played a key role in her community's development. She has worked in the Fairfield City Manager's Office since 2011, where she has been at the heart of critical city efforts, such as the development and implementation of the City's Legislative platform, community revitalization projects, and affordable housing programs. Dawn uses her skill and expertise to bring together local and regional stakeholders to increase funding opportunities and further important projects. Recently she has taken on the crucial task of addressing homelessness in the Fairfield area and works tirelessly to provide those experiencing homelessness with the best possible outcomes. As the leader of the City's Homeless Services Division, she brings people together from all levels of government and industry to achieve a common goal. During the COVID–19 pandemic, her work became that much more critical, and she embraced the opportunity to build Fairfield's Project Room Key which secured shelter for so many at-risk individuals. Building on that momentum, Dawn helped lead an initiative to open an emergency shelter and secured additional funding to ensure individuals would have the opportunity to move on to permanent housing. Dawn's work, both throughout her career and during this pandemic, has had an incredibly positive impact on her community.

Janet Lacy is recognized throughout the region for her musical ability, mentorship, kindness, and dedication to the Orland community. As pianist and organist of the local Federated Church of Orland, Janet has used her musical talents to awe and inspire ever since she came to Orland in the 1980s. Her kindness, patience, and commitment have allowed her to excel at mentoring local youth with an interest in developing their musical abilities. Janet's musical accompaniments can be found at nearly every community wedding or funeral in Orland, while her talent and patience have been foundational to the local community choir, The Glenn Chorale. She also volunteers her time as a docent at the Orland Art Center where she shares her artistic knowledge with visitors. Janet is also a member, and has served as President for several terms, of the Women's Improvement Club. In that role, she has spent her time furthering the group's mission, providing scholarships for local high school seniors, supporting the Orland Fire Department, Library, and Glenn County Senior Nutrition Center. In recognition of her special place in the hearts of her friends and neighbors, Janet has been selected as Orland Citizen of the Year and served as the Grand Marshall in the fall parade. Janet is a treasured member of the community and an indispensable resource for every group she serves. With her vast array of accomplishments and caring spirit, Janet serves as a shining example of philanthropic generosity and passionate service to everyone in her community. Her work on behalf of women, children, and families in her community will have a lasting impact on generations to come.

Kathlan Latimer has dedicated her life to education. Beyond her 27 years as a teacher in the Fairfield-Suisun School District, Kathlan has worked to help other teachers bring quality education to their students. Through her work over the past 12 years as a lecturer at UC Davis, and as a curriculum coach with the California Department of Education, Kathlan has had a positive impact on education programs throughout California. Kathlan's passion for education stems from a desire to improve the lives of every one of her students. She has long been a supporter of science and math educational programs, particularly focusing on underserved communities, working to ensure that all students have equitable access to STEM careers. To this end, Kathlan has worked as a mathematics coach and served on boards of professional mathematics educators at the county, state, and national levels. In addition to her tireless work in support of STEM education, Kathlan has been an invaluable resource to college students interested in pursuing a career in education. Imbuing these students with the same passion that has been the foundation of her career, Kathlan has been a mentor to many aspiring teachers and secured internships for countless more at local schools. Kathlan's career and volunteer work has had an immeasurable impact on the lives of countless students and serves as a model to all future educators.

Leticia Quirarte is a passionate activist dedicated to serving her community. Leticia spends her time as a certified Covered California enrollment counselor with the Winters Healthcare Foundation where she helps residents in her community find the necessary resources to have healthy and long lives.

Leticia's expertise in healthcare advising is most evident through her crucial role in the Winters Healthcare Foundation's Promotora program, actively advocating for the health of local migrant seasonal farm workers. Serving as one of the founders and current president to the Winters Hispanic Advisory Committee, Leticia helps provide health education and devotes her time to helping her community members promote housing that is both inclusionary and affordable. Serving as an organizer for events like the Festival de la Comunidad and Día de los Muertos, Leticia helps to bring 3,000 residents together to rally behind the Hispanic Advisory Committee. Passionate about improving the lives of immigrants, Leticia and the Hispanic Advisory Committee have sponsored annual citizenship programs to help people on the path to becoming a citizen. Leticia's philanthropic leadership in the Hispanic Advisory Committee has enabled the group to sponsor organizations throughout Winters such as AYSO soccer, the Winters Swim Team, Putah Creek Council student internship stipends, and the Winters' Munchkin Camp. Leticia's care and commitment to her community can be felt by many and her work will have a lasting impact for years to come.

Dr. Phuong Luu has served both Yuba and Sutter counties as the bi-county health officer since early January, working tirelessly to ensure the health of the communities in both counties. Dr. Luu began the position of health officer at a time when COVID–19 was still a mysterious virus with infections concentrated in Wuhan, China. As the threat of a global pandemic became apparent, Dr. Luu met with community groups of all sizes to ensure that concerns were addressed, awareness of the disease spread, and to ensure the health of every community under her care. Dr. Luu brought a top tier education and years of public health leadership experience to her role of bi-county health officer, and despite having very little time in the position at the start of the outbreak, she was well prepared to hit the ground running. Dr. Luu had served previously as the Director of Public Health in the Northern Mariana Islands where she oversaw the preparations, response, and recovery effort for the deadly Typhoon Yutu. This high-pressure experience prepared her well to do the work necessary in a global pandemic. Dr. Luu has been instrumental in developing all public health policy in her community, working with community leaders such as parent-teacher organizations, local medical associations, the chamber of commerce, and Beale Air Force Base leadership. Dr. Luu's contributions to both Yuba and Sutter counties will be felt for years to come, not only through her continued efforts to ensure the health of the bi-county area, but also in the lives that she has helped protect throughout this pandemic.

Barbara Mann has been a dedicated community servant for years, bringing time, dedication, and leadership to countless organizations throughout Glenn County. As a former president of the local Parent Teacher Association, she worked to promote the welfare of students in her community. Her passion for education was passed on to her two daughters who became public school teachers. Barbara has also served as treasurer for the Stonyford Horseman's Association and a board member for the historical Willows Lamb Derby, helping to preserve a community tradition over 80 years old. Barbara's work also includes serving on the Willows Planning Commission, the Glenn County Elections Board, and the Willows Museum Board. Her current work as President of the Glenn County Seniors organization is more vital now than ever, as she helps ensure that seniors in her community have regular access to nutritious meals. Barbara has made an impact on every organization where she gave her time and is known throughout her community as a positive role model to all.

Corkey Mapalo has unparalleled passion and dedication to helping those in need. She has worked at the Yolo County Food Bank for over a decade, both as a dedicated volunteer and an invaluable employee. Having retired from the County of Yolo, Corkey began volunteering at the food bank, where she found a passion for their mission. She is now a dedicated Director of Operations for the Yolo County Food Bank where she works with her colleagues to alleviate hunger and food insecurity throughout her community. Though always important, her work has never seemed more urgent than during the current Coronavirus pandemic. As need for food assistance has increased in recent months, Corkey has met the challenge head on, seeking out any opportunity for increased funding, greater donations, or increased distribution capacity. In just the past six months, Corkey has led the Yolo County Food Bank team to distribute more than five million pounds of food and is responsible for helping to feed over 45,000 residents of Yolo County each month. In addition to food distribution, Corkey has led efforts to distribute other essential items, most recently devoting her weekends to collecting and distributing essential supplies to victims of the LNU Complex fire. Corkey's devoted service is responsible for helping countless seniors, children, and residents of Yolo County.

Julie Martin is a natural leader who has consistently dedicated her time and talent to improving the lives of those in need. The founder of the Yolo County chapter of 100+ Women Who Care, Julie has been instrumental in organizing large-scale philanthropic campaigns, volunteering her time and energy to ensuring that local non-profit organizations receive the funding they need to carry out their missions. 100+ Women Who Care is an organization dedicated to organizing contributions from women in the community into a bulk grant for Yolo County non-profit groups. Though the group's original goal was to maintain a membership of 100 women who could each donate $100 every three months, it has flourished under Julie's leadership, far exceeding that original benchmark for success. The group has donated hundreds of thousands of dollars over the years to community groups in need, often providing a financial influx at a critical time. Though it would have been easy to allow the group to fall by the wayside when the current pandemic made in-person meetings impossible, Julie and her steering committee realized that the need for their philanthropic work was now more important than ever. Since the onset of the pandemic, 100+ Women Who Care has donated tens of thousands of dollars to STEAC and to the Yolo Food Bank, enabling these organizations to continue their vital work when the community is most in need. Through her work with 100+ Women Who Care and her many other volunteer efforts, Julie has had an immeasurable impact on her own community and beyond.

Alice McBride is a dynamic and gifted community leader who has been empowering others to fulfill their potential for decades. Highly respected throughout the Solano community, Alice is a teacher, preacher, coach, mentor, and consultant who selflessly draws on her own knowledge, experience, and wisdom to grow the lives of others. Her talents and inspirational leadership make her a sought-after speaker. As Founder and CEO of the Angelic Tabernacle of Christ Universal Outreach Ministries, Alice has created numerous other ministries to provide aid to the community, including the Divine Women Walking in Their Divine Destiny Conference, the Men of Valor Conference, Olives Around the Table, and the Kenya Internal Network Outreach. For over 20 years, Alice has done important work through the Youth 18Teen–20 Years program, which seeks to avail young adults in need of resources required to succeed in school. She also selflessly serves as a Volunteer Hospital Chapel Coordinator with David Grant USAF Medical Group at Travis AFB. Here, she brings to bear her extraordinary patience, dignity, and emotional touch to help those who have lost a loved one progress through grief. Alice's grace and professionalism have helped countless people process loss and go on to find strength and fortitude. As a mother of three, grandmother of five, and now a great-grandmother, Alice's family spans five blessed generations. Alice's kindness, generosity, and inspirational leadership will have an impact for generations to come.

Janie Nall is a dedicated community leader who is committed to serving those who serve their country. She is known throughout her community for her knowledge, leadership, and extraordinary achievements. She has given her time and expertise to countless community organizations, including the Yuba-Sutter Arts Council, Chamber of Commerce, Kiwanis Club, Marysville Chinese Community, and the boards for Rideout and Sutter North Health Groups. Her passion for serving our men and women in uniform, combined with her incredible knowledge of issues of national defense have made her an invaluable member of the Beale Military Liaison Council, the California Governor's Military Council, the Air Combat Commander's Group, and the Air Force Civic Leader Group. Those at Beale Air Force Base know Janie to be a patriotic advocate for the base, servicemembers, their families, and the surrounding community. She currently serves as the Chair of the Beale Military Liaison Council, helping to raise over a million dollars for much needed improvements on base. Through her work, she helps raise the morale of the airmen and has a direct impact on base readiness, helping them to carry out their important mission. As a member of the Air Combat Command Commander's Group, Janie has brought invaluable leadership and insight to serious issues of national defense. In this role she also mentored others, helping them to grasp the importance of the Beale Air Force Base mission to the community and the nation. Her work ensures a legacy of leaders who support our men and women in uniform. As Chairman of the House Armed Services Subcommittee on Readiness, I have had many occasions to work with Janie and know the incredible value of her perspective. Janie's work on behalf of her community and her country cannot be overstated and her contributions will leave a lasting impact for years to come.

Betty Nelson is a dedicated and passionate community servant who is driven to leave her community better off than how she found it. Over the years she has instilled this same drive in many young girls through her work as a Girl Scout troop leader. She taught them the importance of giving and serving and led by example. Betty has also worked at the Casa de Esperanza for the past 32 years, where she helps to educate the community and prevent domestic violence and sexual assault. Her unflagging energy and commitment to helping survivors has made her an invaluable member of the team. As a volunteer for Casa de Esperanza, Betty used her experience coming from a military family to pioneer the organization's outreach to Beale and Travis Air Force Bases. As part of this program, Betty trained the bases' First Sergeants and Lieutenants, helping to construct the first Sexual Assault Response Teams on these bases. This work leaves an incredibly important and lasting legacy. Betty now serves as the finance director and volunteer coordinator for Casa de Esperanza where she has trained countless volunteers, helping to expand the role and capabilities of the organization. Betty has provided decades of invaluable leadership and service to her community and her positive impact cannot be overstated.

Jenette Ochsner's dedicated volunteer work has helped to build strong community bonds across cultural divides. Her work with both the Multicultural Women's Dance and the Sutter County Library Literary Services has helped shape the cultural vibrancy of her community. As a volunteer for the Sutter County Library, Jenette has served as a tutor both for the Citizenship Preparation and the Adult ESL classes, using her skills as an instructor to help those in her community become citizens. These classes are not only a steppingstone for citizenship, but for many these ESL classes provide the English skills needed to help with future employment prospects and other important goals. Her commitment to these individuals goes above and beyond her classroom duties, leading her to help many obtain their drivers licenses and take other steps to build independence. Jenette's passion for cultural diversity has led her to volunteer coordinating the Multicultural Women's Dance for the past six years. The Multicultural Women's Dance is a long-running event that encourages participants to share the dances and fashions of their cultures, build friendships across different communities, and promote the importance of diversity. Jenette's work building community for new immigrants and encouraging others to share their cultural heritage is a model of acceptance for all who know her.

Susan Rotchy is a devoted advocate for people with disabilities and has been instrumental in securing increased funding for medical research. After becoming paralyzed from an automobile accident 19 years ago, Susan began her activism at the community college, when she successfully compelled them to become ADA compliant. Realizing her ability to inspire change, she put her unique perspective to work by advocating for important legislative change. Through her work with Californians for Cures, she helped pass the Roman Reed Spinal Injury Research Act of 2000, as well as the Stem Cell Research and Cures Act of 2004. Susan also co-founded the non-profit organization, Research for the Cure, which raises money to fund research into neurological diseases and conditions. All told, her personal experience of living with a disability, combined with her wealth of experience working with her peers has endowed her with an intimate knowledge of the needs and issues facing disabled individuals. This expertise has enabled her to offer guidance to countless advisory committees and organizations throughout Solano County, including the In-Home Support Services committee, the Solano Transportation Authority for Seniors and Disabilities, and the Consolidated Transportation Advisory. Her dedication was recognized in 2007, when she was named Miss Wheelchair California based on her advocacy, achievement, and representation of Californians living with disabilities. Susan is a vital member of the community whose resiliency and advocacy for others is an inspiration to all who meet her.

Julie Shepherd is a dedicated volunteer and strong leader who has made lasting contributions throughout her community. As treasurer of the Sutter Youth Organization, Julie works to create an active community by helping to maintain facilities for youth sports, recreational activities, and schools. She plays a key role in the organization's fundraising efforts, ensuring a treasured institution will continue serving the city of Sutter. Her work enables the Sutter Youth Organization to remain a core part of the community, providing a central venue for important programs and events to take place. Julie also serves as the treasurer of the Yuba City Type 1 Diabetes Support Group seeking to create a safe space for those living with Diabetes in Yuba City. In addition to these leadership roles, Julie volunteers for several organizations in her community, giving her time and dedication to the annual Bike Around the Buttes event which aims to raise diabetes awareness, leading arts and crafts events with Yuba Sutter 4H, volunteering with Sutter County Friends of the Library, and supporting Brittan School and Sutter Union High School events. Julie's work and volunteerism has touched countless individuals and left a lasting impact on her community.

I congratulate each of them and commend them for their work. I am inspired by them and firmly believe when women succeed, America succeeds!

IN HONOR OF DAVID R. VERNON

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to honor David R. Vernon of Huntingdon County for his service in the United States Navy. David is an outstanding Pennsylvanian, and I am grateful for his service to our nation, the Commonwealth of Pennsylvania, and our community.

In Pennsylvania and across the country, our veterans have served and sacrificed for Americans' freedom and our values. They answered the call to serve and fight for us—at a great cost. Truly, our veterans are the best of America.

In Congress, it is my privilege—and my responsibility—to stand up for those who have served our country in uniform, as well as to recognize these brave Americans. As a nation, we are indebted to them. On behalf of the 13th Congressional District, I thank David for his service to our nation and our community.

RECOGNIZING MAJOR JASON BAHMER

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. RYAN. Madam Speaker, I rise to pay tribute to Major Jason Bahmer for his exemplary dedication to duty and service as an Army Congressional Fellow and Congressional Budget Liaison for the Assistant Secretary of the Army (Financial Management and Comptroller). Major Bahmer is transitioning from his present assignment to continue his service to this nation in the United States Army.

A native of Barnesville, Ohio, Major Bahmer graduated and received his commission from the United States Military Academy at West Point in 2008. MAJ Bahmer holds a Bachelor of Science in Civil Engineering from the United States Military Academy, a Master of Science in Engineering Management from Missouri University of Science and Technology, and a Master of Professional Studies in Legislative Affairs from George Washington University. He is also a registered Professional Engineer in the state of Missouri.

MAJ Bahmer has served in the Corps of Engineers for over twelve years in positions from platoon to corps level. His assignments took him across the country, including Joint Base Elmendorf-Richardson, Alaska; Fort Leonard Wood, Missouri; and Fort Bragg, North Carolina. He has two combat deployments encompassing over 21 months in theater. While deployed he spent 12 months conducting route clearance operations near Kandahar, Afghanistan and nine months as an Aide-de-Camp to an Australian Brigadier, who was serving as the future operations director for the International Security Assistance Forces Joint Command. Both of his deployments were to Afghanistan in support of Operation Enduring Freedom.

In 2018, as an Army Congressional Fellow, I had the privilege of working with Major Bahmer in my office for a year and during his subsequent assignment as a Congressional Budget Liaison for the U.S. Army. Major Bahmer worked tirelessly with Members of Congress and their staffs to accurately articulate the Army's budget positions to the Appropriations Committees. His professionalism, diligence, and commitment to the mission are unmatched, and his work both as a fellow and as a liaison effectively represented the U.S. Army and the Department of Defense to the United States Congress.

The foundation of Jason's military success is his family. Raised in Barnesville by Lowell and Patty Bahmer, particular values were established early as paramount: service, sacrifice, hard-work and compassion. He is a devoted husband to his wife, Jami, and steadfast son-in-law to her parents, Bill and Penny Biedermann. Jason is a committed father to his children; daughter Emery and son Christian. Jami, Emery and Christian provide the foundation for Jason's service. Their attitude of service and care for others permeates every organization and activity they participate in. The Bahmer family are true examples of

servant leaders in the Army and the communities they engage.

Throughout his career, Major Bahmer has positively impacted soldiers, peers, and superiors. Our country has benefited tremendously from his extraordinary leadership, judgment, and passion. I join my colleagues today in honoring his dedication to our Nation and invaluable service to the United States Congress as an Army Congressional Liaison.

Madam Speaker, it has been a genuine pleasure to have worked with Major Jason Bahmer over the last three years. On behalf of a grateful nation, I join my colleagues today in recognizing and commending Jason for his service to our country and we wish him all the best as he continues his service in the United States Army.

LYNNVILLE 200TH CELEBRATION

HON. JAMES COMER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. COMER. Madam Speaker, I rise today to recognize the city of Lynnville, Kentucky, located in south Graves County or, as locals call it, ''The Little Town That Won't Die'' for celebrating their bicentennial.

The earliest residents settled Eaker's Settlement before the Graves County's establishment and naming in 1823. In 1903 and 1911, due to the ongoing Black Patch Tobacco Wars, Lynnville was burned down. In 2011, one hundred years after the burning, the city experienced another disaster with an EF1 tornado touching down in the area. Through both tragedies, members of the community demonstrated resilience and grit by regrouping and rebuilding to keep the city standing.

While Lynnville in 2020 is much different from the early 1800s, it has endured numerous changes while remaining authentic to itself. Lynnville residents should be honored to have secured a historical marker for the city through the Kentucky Historical Society.

I look forward to continuing to work with local leaders and Lynnville residents to further the prosperity of Graves County for generations to come, and want to join with the city's current and former residents to honor this tight-knit, culturally rich community.

IN HONOR OF WILLIAM FORD

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to honor William Ford of Huntingdon County for his service in the United States Coast Guard. William is an outstanding Pennsylvanian, and I am grateful for his service to our nation, the Commonwealth of Pennsylvania, and our community.

In Pennsylvania and across the country, our veterans have served and sacrificed for Americans' freedom and our values. They answered the call to serve and fight for us—at a great cost. Truly, our veterans are the best of America.

In Congress, it is my privilege—and my responsibility—to stand up for those who have served our country in uniform, as well as to recognize these brave Americans. As a nation, we are indebted to them. On behalf of the 13th Congressional District, I thank William for his service to our nation and our community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 17, 2020 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 18

9:30 a.m.

Committee on Commerce, Science, and Transportation

Business meeting to consider S. 1031, to implement recommendations related to the safety of amphibious passenger vessels, S. 1166, to direct the Assistant Secretary of Commerce for Communications and Information to make grants for the establishment or expansion of internet exchange facilities, S. 3730, to amend title 49, United States Code, to authorize and modernize the registered traveler program of the Transportation Security Administration, S. 3824, to require the Federal Trade Commission to submit a report to Congress on scams targeting seniors, S. 3969, to amend title 49, United States Code, to reform the Federal Aviation Administration's aircraft certification process, S. 4472, to amend the Secure and Trusted Communications Network Reimbursement Program to include eligible telecommunications carriers and providers of educational broadband service, S. 4577, to require online enrollment for the PreCheck Program of the Transportation Security Administration, S. 4613, to amend the Fairness to Contact Lens Consumers Act to prevent certain automated calls and to require notice of the availability of contact lens prescriptions to patients, S. 4719, to provide, temporarily, authority for the Secretary of Commerce to waive cost sharing requirements for the Hollings Manufacturing Extension Partnership, S. 4803, to make the 3450–3550 MHz spectrum band available for non-Federal use, S. 4827, to authorize the Assistant Secretary of Space Commerce to provide space situational awareness data, information, and services to non-United States Government entities, S. 4847, to direct the Secretary of Commerce to conduct a study and submit to Congress a report on the effects of the COVID–19 pandemic on the travel and tourism industry in the United States, S. 4884, to require the Consumer Product Safety Commission to study the effect of the COVID–19 pandemic on injuries and deaths associated with consumer products, and routine lists in the Coast Guard.

SD–G50

10 a.m.

Committee on Energy and Natural Resources

Business meeting to consider the nominations of Allison Clements, of Ohio, and Mark C. Christie, of Virginia, both to be a Member of the Federal Energy Regulatory Commission.

SD–366

Committee on the Judiciary

To hold hearings to examine pending nominations.

SD–106

Committee on Rules and Administration

To hold hearings to examine the nominations of Shana M. Broussard, of Louisiana, Sean J. Cooksey, of Missouri, and Allen Dickerson, of the District of Columbia, each to be a Member of the Federal Election Commission.

SR–301

10:30 a.m.

Conferees

Closed pass-the-gavel/general provisions panel meeting of conferees on H.R. 6395, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year.

RHOB–2212

2 p.m.

Select Committee on Intelligence

To receive a closed briefing on certain intelligence matters.

SVC–217

2:30 p.m.

Committee on Energy and Natural Resources

Subcommittee on Public Lands, Forests, and Mining

To hold hearings to examine H.R. 823, and S. 241, bills to provide for the designation of certain wilderness areas, recreation management areas, and conservation areas in the State of Colorado, S. 1695, to amend the Wilderness Act to allow local Federal officials to determine the manner in which nonmotorized uses may be permitted in wilderness areas, S. 2804, to promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, S. 2875, to amend the Smith River National Recreation Area Act to include certain additions to the Smith River National Recreation Area, to amend the Wild and Scenic Rivers Act to designate certain wild rivers in the State of Oregon, S. 3492, to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for use as a national cemetery, S. 4215, to designate and adjust certain lands in the State of Utah as components of the National Wilderness Preservation System, S. 4569, to modify the boundary of the Sunset Crater Volcano National Monument in the State of Arizona, S. 4599, to withdraw certain Federal land in the Pecos Watershed area of the State of New Mexico from mineral entry, S.

4603, to promote the use of forest restoration residue harvested on National Forest System land for renewable energy, S. 4616, to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, S. 4625, to direct the Secretary of the Interior and the Secretary of Agriculture to encourage and expand the use of prescribed fire on land managed by the Department of the Interior or the Forest Service, with an emphasis on units of the National Forest System in the western United States, S. 4696, to provide for the continuation of higher education through the conveyance to the University of Alaska of certain public land in the State of Alaska, and S. 4889, to amend the Alaska Native Claims Settlement Act to increase the dividend exclusion, to exclude certain payments to Alaska Native elders for determining eligibility for certain programs, to provide that Village Corporations shall not be required to convey land in trust to the State of Alaska for the establishment of Municipal Corporations, and to provide for the recognition of certain Alaska Native communities and the settlement of certain claims under that Act, to require the Secretary of the Interior to convey certain interests in land in the State of Alaska.

SD–366

Committee on Indian Affairs

Business meeting to consider S. 790, to clarify certain provisions of Public Law 103–116, the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, S. 3264, to expedite and streamline the deployment of affordable broadband service on Tribal land, S. 4079, to authorize the Seminole Tribe of Florida to lease or transfer certain land, and S. 4556, to authorize the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, to acquire private land to facilitate access to the Desert Sage Youth Wellness Center in Hemet, California.

SD–628

3 p.m.

Committee on Homeland Security and Governmental Affairs

Subcommittee on Regulatory Affairs and Federal Management

To hold hearings to examine modernizing Federal telework, focusing on moving forward using the lessons learned during the COVID–19 pandemic.

SD–342/WEBEX

NOVEMBER 19

10 a.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine an essential part of a COVID–19 solution, focusing on an early at home treatment.

SD–342/WEBEX

Committee on the Judiciary

Business meeting to consider S. 4632, to amend title 17, United States Code, to establish an alternative dispute resolution program for copyright small claims, to amend the Communications Act of 1934 to modify the scope of protection from civil liability for ''good Samaritan'' blocking and screening of offensive material.

SR–325

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6687–S7018

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 4897–4901, and S. Res. 774. **Pages S6721–22**

Measures Reported:

S. 1427, to amend the National Institute of Standards and Technology Act to improve the Network for Manufacturing Innovation Program, with an amendment in the nature of a substitute. (S. Rept. No. 116–291)

S. 2204, to allow the Federal Communications Commission to carry out a pilot program under which voice service providers could block certain automated calls, with an amendment in the nature of a substitute. (S. Rept. No. 116–292)

S. 2346, to improve the Fishery Resource Disaster Relief program of the National Marine Fisheries Service, with an amendment in the nature of a substitute. (S. Rept. No. 116–293)

S. 3729, to provide relief for the recipients of financial assistance awards from the Federal Motor Carrier Safety Administration. (S. Rept. No. 116–294)

S. 2786, to establish a Federal advisory committee to provide policy recommendations to the Secretary of Transportation on positioning the United States to take advantage of emerging opportunities for Arctic maritime transportation, with an amendment in the nature of a substitute. (S. Rept. No. 116–295)

S. 4162, to provide certainty for airport funding. (S. Rept. No. 116–296) **Page S6721**

Measures Passed:

William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021: Senate passed H.R. 6395, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, after agreeing to the following amendment proposed thereto: **Page S6688**

McConnell (for Inhofe) Amendment No. 2682, in the nature of a substitute. **Page S6688**

Greg LeMond Congressional Gold Medal Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 3589, to award a Congressional Gold Medal to Greg LeMond, in recognition of his service to the Nation as an athlete, activist, role model, and community leader, and the bill was then passed. **Page S6693**

Rodchenkov Anti-Doping Act: Senate passed H.R. 835, to impose criminal sanctions on certain persons involved in international doping fraud conspiracies, to provide restitution for victims of such conspiracies, and to require sharing of information with the United States Anti-Doping Agency to assist its fight against doping. **Page S6693**

Negro Leagues Baseball Centennial Commemorative Coin Act: Senate passed H.R. 4104, to require the Secretary of the Treasury to mint a coin in commemoration of the 100th anniversary of the establishment of the Negro Leagues baseball. **Page S6693**

National Purple Heart Hall of Honor Commemorative Coin Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 1830, to require the Secretary of the Treasury to mint coins in commemoration of the National Purple Heart Hall of Honor, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S6693–94**

Cornyn (for Schumer) Amendment No. 2687, in the nature of a substitute. **Page S6694**

FLOODS Act: Senate passed S. 4462, to establish a national integrated flood information system within the National Oceanic and Atmospheric Administration, after agreeing to the committee amendment in the nature of a substitute. **Pages S6694–98**

National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act: Senate passed S. 2981, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, after

withdrawing the committee amendment, and agreeing to the following amendment proposed thereto:

Pages S6698–S6712

Cornyn (for Sullivan) Amendment No. 2683, in the nature of a substitute. **Page S6712**

Great Lakes Environmental Sensitivity Index Act: Senate passed S. 1342, to require the Under Secretary for Oceans and Atmosphere to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes, after agreeing to the committee amendment.

Pages S6712–13

Crisis Stabilization and Community Reentry Act: Committee on the Judiciary was discharged from further consideration of S. 3312, to establish a crisis stabilization and community reentry grant program, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Pages S6713–14

Cornyn Amendment No. 2684, in the nature of a substitute. **Page S6713**

Missing Persons and Unidentified Remains Act: Committee on the Judiciary was discharged from further consideration of S. 2174, to expand the grants authorized under Jennifer's Law and Kristen's Act to include processing of unidentified remains, resolving missing persons cases, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S6714–15**

Cornyn Amendment No. 2685, to strike the provision giving entities in southern border States priority in the awarding of grants related to the identification and processing of unidentified remains.

Page S6714

United States Grain Standards Reauthorization Act: Senate passed S. 4054, to reauthorize the United States Grain Standards Act, after agreeing to the following amendment proposed thereto:

Pages S6715–16

Cornyn (for Roberts) Amendment No. 2686, to modify an authorization of appropriations.

Page S6715

Methamphetamine Response Act: Committee on the Judiciary was discharged from further consideration of S. 4612, to designate methamphetamine as an emerging threat, and the bill was then passed.

Pages S6716–17

AMBER Alert Nationwide Act: Committee on the Judiciary was discharged from further consideration of S. 732, to amend the PROTECT Act to expand the national AMBER Alert system to territories of the United States, and the bill was then passed. **Pages S6717–18**

Congressional Accountability Act Notice of Proposed Rulemaking—Agreement: A unanimous consent agreement was reached providing that the notice of proposed rulemaking for the Congressional Accountability Act from the Office of Congressional Workplace Rights be printed in the *Record*.

Pages S6983–S7017

Johnson Nomination—Agreement: Senate resumed consideration of the nomination of Kristi Haskins Johnson, of Mississippi, to be United States District Judge for the Southern District of Mississippi. **Pages S6690–93, S6718–20**

During consideration of this nomination today, Senate also took the following action:

By 51 yeas to 38 nays (Vote No. EX. 229), Senate agreed to the motion to close further debate on the nomination. **Pages S6719–20**

A unanimous-consent agreement was reached providing that notwithstanding the provisions of Rule XXII, the post-cloture time on the nomination expire at 11 a.m., on Tuesday, November 17, 2020, and Senate vote on confirmation of the nomination; that if cloture is invoked on the nomination of Benjamin Joel Beaton, of Kentucky, to be United States District Judge for the Western District of Kentucky, the post-cloture time expire at 2:15 p.m., on Tuesday, November 17, 2020, and Senate vote on confirmation of the nomination. **Page S6720**

A unanimous-consent agreement was reached providing for further consideration of the nomination, post-cloture, at approximately 10:00 a.m., on Tuesday, November 17, 2020. **Page S7017**

Nominations Received: Senate received the following nominations:

Joseph L. Barloon, of Maryland, to be a Judge of the United States Court of International Trade.

Thomas L. Kirsch II, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

Page S7018

Messages from the House: **Page S6721**

Additional Cosponsors: **Pages S6722–23**

Statements on Introduced Bills/Resolutions: **Page S6723**

Additional Statements: **Pages S6720–21**

Amendments Submitted: **Pages S6723–S6983**

Record Votes: One record vote was taken today. (Total—229) **Pages S6719–20**

Adjournment: Senate convened at 3 p.m. and adjourned at 6:41 p.m., until 10 a.m. on Tuesday, November 17, 2020. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7017.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 4 public bills, H.R. 8752–8755; and 4 resolutions, H. Res. 1220–1223 were introduced. **Pages H5795–96**

Additional Cosponsors: **Pages H5796–97**

Reports Filed: Reports were filed today as follows:

H.R. 6237, to amend the Indian Health Care Improvement Act to clarify the requirement of the Department of Veterans Affairs and the Department of Defense to reimburse the Indian Health Service for certain health care services (H. Rept. 116–569, Part 1);

H.R. 5919, to amend title 40, United States Code, to require the Administrator of General Services to enter into a cooperative agreement with the National Children's Museum to provide the National Children's Museum rental space without charge in the Ronald Reagan Building and International Trade Center, and for other purposes (H. Rept. 116–570);

H.R. 4499, to amend the Public Health Service Act to provide that the authority of the Director of the National Institute on Minority Health and Health Disparities to make certain research endowments applies with respect to both current and former centers of excellence, and for other purposes (H. Rept. 116–571);

H.R. 4712, to amend the Federal Food, Drug, and Cosmetic Act with respect to limitations on exclusive approval or licensure of orphan drugs, and for other purposes, with an amendment (H. Rept. 116–572);

H.R. 5668, to amend the Federal Food, Drug, and Cosmetic Act to modernize the labeling of certain generic drugs, and for other purposes, with an amendment (H. Rept. 116–573);

H.R. 2914, to make available necessary disaster assistance for families affected by major disasters, and for other purposes, with an amendment (H. Rept. 116–574);

H.R. 4358, to direct the Administrator of the Federal Emergency Management Agency to submit to Congress a report on preliminary damage assessment and to establish damage assessment teams in the Federal Emergency Management Agency, and for other purposes, with an amendment (H. Rept. 116–575);

H.R. 4611, to modify permitting requirements with respect to the discharge of any pollutant from the Point Loma Wastewater Treatment Plant in certain circumstances, and for other purposes, with an amendment (H. Rept. 116–576, Part 1);

H.R. 5953, to amend the Disaster Recovery Reform Act of 2018 to require the Administrator of the Federal Emergency Management Agency to waive certain debts owed to the United States related to covered assistance provided to an individual or household, and for other purposes, with an amendment (H. Rept. 116–577);

H.R. 8326, to amend the Public Works and Economic Development Act of 1965 to require eligible recipients of certain grants to develop a comprehensive economic development strategy that directly or indirectly increases the accessibility of affordable, quality child care, and for other purposes (H. Rept. 116–578, Part 1);

H.R. 8408, to direct the Administrator of the Federal Aviation Administration to require certain safety standards relating to aircraft, and for other purposes (H. Rept. 116–579);

H.R. 8266, to modify the Federal cost share of certain emergency assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to modify the activities eligible for assistance under the emergency declaration issued by the President on March 13, 2020, relating to COVID–19, and for other purposes, with an amendment (H. Rept. 116–580);

H.R. 2117, to improve the health and safety of Americans living with food allergies and related disorders, including potentially life-threatening anaphylaxis, food protein-induced enterocolitis syndrome, and eosinophilic gastrointestinal diseases, and for other purposes, with an amendment (H. Rept. 116–581);

H.R. 6096, to improve oversight by the Federal Communications Commission of the wireless and

broadcast emergency alert systems (H. Rept. 116–582, Part 1);

H.R. 3878, to amend the Controlled Substances Act to clarify the process for registrants to exercise due diligence upon discovering a suspicious order, and for other purposes, with an amendment (H. Rept. 116–583, Part 1);

H.R. 4812, to amend the Controlled Substances Act to provide for the modification, transfer, and termination of a registration to manufacture, distribute, or dispense controlled substances or list I chemicals, and for other purposes (H. Rept. 116–584, Part 1);

H.R. 4806, to amend the Controlled Substances Act to authorize the debarment of certain registrants, and for other purposes, with an amendment (H. Rept. 116–585, Part 1);

H.R. 5855, to amend the Public Health Service Act to establish a grant program supporting trauma center violence intervention and violence prevention programs, and for other purposes (H. Rept. 116–586);

H.R. 2281, to direct the Attorney General to amend certain regulations so that practitioners may administer not more than 3 days' medication to a person at one time when administering narcotic drugs for the purpose of relieving acute withdrawal symptoms, with amendments (H. Rept. 116–587, Part 1);

H.R. 8121, to require the Consumer Product Safety Commission to study the effect of the COVID–19 pandemic on injuries and deaths associated with consumer products, and for other purposes, with amendments (H. Rept. 116–588);

H.R. 6624, to support supply chain innovation and multilateral security, and for other purposes (H. Rept. 116–589);

H.R. 2610, to establish a Senior Scams Prevention Advisory Council to collect and disseminate model educational materials useful in identifying and preventing scams that affect seniors, with amendments (H. Rept. 116–590); and

H.R. 6435, to direct the Federal Trade Commission to develop and disseminate information to the public about scams related to COVID–19, and for other purposes (H. Rept. 116–591). **Pages H5794–95**

Speaker: Read a letter from the Speaker wherein she appointed Representative Gomez to act as Speaker pro tempore for today. **Page H5733**

Communication from the Sergeant at Arms: The House received a communication from Paul D. Irving, Sergeant at Arms. Pursuant to section 1(b)(2) of House Resolution 965, following consultation with the Office of Attending Physician, Mr. Irving notified the House that the public health emergency due to the novel coronavirus SARS–CoV–2 remains in effect. **Page H5734**

Announcement by the Chair: The Chair announced the Speaker's further extension, pursuant to section 1(b)(2) of House Resolution 965, effective November 17, 2020, of the covered period designated on May 20, 2020. **Page H5734**

Recess: The House recessed at 2:14 p.m. and reconvened at 4 p.m. **Page H5735**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Lumbee Recognition Act: H.R. 1964, amended, to provide for the recognition of the Lumbee Tribe of North Carolina; **Pages H5735–38**

Proper and Reimbursed Care for Native Veterans Act: H.R. 6237, amended, to amend the Indian Health Care Improvement Act to clarify the requirement of the Department of Veterans Affairs and the Department of Defense to reimburse the Indian Health Service for certain health care services; **Page H5738**

Wounded Veterans Recreation Act: S. 327, to amend the Federal Lands Recreation Enhancement Act to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability, by a ⅔ yea-and-nay vote of 401 yeas with none voting "nay", Roll No. 219; **Pages H5738–39, H5748–49**

Digital Coast Act: S. 1069, to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region; **Pages H5739–41**

National Sea Grant College Program Amendments Act: S. 910, amended, to reauthorize and amend the National Sea Grant College Program Act; **Pages H5741–44**

Department of Veterans Affairs Website Accessibility Act: S. 3587, to require the Secretary of Veterans Affairs to conduct a study on the accessibility of websites of the Department of Veterans Affairs to individuals with disabilities; **Pages H5744–45**

Designating the community-based outpatient clinic of the Department of Veterans Affairs in Bozeman, Montana, as the "Travis W. Atkins Department of Veterans Affairs Clinic": S. 900,

amended, to designate the community-based outpatient clinic of the Department of Veterans Affairs in Bozeman, Montana, as the "Travis W. Atkins Department of Veterans Affairs Clinic"; and

Pages H5745–46

Improving Safety and Security for Veterans Act: S. 3147, to require the Secretary of Veterans Affairs to submit to Congress reports on patient safety and quality of care at medical centers of the Department of Veterans Affairs, by a ⅔ yea-and-nay vote of 394 yeas with none voting "nay", Roll No. 220.

Pages H5746–48, H5749–50

Recess: The House recessed at 5:23 p.m. and reconvened at 6:30 p.m. Page H5748

Recess: The House recessed at 7:26 p.m. and reconvened at 7:36 p.m. Page H5749

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H5733.

Quorum Calls Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H5748–49 and H5749–50.

Adjournment: The House met at 2 p.m. and adjourned at 9:12 p.m.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, NOVEMBER 17, 2020

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold an oversight hearing to examine the Securities and Exchange Commission, 10 a.m., WEBEX.

Committee on Commerce, Science, and Transportation: Subcommittee on Manufacturing, Trade, and Consumer Protection, to hold hearings to examine the American manufacturing industry's response to the COVID–19 pandemic, 2:30 p.m., SR–253.

Committee on the Judiciary: to hold hearings to examine breaking the news, focusing on censorship, suppression, and the 2020 election, 10 a.m., SD–G50.

Committee on Rules and Administration: to hold hearings to examine S. 959, to establish in the Smithsonian Institution a comprehensive women's history museum, and S. 1267, to establish within the Smithsonian Institution the National Museum of the American Latino, 10 a.m., SR–301.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SVC–217.

House

Committee on Natural Resources, Full Committee, hearing entitled "Ocean Climate Action: Solutions to the Climate Crisis", 12 p.m., Webex.

Committee on Rules, Full Committee, hearing on H.R. 8294, the "National Apprenticeship Act of 2020", 10 a.m., Webex.

CONGRESSIONAL PROGRAM AHEAD

Week of November 17 through November 20, 2020

Senate Chamber

On *Tuesday*, Senate will continue consideration of the nomination of Kristi Haskins Johnson, of Mississippi, to be United States District Judge for the Southern District of Mississippi, post-cloture, and vote on confirmation thereon at 11 a.m.

Following disposition of the nomination of Kristi Haskins Johnson, Senate will vote on the motion to invoke cloture on the nomination of Benjamin Joel Beaton, of Kentucky, to be United States District Judge for the Western District of Kentucky, and if cloture is invoked, Senate will vote on confirmation thereon at 2:15 p.m.

Following disposition of the nomination of Benjamin Joel Beaton, Senate will vote on the motion to invoke cloture on the nomination of Judy Shelton, of California, to be a Member of the Board of Governors of the Federal Reserve System.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: November 17, to hold an oversight hearing to examine the Securities and Exchange Commission, 10 a.m., WEBEX.

Committee on Commerce, Science, and Transportation: November 17, Subcommittee on Manufacturing, Trade, and Consumer Protection, to hold hearings to examine the American manufacturing industry's response to the COVID–19 pandemic, 2:30 p.m., SR–253.

November 18, Full Committee, business meeting to consider S. 1031, to implement recommendations related to the safety of amphibious passenger vessels, S. 1166, to direct the Assistant Secretary of Commerce for Communications and Information to make grants for the establishment or expansion of internet exchange facilities, S. 3730, to amend title 49, United States Code, to authorize and modernize the registered traveler program of the Transportation Security Administration, S. 3824, to require the Federal Trade Commission to submit a report

to Congress on scams targeting seniors, S. 3969, to amend title 49, United States Code, to reform the Federal Aviation Administration's aircraft certification process, S. 4472, to amend the Secure and Trusted Communications Network Reimbursement Program to include eligible telecommunications carriers and providers of educational broadband service, S. 4577, to require online enrollment for the PreCheck Program of the Transportation Security Administration, S. 4613, to amend the Fairness to Contact Lens Consumers Act to prevent certain automated calls and to require notice of the availability of contact lens prescriptions to patients, S. 4719, to provide, temporarily, authority for the Secretary of Commerce to waive cost sharing requirements for the Hollings Manufacturing Extension Partnership, S. 4803, to make the 3450–3550 MHz spectrum band available for non-Federal use, S. 4827, to authorize the Assistant Secretary of Space Commerce to provide space situational awareness data, information, and services to non-United States Government entities, S. 4847, to direct the Secretary of Commerce to conduct a study and submit to Congress a report on the effects of the COVID–19 pandemic on the travel and tourism industry in the United States, S. 4884, to require the Consumer Product Safety Commission to study the effect of the COVID–19 pandemic on injuries and deaths associated with consumer products, and routine lists in the Coast Guard, 9:30 a.m., SD–G50.

Committee on Energy and Natural Resources: November 18, business meeting to consider the nominations of Allison Clements, of Ohio, and Mark C. Christie, of Virginia, both to be a Member of the Federal Energy Regulatory Commission, 10 a.m., SD–366.

November 18, Subcommittee on Public Lands, Forests, and Mining, to hold hearings to examine H.R. 823, and S. 241, bills to provide for the designation of certain wilderness areas, recreation management areas, and conservation areas in the State of Colorado, S. 1695, to amend the Wilderness Act to allow local Federal officials to determine the manner in which nonmotorized uses may be permitted in wilderness areas, S. 2804, to promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, S. 2875, to amend the Smith River National Recreation Area Act to include certain additions to the Smith River National Recreation Area, to amend the Wild and Scenic Rivers Act to designate certain wild rivers in the State of Oregon, S. 3492, to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for use as a national cemetery, S. 4215, to designate and adjust certain lands in the State of Utah as components of the National Wilderness Preservation System, S. 4569, to modify the boundary of the Sunset Crater Volcano National Monument in the State of Arizona, S. 4599, to withdraw certain Federal land in the Pecos Watershed area of the State of New Mexico from mineral entry, S. 4603, to promote the use of forest restoration residue harvested on National Forest System land for renewable energy, S. 4616, to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, S. 4625, to direct the Secretary of the Interior and the Secretary of Agriculture to encourage and expand the use of prescribed fire on land managed by the Department of the Interior or the Forest Service, with an emphasis on units of the National Forest System in the western United States, S. 4696, to provide for the continuation of higher education through the conveyance to the University of Alaska of certain public land in the State of Alaska, and S. 4889, to amend the Alaska Native Claims Settlement Act to increase the dividend exclusion, to exclude certain payments to Alaska Native elders for determining eligibility for certain programs, to provide that Village Corporations shall not be required to convey land in trust to the State of Alaska for the establishment of Municipal Corporations, and to provide for the recognition of certain Alaska Native communities and the settlement of certain claims under that Act, to require the Secretary of the Interior to convey certain interests in land in the State of Alaska, 2:30 p.m., SD–366.

Committee on Homeland Security and Governmental Affairs: November 18, Subcommittee on Regulatory Affairs and Federal Management, to hold hearings to examine modernizing Federal telework, focusing on moving forward using the lessons learned during the COVID–19 pandemic, 3 p.m., SD–342/WEBEX.

November 19, Full Committee, to hold hearings to examine an essential part of a COVID–19 solution, focusing on an early at home treatment, 10 a.m., SD–342/WEBEX.

Committee on Indian Affairs: November 18, business meeting to consider S. 790, to clarify certain provisions of Public Law 103–116, the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, S. 3264, to expedite and streamline the deployment of affordable broadband service on Tribal land, S. 4079, to authorize the Seminole Tribe of Florida to lease or transfer certain land, and S. 4556, to authorize the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, to acquire private land to facilitate access to the Desert Sage Youth Wellness Center in Hemet, California, 2:30 p.m., SD–628.

Committee on the Judiciary: November 17, to hold hearings to examine breaking the news, focusing on censorship, suppression, and the 2020 election, 10 a.m., SD–G50.

November 18, Full Committee, to hold hearings to examine pending nominations, 10 a.m., SD–106.

November 19, Full Committee, business meeting to consider S. 4632, to amend title 17, United States Code, to establish an alternative dispute resolution program for copyright small claims, to amend the Communications Act of 1934 to modify the scope of protection from civil liability for ''good Samaritan'' blocking and screening of offensive material, 10 a.m., SR–325.

Committee on Rules and Administration: November 17, to hold hearings to examine S. 959, to establish in the Smithsonian Institution a comprehensive women's history museum, and S. 1267, to establish within the Smithsonian Institution the National Museum of the American Latino, 10 a.m., SR–301.

November 18, Full Committee, to hold hearings to examine the nominations of Shana M. Broussard, of Louisiana, Sean J. Cooksey, of Missouri, and Allen Dickerson, of the District of Columbia, each to be a Member of the Federal Election Commission, 10 a.m., SR–301.

Select Committee on Intelligence: November 17, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SVC–217.

November 18, Full Committee, to receive a closed briefing on certain intelligence matters, 2 p.m., SVC–217.

House Committees

Committee on Armed Services, November 20, Full Committee, hearing entitled ''The U.S. Military Mission in Afghanistan and Implications of the Peace Process on U.S. Involvement'', 9 a.m., 2118 Rayburn and Webex.

Committee on Financial Services, November 19, Subcommittee on Housing, Community Development, and Insurance, hearing entitled ''Insuring Against a Pandemic: Challenges and Solutions for Policyholders and Insurers'', 10 a.m., Webex.

Committee on Oversight and Reform, November 18, Subcommittee on National Security, hearing entitled ''Karshi-Khanabad: Honoring the Heroes of Camp Stronghold Freedom'', 10 a.m., 2154 Rayburn and Webex.

Committee on Transportation and Infrastructure, November 18, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing entitled ''Examining the Surface Transportation Board's Role in Ensuring a Robust Passenger Rail System'', 10 a.m., 2167 Rayburn and Webex.

Committee on Ways and Means, November 20, Subcommittee on Oversight, hearing entitled ''Oversight Subcommittee Hearing with the Commissioner of the Internal Revenue Service'', 10 a.m., 1100 Longworth and Webex.

Joint Meetings

November 18, Senate Committee on Armed Services, closed pass-the-gavel/general provisions panel meeting of conferees on H.R. 6395, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, 10:30 a.m., 2212, Rayburn Building.

Next Meeting of the **SENATE**

10 a.m., Tuesday, November 17

Senate Chamber

Program for Tuesday: Senate will continue consideration of the nomination of Kristi Haskins Johnson, of Mississippi, to be United States District Judge for the Southern District of Mississippi, post-cloture, and vote on confirmation thereon at 11 a.m.

Following disposition of the nomination of Kristi Haskins Johnson, Senate will vote on the motion to invoke cloture on the nomination of Benjamin Joel Beaton, of Kentucky, to be United States District Judge for the Western District of Kentucky, and if cloture is invoked, Senate will vote on confirmation thereon at 2:15 p.m.

Following disposition of the nomination of Benjamin Joel Beaton, Senate will vote on the motion to invoke cloture on the nomination of Judy Shelton, of California, to be a Member of the Board of Governors of the Federal Reserve System.

(*Senate will recess following the vote on the motion to invoke cloture on the nomination of Benjamin Joel Beaton, until 2:15 p.m. for their respective party conferences.*)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Tuesday, November 17

House Chamber

Program for Tuesday: Consideration of measures under suspension of the Rules.

Extensions of Remarks, as inserted in this issue

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