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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. CÁRDENAS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 7, 2021.

I hereby appoint the Honorable TONY CÁRDENAS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2021, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with time equally allocated between the parties and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 1:50 p.m.

LEAVING BEHIND AMERICANS MOST IN NEED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. JOYCE) for 5 minutes.

Mr. JOYCE of Pennsylvania. Mr. Speaker, this week, we saw new data that revealed who is truly being harmed by President Biden's economic crisis. The short answer is that those who can least afford it are being left behind.

Last month, the U.S. economy added only 200,000 new jobs. This isn't enough. It is not enough to sustain any sort of recovery from the COVID–19 pandemic.

Because of this poor response and because of this poor showing, many industries lost workers, including manufacturers and retail stores. In November, labor force participation actually declined among those with less than a high school diploma or some college education.

Simply stated, the Biden administration's failures are leaving Americans behind at a time when the price of essential goods are skyrocketing. Instead of addressing the crises that liberal policies have created, Democrats are doubling down on the failed legislative ideas that threaten to raise the cost of gasoline and raise the cost of groceries. The costs of beef, vegetables, chicken, and pork are on the rise, and real wages have actually decreased during 7 out of the 9 months that Joe Biden has been in office.

This isn't effective governing, and this is not the way to get America back on track.

PROTECTING LONG-TERM CARE RESIDENTS TO DEATH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. TENNEY) for 5 minutes.

Ms. TENNEY. Mr. Speaker, once again, I rise to call for immediate action on H.R. 3733, the Essential Caregivers Act. It is our sacred duty to protect and serve the American people, and this bill is an opportunity for this body to fulfill that duty.

Over the course of this pandemic, thousands of our fellow Americans were left isolated in long-term care facilities. They were denied access to their friends and families.

Alone and often confused, many suffered from depression and didn't receive the medical care they so desperately needed. Family members were forced to watch from behind plexiglass and webcams as their loved one's physical and mental health declined. Some even died frightened and alone because of the lack of care.

In one California facility, Nancy Klein's son, who had suffered from a massive brain hemorrhage 6 years ago and has been bedridden ever since, contracted pneumonia three times while in isolation. Later, he contracted COVID.

His mother asked: After all he has been through, don't you think he has done his time?

Yes. I think he has done his time.

Nancy's story and many others like hers are documented in the book ''Protecting Them to Death,'' which was written by one of my great constituents, Karla Abraham-Conley, who lost her mother in a long-term nursing facility. I have shared some of the gut-wrenching stories from this book before, and I will continue to do so until the bipartisan Essential Caregivers Act is passed.

It is imperative that we, the elected Representatives of the American people, stick up for the American people. The Essential Caregivers Act would ensure the senseless, counterproductive policies that were put in place during the pandemic are never repeated.

The fearmongering led to situations where, as Veronica Myers put it, ''fear of COVID–19 has put staff safety ahead of resident health, well-being, and safety.''

Veronica's 70-year-old father lives in a nursing home in Arkansas but was not allowed to see his family because of the antiscientific procedures of the facility. Veronica added that lack of continuity and communication play a major role in the isolation of residents because basic care and best practices are less important now than COVID–19 mitigation.

Mr. Speaker, this is not how Americans care for their fellow citizens.

All across the country, from my home State of New York all the way to

California, families were cut off from their loved ones living in long-term care facilities. These decisions to isolate long-term care facility residents were fatal and will have long-lasting impacts.

Think of the damage that has been caused to people like Melody Stark of California, whose husband had been living in a nursing home for 5 years prior to the pandemic. In March 2020, Melody was on her way to the nursing home for their usual Friday night dinner date when she got a phone call informing her that nonessential visitors were no longer allowed due to COVID–19 lockdowns.

Who could be more essential than one's lifelong partner and spouse?

Melody recounted that ''what we thought would be a couple of weeks turned into months and months. There were no virtual or window visits facilitated, and it felt as if everyone except families were wholly unaware of the impact of isolation, depression, and lack of psychosocial support.''

Melody continued by saying: ''My usually optimistic husband sounded increasingly sad and said things like: 'This is no way to live,' and he would cry. Over time, this led to drastic decline that affected his physical health as well as his mental health. By November 22, 2020, his health had declined to the point that he was hospitalized and passed away. He did not die from COVID but from failure to thrive due to isolation in long-term care. The last time I hugged my husband was when I carried his ashes from the car to the church.''

Mr. Speaker, Melody Stark's husband might still be with us today if he had been allowed access to an essential caregiver. That is why we must take action on H.R. 3733.

I am urging all of my colleagues, both Democrats and Republicans, to join me because this is not a partisan issue. It is an issue of compassion and doing the right thing for our fellow Americans who so desperately need our help.

Again, I am grateful to my cosponsor, Representative LARSON, who has so graciously come on board, and so many other Members, in a bipartisan way.

Mr. Speaker, you have heard me share these stories before, and I will continue to share them until the bipartisan Essential Caregivers Act is passed.

PRESIDENT TRUMP'S TAX CUTS HELPED MIDDLE CLASS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Michigan (Mrs. MCCLAIN) for 5 minutes.

Mrs. MCCLAIN. Mr. Speaker, we have all been forced to suffer through 4 years of hearing the Democrats spreading falsehoods regarding President Trump's middle-class tax cuts.

Over and over again, they claimed, with little fact-checking from their allies in the mainstream media, that this bill was a tax giveaway to the rich. The Speaker, not trying to be outdone by her colleagues' exaggeration, claimed that the bill was Armageddon.

But, of course, as with many claims from my Democratic colleagues, this runs in contradiction to the actual facts. I will say it again: What government needs is truth, transparency, and consistency from its leaders.

The IRS' own data shows the Democrats have been shamelessly lying about a bill that led to middle-class families keeping more of their hard-earned money and creating more family-sustaining jobs. The data also shows that millions of middle-class Americans received tax cuts ranging anywhere from 16 percent to 26 percent in 2018. We saw employers nationwide provide bonuses to their employees up and down the pay scale.

Median household incomes were on the rise, and the IRS collected more revenue—I am going to say it again—the IRS collected more revenue in 2019 than ever before. Our economy was thriving.

Now that Democrats are in charge, they want to reverse the most successful middle-class tax reform in our Nation's history. They don't just want to return our country to high, uncompetitive tax rates; they actually want to provide a massive tax cut to their elite, coastal friends. They are trying to provide tax breaks to the same wealthy people whom the likes of Senator SANDERS and Speaker PELOSI rail against.

President Biden promised all Americans last year that his plan would go after the evil wealthy. So I ask this: Does this tax break for only the limousine liberals and those living in McMansions sound like President Biden is fulfilling his promise? Or does it, once again, sound like President Biden is deceiving the American people?

But let's not let the facts get in the way of a really good story. I am confident the American people are able to see behind the Democrats' deceit and will be outraged by their giveaways to their rich, elite friends.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

HONORING DIANNE HAMILTON

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New Mexico (Ms. HERRELL) for 5 minutes.

Ms. HERRELL. Mr. Speaker, today, I rise to honor a great friend of mine, a true patriot in New Mexico, Representative Dianne Hamilton, who passed away very recently at the age of 87 after serving for 18 years in the New Mexico House.

Dianne was more than a representative. She was truly my mentor, a colleague, a friend, and a person whom everyone looked up to and aspired to be. When I say ''looked up to,'' she was over 6 feet tall. She had an incredible personality; she was very quick-witted; and her gift was public service.

She was a military wife, so working for our veterans was something that she held very deeply in her heart. She also had an interest in the people of the communities that she served. She opened up the first domestic violence shelter, so this will be something that lives on in her memory.

Mr. Speaker, to tell you the number of stories about her would take up more than the time allotted today to share with you what an inspiration she was.

What was very unique about Dianne was she was a radio host before she got into the New Mexico House of Representatives. She had a knack for making everybody feel important, whether they were a student who had shown an animal at the local fair or if she was meeting with the Governor or somebody beyond.

She was worthy of every award she was ever given, which were things like the Governor's Award for Outstanding New Mexican Women. She was given the Citizen of the Year from her respective counties.

The world needs more Dianne Hamiltons because, truly, her gift was her heart. Her gift was helping people like me pioneer the way to public service where we could learn from a true champion. We learned how to work across the aisle, and we learned how to carry bills and negotiate to get what we wanted.

She was an inspiration and will continue to be even after her life because her family is beautiful. She was an inspiring mom, and she is a woman of such great character.

I can't sit here and say enough about her because there just isn't enough time to really give you, Mr. Speaker, all the aspects and all the benefits of having somebody like Dianne Hamilton not only as a friend but also someone who served and served with purpose.

Again, she pioneered the way for people like me to come up behind her. She taught me how to do things, to make relationships happen, and to be successful as now a U.S. Representative and before as a State representative.

The world needs more Dianne Hamiltons. She was a patriot. She was a mom who gave everything to her loving family. She was someone who gave of herself to her community, to her peers, to her friends. Dianne Hamilton is truly a woman's woman, a person who I will dearly miss. I know her family and her community will miss her as well.

And I just will always take with me the two biggest pieces of advice she ever gave me. First, she said, never let anybody see you cry. Fight for what you believe in and do it with all of the character and class that you can.

And number two, never leave your house or your office without your lipstick. Those are the important things I will always remember.

I am forever indebted to her, her family, and we will miss her.

□ 1215

CELEBRATING THE LIFE AND LEGACY OF CLARA BARTON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to celebrate Clara Barton, the founder of the American Red Cross. December 25 will be Clara's 200th birthday.

Clara is one of the most honored women in American history. From a young age she was dedicated to service and helping others.

Clara started her career in Washington, D.C., as one of the first women to work in the Federal Government. She was in D.C. at the start of the Civil War, and while residents in the capital were alarmed and confused, Clara recognized the immediate need to help these newly recruited troops.

Clara spent the early days of the war collecting food and supplies for the Union Army, but she knew that, despite her efforts in Washington, there was more work left to be done.

She lobbied leaders in the government and the Union Army to give her passes to bring her voluntary services to the battlefield. From that moment on, Clara and her volunteers risked their lives heading to the scenes of battle and field hospitals to volunteer their time and deliver needed medical services.

Following her volunteer service in the Civil War, Clara visited Europe and was introduced to the Red Cross in Geneva, Switzerland. There she learned of the Geneva Treaty, an international agreement to protect the sick and wounded during wartime without respect to nationality, and for the formation of national societies to give aid voluntarily on a neutral basis.

Clara was a woman of action. When she saw a need, she found practical ways to address it. After learning of this global Red Cross Network, Clara returned to the United States and would fight for the ratification of this treaty by the United States.

In 1881, Clara founded the American Red Cross and, in 1882, the United States would sign the Geneva Convention treaty. The American Red Cross received their first congressional charter in 1900. For 20 years, Clara would lead the Red Cross on countless service missions to towns and cities around the United States in need of emergency assistance.

Mr. Speaker, I am honoring Clara Barton because of the historic connection to Pennsylvania's 15th Congressional District. In 1889, Clara Barton and 50 Red Cross volunteers arrived in Johnstown, Pennsylvania, to help the survivors of the Johnstown flood caused by a dam break which led to over 2,000 deaths.

Today, the house that served as the headquarters of the Red Cross and Clara's mission in Johnstown still stands on Main Street. This home is a piece of history in Johnstown, and residents are in the process of restoring it.

Clara Barton continued her service to helping others up until her passing in 1912. Today, over 140 years later, the Red Cross continues its service through its strong network of volunteers, donors, and partners. They continue to serve those in need by mobilizing the power of volunteers in times of emergencies.

Mr. Speaker, Clara Barton's passion for service is an example for us all. Her selflessness and determination to help others continues to inspire us today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, the Reverend Margaret Grun Kibben, offered the following prayer:

Eternal God, we remember. On this 80th anniversary of the attack on Pearl Harbor, that day lives in infamy, having left its indelible mark on countless individuals, families, and our American history.

On that fateful Sunday morning, our country was alerted to the precariousness of our days and the certainty of our future.

God, we remember. Call us back to the unity borne from that sudden insult on our liberty. Remind us how our country rallied as one to uphold our freedoms.

God, we remember. Bring to our memory the sense of shared meaning and shared sacrifices that our forebears held onto fiercely as they rallied in response to fight our enemies and cling to the essential values of family and faith.

God, we do remember. May we always tell of the innumerable acts of heroism in the face of the horrific acts that reached our country's shores and threatened our Nation's sense of security and welfare.

Holy God, even as we remember the horror of that day, we yearn for those days when a country as diverse and divided as we are could rally against the ageless enemies of divisiveness, unbridled power, and injustice.

Then as now, You prove to be the constant defender of our freedom and the source of our hope. In response to Your mercy, may we remember and once again seek to preserve and uphold our shared moral understandings and to demonstrate our mutual respect, that we would ever protect all that is good and holy, acceptable, and perfect.

In Your saving name we pray.

Amen.

THE JOURNAL

The SPEAKER. Pursuant to section 11(a) of House Resolution 188, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Connecticut (Mr. COURTNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. COURTNEY 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.

ANNOUNCEMENT BY THE SPEAKER

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

HONORING THE LIFE AND SERVICE OF DICK SCHIMMEL

(Ms. WILD asked and was given permission to address the House for 1 minute.)

Ms. WILD. Madam Speaker, I rise today to honor a local hero from my district in the Greater Lehigh Valley who served at Pearl Harbor when it was attacked 80 years ago today.

Dick Schimmel was 19 when, on the morning of December 7, 1941, he was roused from sleep by fellow servicemembers with the sound of explosions striking the American Naval base in Pearl Harbor, Hawaii.

Mr. Schimmel is a lifelong resident of Allentown, and a consummate American hero who joined the Army in August of 1940, serving as a radar specialist as part of the 580th Signal Aircraft Warning Company, before returning to Pennsylvania, where he sold appliances for Sears for 34 years.

Today is a solemn day as we reflect on the legacy of a day that President Roosevelt wisely said would ''live in infamy.'' We lost 2,335 servicemembers that day and an additional 68 civilians, not to mention countless more with injuries, both visible and invisible.

As the daughter of an Air Force veteran, I want to thank Mr. Schimmel for his heroism in Pearl Harbor 80 years ago.

FIRST AMENDMENT APPLIES TO COLLEGE CAMPUSES TOO

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

Ms. FOXX. Mr. Speaker, the attempt to stifle free speech at colleges and universities continues to be a major problem. Too many universities are more committed to liberal indoctrination than to providing an education.

One of the primary reasons students attend college is to foster intellectual curiosity, yet this is no longer allowed at many universities. Too many students and faculty alike are being intimidated into silence, or even worse, punished for speaking out about their religious or political beliefs.

Universities should encourage a diverse set of viewpoints and open dialogue; not stifle the expression of ideas they may oppose. Students should not feel like they must be on the frontlines of a culture war just to obtain a degree.

All Americans should have their First Amendment freedoms protected, regardless of their point of view. Students on college campuses should be no different.

RECOGNIZING THE SERVICE OF MAJOR BRETT TINDER

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

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to recognize the 2021 Army Congressional Fellow, Major Brett Tinder, for his service to the citizens of the Second District of South Carolina. His year-long stay with the office is concluding and Brett will be sorely missed. Not only has he been an indispensable contributor to legislative goals, including the FY 2022 National Defense Authorization Act, but a valued member of the team.

After graduating with a political science degree from Rutgers University, his already impressive military career has included numerous commendation and leadership positions in Fort Benning and Fort Carson. Brett has also been deployed to Poland, Germany, Romania, and to Afghanistan, where he was successful in his part with Operation Resolute Support—Freedom's Sentinel.

His next assignment is with the Pentagon, where Major Tinder will be a valued participant for peace through strength.

In conclusion, God bless our troops who successfully protected America for 20 years, as the global war on terrorism continues moving from the Afghanistan safe haven to America.

We will remember Pearl Harbor.

HONORING THE SERVICE OF CHARLIE DOWD

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

Mr. ROSENDALE. Mr. Speaker, on this National Pearl Harbor Remembrance Day, the 80th anniversary of the attack on Pearl Harbor, I rise to honor Charlie Dowd, Montana's last living Pearl Harbor survivor.

Charlie was just a 17-year-old radioman stationed at Pearl Harbor when he was awakened by the sound of the Japanese surprise attack, a day which lives in infamy. Charlie immediately raced to the window of the ship where he saw a nearby hangar go up in a plume of flames. Wearing just a T-shirt, he grabbed a rifle and climbed on to the roof where he and other volunteers started firing at the attacking planes, some of the first shots fired by Americans in World War II.

Charlie's heroism, and that of others on that day, undoubtedly saved lives, and their bravery and resolve should be commended. He served for nearly 5 years in the United States Navy.

Charlie lives in Anaconda, Montana, and will be celebrating his 98th birthday on December 23. On behalf of all Montanans and a grateful Nation, I want to thank Charlie Dowd for his service and wish him an early happy birthday.

HONORING THE LIFE AND LEGACY OF RAYMOND HEISE

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

Mr. BERGMAN. Mr. Speaker, on this the 80th anniversary of Pearl Harbor, it is only right to honor a marine who served in the South Pacific. I rise today to honor the life and legacy of fellow Michigander and U.S. Marine Raymond Heise.

On Thursday, November 18, Ray passed away after nearly a century of service to his community and to our Nation. I met Ray back in June 2016 when we exchanged personal stories of our time in the Corps.

At only 19 years of age, he enlisted and joined the Marine Corps during World War II. He truly made a difference, both in the South Pacific and in Michigan. The commitment and courage that he and so many others displayed during that time is unmatched. As Admiral Nimitz famously said of those Marines involved in our victory on Iwo Jima: ''Uncommon valor was a common virtue.''

Ray will be remembered for his caring and calming personality toward anyone who had the opportunity to meet him. I encourage my colleagues to join me in remembering the life and selfless service of Raymond Heise, United States marine.

May God rest his soul and comfort his family.

RECOGNIZING THE IOWA WOMEN'S BASKETBALL TEAM

(Mrs. MILLER-MEEKS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER-MEEKS. Mr. Speaker, I rise today to recognize a group of women in my district for their hard work that led to a historic game at Carver-Hawkeye Arena.

On Sunday, the Iowa Women's Basketball team earned an impressive 88–61 win in their Big Ten Conference opener against Michigan State.

With almost 7,000 people in attendance at Carver-Hawkeye Arena, Lisa Bluder and her Hawkeyes showcased their court dominance with Caitlin Clark adding 24 points, 12 assists, and 10 rebounds, making her second triple-double in the six games since our season opener against New Hampshire.

And the icing on top? All those watching got to see Coach Lisa Bluder earn her 800th career win, a monumental achievement, to be sure.

Congratulations, Lady Hawkeyes, and give yourselves a pat on the back for all the hard work you put in during the off season. I look forward to seeing what else this team has in store in the coming months.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COURTNEY). Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Friday, December 3, 2021:

H.R. 6119, making further continuing appropriations for the fiscal year ending September 30, 2022, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess.

□ 1715

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 5 o'clock and 15 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 5314, PROTECTING OUR DEMOCRACY ACT; PROVIDING FOR CONSIDERATION OF S. 1605, NATIONAL PULSE MEMORIAL; AND PROVIDING FOR CONSIDERATION OF S. 610, DR. LORNA BREEN HEALTH CARE PROVIDER PROTECTION ACT

Ms. SCANLON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 838 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 838

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5314) to protect our democracy by preventing abuses of presidential

power, restoring checks and balances and accountability and transparency in government, and defending elections against foreign interference, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–20, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform or their respective designees; (2) the further amendments described in section 2 of this resolution; (3) the amendments en bloc described in section 3 of this resolution; and (4) one motion to recommit.

SEC. 2. After debate pursuant to the first section of this resolution, each further amendment printed in part B of the report of the Committee on Rules not earlier considered as part of amendments en bloc pursuant to section 3 of this resolution shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

SEC. 3. It shall be in order at any time after debate pursuant to the first section of this resolution for the chair of the Committee on Oversight and Reform or her designee to offer amendments en bloc consisting of further amendments printed in part B of the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

SEC. 4. All points of order against the further amendments printed in part B of the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 5. Upon adoption of this resolution it shall be in order to consider in the House the bill (S. 1605) to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-21 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their respective designees; and (2) one motion to commit.

SEC. 6. The chair of the Committee on Armed Services may insert in the Congressional Record not later than December 10, 2021, such material as he may deem explanatory of S. 1605.

SEC. 7. Upon adoption of this resolution it shall be in order to consider in the House the bill (S. 610) to address behavioral health and well-being among health care professionals. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-22 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means or their respective designees; and (2) one motion to commit.

SEC. 8. (a) At any time through the legislative day of Thursday, December 9, 2021, the Speaker may entertain motions offered by the Majority Leader or a designee that the House suspend the rules as though under clause 1 of rule XV with respect to multiple measures described in subsection (b), and the Chair shall put the question on any such motion without debate or intervening motion.

(b) A measure referred to in subsection (a) includes any measure that was the object of a motion to suspend the rules on the legislative day of November 30, 2021, December 1, 2021, or December 8, 2021, in the form as so offered, on which the yeas and nays were ordered and further proceedings postponed pursuant to clause 8 of rule XX.

(c) Upon the offering of a motion pursuant to subsection (a) concerning multiple measures, the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated to the end that all such motions are considered as withdrawn.

The SPEAKER pro tempore. The gentlewoman from Pennsylvania is recognized for 1 hour.

Ms. SCANLON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Oklahoma (Mr. COLE), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. SCANLON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

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

There was no objection.

Ms. SCANLON. Mr. Speaker, today, the Rules Committee met and reported a rule, House Resolution 838, providing for consideration of H.R. 5314, the Protecting Our Democracy Act, under a structured rule. It provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform. It self-executes a manager's amendment from Chairwoman MALONEY and makes in order 34 amendments. It also provides en bloc authority to Chairwoman MALONEY and one motion to recommit.

The rule also provides for consideration of S. 1605, the National Defense Authorization Act for Fiscal Year 2022, under a closed rule. It provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. It provides authority for the chair of the Armed Services Committee to insert into the RECORD explanatory materials through December 10 and provides for one motion to commit.

The rule also provides for consideration of S. 610, the Protecting Medicare and American Farmers from Sequester Cuts Act, under a closed rule. It provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means and provides for one motion to commit.

Finally, the rule provides the majority leader the ability to en bloc requested roll call votes on certain suspension bills through December 9, 2021.

Mr. Speaker, ever since the founding of our great Nation, we have debated how to appropriately check and balance the various branches of our government with a primary concern, dating back to the 1700s, being how to prevent abuses of executive power and how to address such abuses when they occur.

In the 1970s, Congress passed a variety of reforms in response to abuses of the Nixon administration to address the imbalance between Congress and the President—laws like the War Powers Act, the Inspector General Act, the National Emergencies Act, and the Impoundment Control Act.

Now, just like then, Congress must pass additional reforms to protect against Presidential impunity and reset the dysfunctional relationship between the branches of government.

Many Americans did not realize that we didn't already have laws to prevent the kinds of abuses we saw during the Trump administration. They thought that our laws required the disclosure of tax returns by Presidential candidates and the avoidance of financial conflicts, particularly from foreign nations, and that our laws prevented the use of pardons to protect political allies from criminal liability.

In a country founded by men for whom public service to promote the common good was the highest calling, we have long expected our elected leaders to adhere to ethical standards that far exceed minimal legality, and for the most part, they have. People didn't realize that a wayward President might have a dangerously wide berth to avoid legal and ethical guardrails, subvert the other branches of government, and escape accountability for doing so.

They were surprised that the former President and his administration would offer pardons in return for political favors, illegally repurpose taxpayer dollars, violate the Hatch Act, or remove inspectors general when they investigated executive misconduct.

They were surprised that the former President would politically interfere in

Federal law enforcement investigations and prosecutions, order Federal agents to violently disperse peaceful protesters, or use his office to direct business to properties that he owned and profited from.

This is no way for a democracy to function. When a President, any President, abuses the power of their office, we all suffer, and our democracy is weakened. We often hear that the United States is a nation of laws, not men, but so long as those laws are enforced by men, we need a functional system of oversight and accountability to prevent lawlessness, graft, nepotism, crony dealings, and abuses of Presidential power.

The Protecting Our Democracy Act focuses on three major areas of reform: limiting abuses of Presidential power; improving accountability, transparency, and the system of checks and balances; and protecting against foreign interference in our Nation's elections.

Former President Trump and his administration made it abundantly clear that the functioning of our democratic institutions had become too dependent on the good behavior of good people and that our government was vulnerable to the dangers posed by people in positions of power who might value their own political or financial interests more than public service or the common good.

These are not esoteric concerns. Just last week at a townhall, several of my constituents asked sharp questions about the failure to hold anyone accountable—so far—for inciting the January 6 attack on the U.S. Capitol, the misuse of government funds intended for COVID relief, and the measures necessary to hold people in contempt when they defy congressional subpoenas.

While the Trump administration may have ended, our democratic institutions are still vulnerable to future Presidents who try to commit the same crimes, abuses of power, and other improper actions.

The Protecting Our Democracy Act is the culmination of years of work by dozens of bipartisan Members and nine congressional committees to institute reforms to protect our democracy and rebalance the relationship between Congress and the President.

For decades, Congress has ceded many administrative and oversight responsibilities to the executive branch. Congress is granted broad powers in Article I of the Constitution, but over time, many of these powers have been weakened or absorbed by the Presidency.

This has been a long and slow process with Presidents of both parties over the past 50 years taking advantage of the broken system of checks and balances to expand Presidential power. But it has become increasingly clear, particularly so over the last administration, that this problem has dangerous consequences.

To protect against abuses of Presidential power, the Protect Our Democracy Act prevents Presidents from pardoning themselves and updates Federal bribery laws to prevent quid pro quo pardons. The Protect Our Democracy Act suspends the statute of limitations so that Presidents cannot escape accountability for crimes committed before or during their terms in office. And this act would allow Congress to enforce the Emoluments Clause of the Constitution, preventing future Presidents from accepting money or gifts from foreign governments or others who seek to influence Presidential actions.

To improve transparency and accountability, this act makes a series of necessary reforms to bolster the enforcement of congressional subpoenas. Presidents have increasingly used a variety of legal methods to stall or obstruct congressional investigations, and these issues came to a head during the Trump administration where the executive branch refused to turn over information to Congress for so long that the administration ended before Congress could obtain that information. Congress needs to be able to promptly and effectively conduct oversight in order to fulfill its constitutional role as a check and balance to a rogue administration.

The Protecting Our Democracy Act's reforms will give Congress important legal remedies to ensure that the recipients of congressional subpoenas actually comply with them in a timely manner. It will place important limits on presidentially declared emergencies so that Presidents cannot indefinitely maintain emergency powers.

The Protecting Our Democracy Act will additionally prevent the President from illegally diverting or spending taxpayer dollars. It will prevent Presidents from dismissing inspectors general when they conduct investigations that disclose misconduct by an administration.

□ 1730

Importantly, the Protecting Our Democracy Act will reinforce measures to prevent the White House from trying to interfere in Federal law enforcement for political reasons.

Lastly, the Protecting Our Democracy Act includes policies to protect our Federal elections from foreign interference. Since 2016, numerous foreign governments have gone to great lengths to interfere in our elections and manipulate American public opinion.

Building on the reforms passed by the House as part of H.R. 1, the For the People Act, the Protecting Our Democracy Act would require campaigns to affirmatively report any contact with a foreign government or its agents, expressly prohibit those contacts, and strengthen criminal penalties for knowing and willful violations of the prohibitions.

All in all, the reforms in the Protecting Our Democracy Act will establish essential guardrails to protect our democratic institutions from illegal and unethical behavior by a President or his or her administration. These reforms are long overdue, and I strongly encourage my colleagues to support this bill when it is considered on the floor.

However, I do want to note to my colleagues that while the Protecting Our Democracy Act can address many of the abuses of the recent administration, and prevent them in the future, ultimately, the responsibility for holding the executive accountable falls to Congress.

Under our Constitution, Congress plays an equal role in the functioning of our government. Through our powers to authorize and appropriate funds, conduct oversight, pass laws, structure government agencies, and grant executive authority, under Article I, the first article of the Constitution, Congress has the ability to limit Presidential power and punish Presidents who break the law, violate norms, or act in ways to undermine our constitutional order. And we all must have the courage to exercise that power.

So while it is true that Congress has ceded many of its Article I powers, the responsibility to get them back falls entirely on us. We cannot count on an executive, of any party, to relinquish powers that we have given away. Whether it is war powers, emergency powers, or the enforcement of subpoenas, ethical norms, and criminal penalties, it falls on Congress to pass legislation to resolve these issues.

Mr. Speaker, today's rule also provides for consideration of the fiscal year 2022 National Defense Authorization Act. I applaud the work of my House colleagues to consider and pass the NDAA in a timely fashion, and I regret that the Senate has once again held up congressional business.

This year's NDAA makes important and necessary improvements to our national security policies, ensuring that the United States is able to appropriately respond to ongoing and emerging threats.

The NDAA will provide the resources to combat aggression and malign activity by Russia and China; it will strengthen our security relations with important allies in Europe and Asia; and it will continue vital modernization and acquisition programs.

The NDAA includes important policies for my district, including funding for five Block II Chinook helicopters and nine more V–22 Ospreys, all of which are manufactured in Ridley Park, Pennsylvania. The 4,500 men and women who build these incredible aircraft are immensely proud that their hard work directly supports our national security and disaster relief efforts around the world, and the fiscal year 2022 NDAA is an investment in these amazing workers.

The NDAA also includes funding for the fifth of five National Security Multi-Mission Vessels which are being built at the Philadelphia shipyard, the

birthplace of the United States Navy. These are training ships for our nation's maritime academies which are needed to train the next generation of mariners as we experience growing shortages to that workforce. This program has already created hundreds of jobs in my district and throughout our region, and it will create hundreds more as work continues.

These training vessels are critical to our national commerce, our national defense, and our regional economy. This Friday, I am looking forward to attending the keel laying ceremony for the first of these vessels at the Philadelphia Navy Yard.

I want to highlight, as well, the important reforms that the NDAA finally makes to the way the military handles cases of sexual assault. Thanks to years of work by advocates and members of the House and Senate Armed Services Committees, the NDAA will remove special victims crimes from the chain of command and create an Office of the Special Victim Prosecutor within each service that is independent from the military justice system.

These reforms will ensure that allegations of sexual assault get an independent investigation with experienced criminal justice attorneys, allowing our servicemembers to seek justice without the pressures and obfuscation that keep these crimes in the shadows. While I believe that a lot more can and should be done to address sexual assault in the Armed Forces, the FY 2022 NDAA makes much-needed progress.

Finally, Mr. Speaker, today's rule will provide a process for expedited consideration in the Senate of legislation to raise the Nation's debt limit. Congressional Republicans have held the country hostage for nearly 4 months, threatening to derail our economy, and the world's economy, as part of a fiscally irresponsible political stunt.

Again, it is incredibly irresponsible for Members of Congress to support fiscal policies that require the Treasury to borrow and then to prevent the Treasury from doing so. We must raise the debt limit, and we must be responsible stewards of the full faith and credit of the United States.

It has been said multiple times but bears repeating: Raising the debt limit is necessary to allow the Treasury to pay the bills our country has already incurred. It has nothing to do with the national debt. The United States cannot default on its bills without creating a global financial crisis and inflicting serious financial harm on our country and its inhabitants.

It is grossly irresponsible for any Member of this Congress to deliberately court financial disaster by nonpayment of our debts, and particularly to do so for partisan political purposes.

I look forward to legislative action in the future to permanently lift the debt limit and to permanently remove this political football from the Halls of Congress. I am glad that both Chambers of Congress have come to an agreement on the path forward to raising the debt limit for the present so that we can end the economic anxiety caused by this arbitrary and functionally useless budget provision.

In addition to the debt limit provision, the rule includes important budgetary provisions to protect funding from Medicare and other important Federal programs as our Nation continues our robust recovery from last year's recession, and to fight the ongoing COVID–19 pandemic.

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

Mr. COLE. Mr. Speaker, I thank the gentlewoman from Pennsylvania (Ms. SCANLON), my good friend, for yielding me the customary 30 minutes. I yield myself such time as I may consume.

Today's rule, Mr. Speaker, covers three items. I will begin my remarks on a bipartisan note with the House amendment to S. 1605, the vehicle for the agreement between the House and the Senate for the National Defense Authorization Act for Fiscal Year 2022.

It has been a long road to get us to this point, Mr. Speaker, but with this week's action, the House and Senate are poised to enact the NDAA for the 61st consecutive year. This is quite an accomplishment, and one that could not have been possible but for the bipartisan cooperation in the House and the Senate.

It didn't always look promising. At the beginning of the process, President Biden proposed a defense budget that would deeply underfund our national defense. Chronic underfunding of defense was the hallmark of the Obama-Biden administration, a trend that was thankfully reversed by President Trump and a Republican Congress.

With his first budget, President Biden appeared poised to return to the previous sorry state of affairs. Fortunately, a bipartisan group of legislators on the Armed Services Committee rejected this approach, ensuring an increase in defense funding that would be sufficient to meet the country's needs. This increase garnered overwhelming bipartisan support in the committee, allowing the NDAA to be reported out on a 57–2 vote, and extending to final passage out of the House, with a bipartisan 316–113 vote.

At a glance, it is easy to see why. The United States and our allies face significant threats around the globe. We see this every day in trouble spots around the world, ranging from the Middle East, to Afghanistan, to the Taiwan Strait. Between Russian adventurism in Eastern Europe, Chinese development of new hypersonic missiles and saber rattling against Taiwan, and the ongoing threat posed by extremist terror organizations like al-Qaida and the Islamic State, this is not the time to underfund our national defense.

Fortunately, the 2022 NDAA will adequately fund our defense needs and set clear priorities for our Armed Forces. The bill before us funds continued acquisition of ships to ensure the United States Navy can meet its mission. It funds the procurement and development of new weapons systems, which ensures that our military will be prepared to meet new and emerging challenges in the coming years. It provides our servicemembers with a 2.7 percent pay raise.

And perhaps most important of all, it includes many provisions designed to provide much-needed oversight of President Biden's bungled withdrawal from Afghanistan. America deserves answers about decisions that were made and the resulting failures of leadership that occurred at all levels. Thanks to this bill, they can be assured that they will get them.

Our second item is the House amendment to S. 610, which addresses Medicare sequestration. While most of the Members on both sides of the aisle would agree that a resolution of this problem is necessary, I fear today's bill is a missed opportunity for bipartisanship.

Rather than pursuing a clean, bipartisan deal, we have a bill which includes provisions addressing the debt ceiling and delaying the paygo cuts from the majority's partisan reconciliation bill earlier this year.

Mr. Speaker, 2 months ago Democrats passed a measure to increase the debt ceiling, leading us to the deadline we face today. At that time, Republicans told Democrats two things which I think bear repeating. First, Democrats needed to step back from their massive partisan spending priorities. And second, they needed to work with the Republicans on solutions to our ever-increasing, structurally imbalanced debt.

Instead, Democrats have doubled down on their spending habits without using reconciliation to address the debt ceiling. Earlier this year, the majority passed a $1.9 trillion reconciliation bill with only Democratic votes. Last month, the House passed another partisan reconciliation bill, with only Democratic votes, which may ultimately cost us as much as $4.5 trillion.

Even if you take the Democrats at their word and accept their claim that these measures are fully paid for, all the new revenues this legislation claims to raise do nothing to address the existing $29 trillion national debt. They just go to new programs overwhelmingly designed to benefit the wealthy and liberal special interests.

Both of these measures are larded up with more spending, more taxation, and more Big Government control over the lives of everyday Americans. And these measures come on top of normal Federal spending and on top of the trillions of dollars appropriated last year and earlier this year to address the COVID–19 pandemic and subsequent economic crisis.

After continuing to spend money in such a reckless and partisan manner, it is deeply disappointing that the Democratic leadership in the House and Senate waited until now to address the

debt ceiling. Waiting until this point has placed the House in an awkward position, resulting in today's unfortunate bill.

Additionally, the paygo cuts due to be implemented next month, due mostly to the Democrats' first reconciliation bill, are not addressed. Instead, they are delayed until the end of 2022, setting up an even bigger crisis at that time.

Finally, the House is also considering H.R. 5314, which the majority is calling the Protecting Our Democracy Act. This is a package of purported reforms relating to Presidential power and foreign interference in elections. But the reality is that this package is an attempt by the majority to write into law supposed solutions to every complaint they ever had about the previous President.

The best thing I can say about this package is that it is duplicative. Many of the provisions included in this package have already passed the House as part of the majority's previous purported reform packages, notably including H.R. 1.

But not content with having passed these partisan provisions previously, the majority is pushing ahead with today's package. This is such a waste of time for this institution. At a time when the American people are deeply concerned about inflation and the weak economy, and when we are seeing the consequences of President Biden's weak leadership, both domestically and abroad, the majority is once again wasting time by talking about the last administration. I can think of countless other ways we could and should be spending our time that would be more productive and would deliver better results for our constituents.

Mr. Speaker, this is a sorry state of affairs. I continue to hope that the majority will shift its focus back to where it should be. Governing in a deeply partisan manner may be satisfying to their base, but it is hardly productive for the American people.

Mr. Speaker, I urge opposition to this rule, and I reserve the balance of my time.

Ms. SCANLON. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), the distinguished chair of the Committee on Rules.

□ 1745

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentlewoman from Pennsylvania for yielding and for her leadership on the Rules Committee.

Mr. Speaker, there are lots of good things in this rule, such as the Protect Our Democracy Act, and everybody should vote for it. There are lots of amendments to that bill that are included in this rule. We move forward with the doc fix, and we put in this rule a procedure that will allow the Senate to consider the debt ceiling issue.

I should clarify this, because during the Rules Committee meeting today, I think some of my Republican friends who testified started to believe the Republican talking points that somehow this was automatically increasing the debt ceiling. It isn't. It puts in place a process that was negotiated by Senator SCHUMER and Senator MCCONNELL, a Democrat and a Republican, that would allow the Senate to deal with the issue. When they deal with it and pass it, we will then have to deal with it and pass it here in the House. So I want to be clear on that.

The bill also includes the fiscal year 2022 National Defense Authorization Act, which was negotiated between the House and Senate. It is a bill, in my opinion, that spends far too much on military matters, and I have some problems with that. But I will say this: Chairman SMITH and Ranking Member ROGERS did an incredible job of trying to piece together a bill that would get a majority in the House and a majority in the Senate.

I want to speak about one provision in particular that is missing. The House version of the NDAA that passed with broad bipartisan support last September in the House had some good things in it, including section 6470, which included my provision that reauthorizes Global Magnitsky sanctions and makes them more effective by adding a provision from Executive Order No. 13818, which was actually issued by former President Trump.

Briefly, the NDAA provision codifies the Global Magnitsky sanctions as they have been applied over the last 5 years. We need to reauthorize the Global Magnitsky sanctions because when they became law in 2016, a sunset was added.

Since 2016, Global Magnitsky sanctions have had strong bipartisan support and have proven to be one of our most powerful foreign policy tools. They have been imposed on more than 300 human rights abusers and corrupt actors in nearly 40 countries around the world.

Human rights groups, civil society organizations, and victims' organizations overwhelmingly support them.

The number one request we hear from threatened human rights defenders is that the U.S. impose Global Magnitsky sanctions on government perpetrators, on the individuals, and on the institutions responsible for heinous human rights atrocities.

In 2020, Global Magnitsky sanctions were imposed on Chinese officials for abusing Uighurs in China. Who opposes that? Well, apparently there are a handful of Republicans here in House that oppose it because they are the ones who are responsible for blocking the Global Magnitsky provisions from the final NDAA agreement.

These are the same people who are happy to talk about human rights and how important human rights are, and then they issue press releases and call for sanctions when there is a human rights atrocity that they want to be involved in. But when it comes to making sure that the U.S. Government can maintain the tools it needs to advance human rights, they just said no.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SCANLON. Mr. Speaker, I yield an additional 1 minute to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, shame on those who derailed this in the negotiations between the House and Senate.

It is not enough to issue press releases. We need to take action.

Mr. Speaker, mark my words, we will reauthorize and we will strengthen Global Magnitsky in this Congress. We will do so hand-in-hand with allies on both sides of the aisle in the House and in the Senate, because at the end of the day, it is important that we just don't talk the talk, that we walk the walk. I can't believe that this important provision was derailed by a small group in this House.

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

If we defeat the previous question, I will offer an amendment to the rule to immediately bring up H.R. 1995, the Protecting Our Communities From Gang Violence Act of 2021. This bill would make alien gang members inadmissible to the United States and deportable. It would also authorize revoking the citizenship of certain naturalized individuals who are members of a criminal gang, and it would ensure that individuals associated with criminal gangs are ineligible for asylum or temporary protected status.

Mr. Speaker, gang violence continues to be a scourge on American communities, threatening the lives and livelihoods of ordinary, hardworking Americans. Certain gangs, like MS–13, operate internationally, bringing violence from overseas to the United States. If enacted, H.R. 1995 would ensure the Federal Government has an appropriate response to gang members and wrongdoers who seek to enter the United States or who have taken advantage of our broken immigration system to cause chaos in our communities.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. COLE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. RUTHERFORD), a fellow appropriator and former sheriff, to further explain the previous question.

Mr. RUTHERFORD. Mr. Speaker, I thank my good friend from Oklahoma for this opportunity.

Mr. Speaker, I rise in opposition to the previous question so that we can immediately consider H.R. 1995, a bill to keep alien gang members from entering the United States.

The crisis at the southern border continues to rage, with over 160,000 illegal aliens pouring into the country every single month.

In fiscal year 2021, a record-breaking 1.7 million illegal aliens crossed our southern border, and that is only those who were caught. How many others avoided authorities and successfully entered into our country illegally?

Mr. Speaker, we know cartels are sending gang members across our border and into our communities. I can tell you—and as a former sheriff, I can assure you, Mr. Speaker—these gang members, these alien gang members, are bringing violence and drugs, and they are straining police resources in cities all across America. In fact, violent crime skyrocketed in many cities last year, and much of that was tied to gang violence.

I hope that my colleagues on the other side of the aisle can agree that alien gang members should not be allowed into the United States. A ''no'' vote on the previous question sends a message to those looking to bring crime and violence into our country that they are not welcome here.

Mr. Speaker, for the sake of my children, for the sake of your children, for the sake of our children, I would ask all of my colleagues, on both sides of the aisle, to vote ''no'' on the previous question and stop these illegal alien gang members.

Ms. SCANLON. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the distinguished chair of the Committee on Oversight and Reform.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding and for her outstanding work on the Rules Committee.

Mr. Speaker, I rise in strong support of the rule for H.R. 5314, the Protecting Our Democracy Act.

This sweeping package of reforms, many of which have been supported by Democrats and Republicans in the past, will protect our government from future abuses, restore the government's system of checks and balances, and strengthen our accountability and transparency.

The Committee on Oversight and Reform has jurisdiction over several titles in this landmark legislation, and I am proud to be an original cosponsor of this bill.

The Protecting Our Democracy Act includes the Inspector General Independence Act, which I introduced last year with Majority Leader STENY HOYER and several other members of the Committee on Oversight and Reform.

The bill would strengthen protections for inspectors general by only allowing an IG to be removed for specific, documented causes and not for political retaliation, for doing their jobs and conducting oversight.

The bill also includes my Whistleblower Protection Improvement Act, a bipartisan bill the Committee on Oversight and Reform approved earlier this year. These provisions would strengthen protections for whistleblowers by protecting their anonymity and prohibiting retaliation when they come forward with abuses in government.

The Protecting Our Democracy Act would strengthen the Hatch Act, which is intended to protect the government from political interference with our workforce.

Last month, the independent Office of Special Counsel found that senior officials in the last administration repeatedly broke the law by using their government positions to campaign for the former President.

The bill also includes Representative KATIE PORTER's bill, the Accountability for Acting Officials Act, which would limit who can be named an acting official and for how long. These reforms would close loopholes that are ripe for abuse.

Mr. Speaker, I urge everyone to vote for this important bill.

Mr. COLE. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. STAUBER), my good friend, a former police officer, and a member of the Law Enforcement Caucus, to provide further information about the previous question.

Mr. STAUBER. Mr. Speaker, I rise to oppose the previous question so that we can immediately consider H.R. 1995, the Protecting Our Communities from Gang Violence Act.

Crime is running rampant in our cities. Smash and grab is the new normal for malls and small business owners. Carjackings are happening with such frequency that it is now recommended that you drive in the center lane of roads and highways. What once were beloved destinations in our States and our communities have become overrun with street gangs and violent criminals across this great Nation.

Now, President Biden is helping bring that crime to every suburban and rural community in America. As we speak, the Biden administration is using taxpayer dollars to fly and transport illegal immigrants across this country. This is without knowledge of who these people are or their criminal background.

Now, violent gang members have been illegally entering our country and circumventing our laws well before the Biden administration implemented their weak border policies. But it is gravely naive to think these gang members are not taking full advantage of this crisis, crossing the border with ease, hopping on these taxpayer-funded flights, and making their way into every small town across this great Nation. The Biden administration is, without a doubt, providing gang members new playgrounds for their criminal behavior. This is unacceptable in our great Nation.

As Members of Congress, we cannot sit idly by and allow our communities to be infiltrated by gang members and exposed to violence.

Mr. Speaker, H.R. 1995 is simple. It will make gang members inadmissible to and deportable from the United States of America. This legislation should be noncontroversial. Violent and dangerous criminals have no right to live in our communities and benefit from our country.

We must finally send a signal that we will not allow this cycle of crime and violence to continue.

Mr. Speaker, I ask my colleagues to defeat the previous question.

□ 1800

Ms. SCANLON. Mr. Speaker, I would just remind our colleagues we are here today to talk about a rule to bring the Protecting Our Democracy Act to the floor. That is a bill that would prevent criminal behavior by Presidents, not by illegal aliens, so I would just kind of redirect the conversation there.

We are also here to engage in the extremely important business of passing the National Defense Authorization Act and to help the Senate, since they are having difficulty on their own, to raise the debt limit. That is what we are here to discuss.

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

Mr. COLE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Missouri (Mrs. HARTZLER), my good friend and one of the recognized experts on defense in the Congress.

Mrs. HARTZLER. Mr. Speaker, I rise in strong support of the National Defense Authorization Act for Fiscal Year 2022.

I want to thank my colleagues on both sides of the aisle for their work in developing this comprehensive bill that will ensure our men and women in uniform have the resources they need to keep our country safe.

The bill before us today does not include a provision requiring women to register for the Selective Service. This bill does not include any red-flag gun provisions that would infringe on the Second Amendment rights of our servicemembers. And this bill does not establish an office of extremism.

I want to thank Ranking Member ROGERS for his advocacy in removing these provisions from the final bill.

This bill does protect servicemembers who choose not to receive the COVID–19 vaccine by prohibiting the DOD from issuing dishonorable discharges. It also requires the DOD to establish uniform standards for COVID–19 vaccine exemptions and requires the Pentagon to consider the effects of natural immunity.

As ranking member of the Tactical Air and Land Forces Subcommittee, I am pleased with the continued investments this bill makes for our air and land capabilities.

Under the Tactical Air and Land Forces Subcommittee's jurisdiction, this bill continues critical oversight of the Air Force, Navy, and Marine Corps'

strike fighter force structure and inventory management, setting better conditions for ensuring the right mix of fourth- and fifth-generation fighters and managing operational risk.

Specifically, this legislation authorizes funding for 12 F/A–18 Super Hornets, 85 F–35 Joint Strike Fighters, and 17 F–15EX aircraft.

The legislation also provides much-needed funding increases within the Army's small and medium caliber ammunition accounts as well as to support operational and safety improvements to the Nation's ammunition industrial base. I am proud of this legislation, and I urge all of my colleagues to vote ''yes'' on the final passage of the NDAA.

Ms. SCANLON. Mr. Speaker, I would inquire how many speakers Mr. COLE has remaining.

Mr. COLE. Mr. Speaker, we have at least one, I think perhaps two, if the gentleman can make it back in time.

Ms. SCANLON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, As long as I have a few minutes left, I did just want to raise an amendment I have to the Protecting Our Democracy Act, which has been made in order. This amendment would effectuate the findings of the Senate Judiciary Committee report titled ''Subverting Justice: How the Former President and His Allies Pressured DOJ to Overturn the 2020 Election.''

That report made numerous recommendations, but one of them is directly related to the Protecting Our Democracy Act. It would increase the frequency with which reports are made of contact between the White House and the Department of Justice in order to make sure that protections occur against politicization of our law enforcement arm at the behest of bad actors in the White House.

I am very, very pleased that that amendment was made in order and, as always, very grateful to the Committee on Rules for its continuing efforts to make amendments in order, which it has been doing at a much higher rate this term than last.

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

Mr. COLE. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BURGESS), my good friend, a fellow member of the Rules Committee and distinguished member of the Committee on Energy and Commerce.

Mr. BURGESS. Mr. Speaker, you just have to ask yourself what in the heck is going on here. Doctors across this country, our heroes in the healthcare fight that we have been in the last 2 years, are facing significant cuts in their Medicare reimbursements.

Instead of getting a commitment from Congress that we are going to work on solving this problem, what do they get? A gimmicky bill tying a reprieve on the Medicare cuts to the debt limit. That is a dead duck over in the other body. It is not going to pass, and the majority knows it is not going to pass.

Why don't we face the facts and get things done correctly from the start?

Unfortunately, our authorizing committees, the Committee on Energy and Commerce and the Committee on Ways and Means, have not seen fit to hold the hearings that would be necessary to provide a solution to this problem. Our providers need and deserve that certainty.

Mr. Speaker, I don't know what it is like in your part of the State, but in my part of the State, we are experiencing a shortage of healthcare workers. We are also seeing hospital consolidation becoming more and more prevalent. The coming Medicare cuts will only worsen these issues.

Furthermore, we have not even considered the cuts due to the Centers for Medicare and Medicaid Services clinical labor pricing updates. Some studies are now indicating that these cuts could be as significant as 20 percent for some providers.

Many of these same providers serve our seniors. They serve patients in critical care populations, including cancer patients and patients receiving critical surgeries or procedures. Overall, the clinical labor pricing updates will have an extreme impact on health quality, as they will affect our most vulnerable populations.

I appreciate the fact that the rebate rule is not included as an offset in this bill. That truly was budgetary smoke and mirrors that had no place in a rational discussion of this. But I do have to ask why we are reluctant to reuse the dollars in the Provider Relief Fund as an offset instead of creating a new Medicare sequester that, oh, yeah, won't start until 10 years from now.

Mr. Speaker, we are all familiar here with kicking the can down the road and robbing Peter to pay Paul. We are basically now robbing Peter's grandchildren to pay Paul. The Provider Relief Fund is sitting there waiting to be used. It would provide targeted relief to providers consistent with the original intent of the fund that we all voted for on March 27, 2020.

Unfortunately, this bill includes a one-time procedural change to allow the Senate to originate and pass a debt limit increase with only 51 votes. The Medicare issue and the debt limit do not belong in the same room, let alone in the same bill.

Protecting patients' access to care and helping healthcare providers during a public health emergency is a bipartisan issue. It deserves sincere congressional action, and it is time we work on meaningful payment reform.

Ms. SCANLON. Mr. Speaker, I completely agree that protecting Medicare from cuts is a bipartisan issue, and we are happy to engage on that. Unfortunately, if there is a complaint about how this bill is coming up at this time, that is something that was pushed by Republican leadership here in the House. That is not how our leadership proposed to do it.

If my colleagues want to have a serious conversation about the Nation's fiscal policies, we encourage them to do the work with us to pass a funding bill for the current fiscal year. We are now 2 months into this fiscal year, and we still don't have a funding bill because Senate Republicans are refusing to work with the rest of Congress to negotiate a bipartisan appropriations bill.

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

Mr. COLE. Mr. Speaker, we are still waiting for a speaker, but I would inquire of the gentlewoman if she is prepared to close, we will go ahead and close.

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

Mr. Speaker, before I get into my prepared remarks and close, just in response to my good friend's last remark, I want her to be aware, we don't have an appropriations bill or budget because my friends, frankly, have riddled what happened in the Appropriations Committee with poison pills, taking out the Hyde protections. We have been waiting to negotiate that. Our friends have refused to do that.

It has been extended now to February 18. I hope that we meet that deadline and that we actually do get an agreed-upon appropriations bill. If we do, I would be happy to support it, as I have so many years in the past.

Mr. Speaker, in passing a final, bipartisan, bicameral version of the NDAA, we are fulfilling our responsibility to provide for the common defense. This would mark the 61st year in a row that Congress has passed a final NDAA, and I celebrate that fact.

This year's bill increases defense spending to a level commensurate with our needs, unlike the President's budget. It ensures a needed pay raise for our troops and ensures that the warfighters of tomorrow will have the weapons and capabilities they need. It will also provide needed oversight over the President's debacle in Afghanistan and will ensure that the American people receive the answers they deserve.

I want to publicly commend Chairman SMITH and Ranking Member ROGERS for working so well together in a bipartisan fashion and also commend their negotiating counterparts in the United States Senate, Chairman REED and Ranking Member INHOFE, for cooperating and bringing this important measure before us. I certainly hope we can pass it and move forward from there.

Today's rule, unfortunately, also advances a measure to address Medicaid sequestration. This is a bill that could and should have been bipartisan but instead must be used to address the Democratic leadership's failure to resolve the debt ceiling vote. That is sad. Democratic leaders have chosen to divide us when they could have chosen a different course that would have united us in a bipartisan agreement. Hopefully, they will learn from that lesson.

Finally, this rule also advances a highly partisan and unnecessary collection of purported government reforms,

many of which are duplicative of measures that have previously passed the House. I urge the majority to rethink these measures.

Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question and ''no'' on the rule, and I yield back the balance of my time.

Ms. SCANLON. Mr. Speaker, I yield myself the balance of my time. The Protecting Our Democracy Act is a necessary package of policies to address abuses of our constitutional processes that have developed over time but accelerated under the most recent administration. It has become clear that our government will not survive solely on the good behavior of good people. We need statutory guardrails to ensure compliance with norms of good behavior.

The Protecting Our Democracy Act will impose reasonable and constitutionally sound limits on Presidential power and then create enforceable penalties for Presidents who abuse the powers of their office.

I am proud of my colleagues who contributed legislation to the final bill, especially Representative ADAM SCHIFF, who spearheaded this important effort.

The Protecting Our Democracy Act is an important continuation of the House's work for the people to protect our democratic institutions at this critical moment in time. It builds off bills like H.R. 1, H.R. 4, and the Inspector General Independence and Empowerment Act to protect our elections and make good government reforms to ensure that our government works for everyone and that the rule of law applies to everyone.

As with many of these bills and others passed by the House, I strongly urge my Senate colleagues to join us and do some legislating. Our country is facing multiple problems, and we frankly cannot afford continued inaction from the Senate on voting rights, the NDAA, the debt limit, or any of the hundreds of bills passed by the House over the past year.

Mr. Speaker, I urge all of my colleagues to vote for the rule today and to support the underlying legislation.

The material previously referred to by Mr. COLE is as follows:

AMENDMENT TO HOUSE RESOLUTION 838

At the end of the resolution, add the following:

SEC. 9. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the bill (H.R. 1995) to amend the Immigration and Nationality Act with respect to aliens associated with criminal gangs, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

SEC. 10. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1995.

Ms. SCANLON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings are postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 14 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 (Mrs. HAYES) at 6 o'clock and 30 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 5314, PROTECTING OUR DEMOCRACY ACT; PROVIDING FOR CONSIDERATION OF S. 1605; NATIONAL PULSE MEMORIAL; PROVIDING FOR CONSIDERATION OF S. 610, DR. LORNA BREEN HEALTH CARE PROVIDER PROTECTION ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on the resolution (H. Res. 838) providing for consideration of the bill (H.R. 5314) to protect our democracy by preventing abuses of presidential power, restoring checks and balances and accountability and transparency in government, and defending elections against foreign interference, and for other purposes, providing for consideration of the bill (S. 1605) to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes, and providing for consideration of the bill (S. 610) to address behavioral health and well-being among health care professionals, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The vote was taken by electronic device, and there were—yeas 218, nays 210, not voting 5, as follows:

[Roll No. 402]

YEAS—218

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—210

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald

Fitzpatrick
Fleischmann
Fortenberry
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Hagedorn
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Nunes
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reed
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Walorski
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Young
Zeldin

NOT VOTING—5

Clyburn
Donalds
Dunn
Kinzinger
Slotkin

□ 1905

Mr. DOGGETT changed his vote from ''nay'' to yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Baird (Walorski)
Crist (Wasserman Schultz)
DeFazio (Brown (MD))
Demings (Soto)
Frankel, Lois (Clark (MA))
Fulcher (Johnson (OH))
Green (TX) (Escobar)
Grijalva (Stanton)
Hagedorn (Carl)
Hartzler (Lamborn)
Kahele (Jacobs (CA))
Kind (Connolly)
Lawrence (Stevens)
Lawson (FL) (Evans)
Lesko (Miller (WV))
Meng (Kuster)
Moore (UT) (Carl)
Payne (Pallone)
Posey (Cammack)
Rice (NY) (Murphy (FL))
Rush (Quigley)
Sires (Pallone)
Torres (CA) (Correa)
Underwood (Casten)
Vargas (Correa)
Wenstrup (LaHood)
Wilson (FL) (Hayes)

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 213, not voting 1, as follows:

[Roll No. 403]

YEAS—219

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—213

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Fortenberry
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Hagedorn
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kinzinger
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Nunes
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reed
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Walorski
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Young
Zeldin

NOT VOTING—1

Clyburn

□ 1924

Mr. KINZINGER changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

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 8, 117TH CONGRESS

Baird (Walorski)
Crist (Wasserman Schultz)
DeFazio (Brown (MD))
Demings (Soto)
Frankel, Lois (Clark (MA))
Fulcher (Johnson (OH))
Green (TX) (Escobar)
Grijalva (Stanton)
Hagedorn (Carl)
Hartzler (Lamborn)
Kahele (Jacobs (CA))
Kind (Connolly)
Lawrence (Stevens)
Lawson (FL) (Evans)
Lesko (Miller (WV))
Meng (Kuster)
Moore (UT) (Carl)
Payne (Pallone)
Posey (Cammack)
Rice (NY) (Murphy (FL))
Rush (Quigley)
Sires (Pallone)
Torres (CA) (Correa)
Underwood (Casten)
Vargas (Correa)
Wenstrup (LaHood)
Wilson (FL) (Hayes)

DR. LORNA BREEN HEALTH CARE PROVIDER PROTECTION ACT

Mr. HORSFORD. Madam Speaker, pursuant to House Resolution 838, I call up the bill (S. 610) to address behavioral health and well-being among

health care professionals, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. HAYES). Pursuant to House Resolution 838, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–22 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

S. 610

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 ''Protecting Medicare and American Farmers from Sequester Cuts Act''.

SEC. 2. ADJUSTMENTS TO MEDICARE SEQUESTRATION REDUCTIONS.

(a) EXTENSION OF TEMPORARY SUSPENSION THROUGH MARCH 2022—

(1) IN GENERAL.—Section 3709(a) of division a of the CARES Act (2 U.S,C. 901a note) is amended—

(A) in the subsection header by inserting ''AND ADJUSTMENT'' after ''SUSPENSION''; and

(B) by striking ''December 31, 2021'' and inserting ''March 31, 2022''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if enacted as part of the CARES Act (Public Law 116–136).

(b) ADJUSTMENTS TO MEDICARE PROGRAM SEQUESTRATION REDUCTION WITH RESPECT TO FISCAL YEARS 2022 AND 2030.—Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (E); and

(2) by inserting after subparagraph (B) the following new subparagraphs:

''(C) Notwithstanding the 2 percent limit specified in subparagraph (A) for payments for the Medicare programs specified in section 256(d), the sequestration order of the President under such subparagraph for fiscal year 2022 shall be applied to such payments so that with respect to the period beginning April 1, 2022, and ending on June 30, 2022, the payment reduction shall be 1.0 percent.

''(D) Notwithstanding the 2 percent limit specified in subparagraph (A) for payments for the Medicare programs specified in section 256(d), the sequestration order of the President under such subparagraph for fiscal year 2080 shall be applied to such payments so that—

''(i) with respect to the first 6 months in which such order is effective for such fiscal year, the payment reduction shall be 2.25 percent; and

''(ii) with respect to the second 6 months in which such order is so effective for such fiscal yvar, the payment reduction shall be 3 percent.''.

SEC. 3. EXTENSION OF SUPPORT FOR PHYSICIANS AND OTHER PROFESSIONALS IN ADJUSTING TO MEDICARE PAYMENT CHANGES.

(a) IN GENERAL—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (c)(2)(B)(iv)(V), by striking ''2021'' and inserting ''2021 or 2022''; and

(2) in subsection (t)—

(A) in the subsection header, by striking ''2021'' and inserting ''2021 AND 2022'';

(B) in paragraph (1)—

(i) by striking ''during 2021'' and inserting ''during 2021 and 2022''; and

(ii) by striking ''for such services furnished on or after January 1, 2021, and before January 1, 2022, by 3.75 percent.'' and inserting ''for—

''(A) such services furnished on or after January 1, 2021, and before January 1, 2022, by 3.75 percent, and

''(B) such services furnished on or after January 1, 2022, and before January 1, 2023, by 3.0 percent.''; and

(C) in paragraph (2)(C)—

(i) in the subparagraph header, by striking ''2021'' and inserting ''2021 and 2022''

(ii) hy inserting ''for services furnished in 2021 or 2022'' after ''under this subsection''; and

(iii) by inserting ''or 2022, respectively'' before the period at the end.

(b) REPORT.—Section 101(c) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended—

(1) in the first sentence—

(A) by striking ''April 1, 2022'' and inserting ''each of April 1, 2022, and April 1, 2023''; and

(B) by striking '', as added by subsection (a)'' and inserting ''furnished during 2021 or 2022, respectively''; and

(2) in the second scntence—

(A) by striking ''Such report'' and inserting ''Each such report''; and

(B) by inserting ''with respect to 2021 or 2022, as applicable'' after ''under such section''.

SEC. 4. PRESERVING PATIENT ACCESS TO CRITICAL CLINICAL LAB SERVICES.

(a) REVISED PHASE-IN OF REDUCTION FROM PRIVATE PAYOR RATE IMPLEMENTATION.—Section 1834A(b)(3) of the Social Security Act (42 U.S.C. 1395m–1(b)(3)) is amended—

(1) in subparagraph (A), by striking ''through 2024'' and inserting ''through 2025''; and

(2) in subparagraph (B)—

(A) in clause (ii), by striking ''for 2021'' and inserting ''for each of 2021 and 2022''; and

(B) in clause (iii), by striking ''2022 through 2024'' and inserting ''2023 through 2025''.

(b) REVISED REPORTING PERIOD FOR REPORTING OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISHMENT OF MEDICARE PAYMENT RATES.—Section 1834A(a)(1)(B) of the Social Security Act (42 U.S.C. 1395m–1(a)(1)(B)) is amended—

(1) in clause (i), by striking ''December 31, 2021'' and inserting ''December 31, 2022''; and

(2) in clause (ii)—

(A) by striking ''January 1, 2022'' and inserting ''January 1, 2023''; and

(B) by striking ''March 31, 2022'' and inserting ''March 31, 2023''.

SEC. 5. DELAY TO THE IMPLEMENTATION OF THE RADIATION ONCOLOGY MODEL UNDER THE MEDICARE PROGRAM.

Section 133 of Division CC of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2023''.

SEC. 6. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(l)) is amended by striking ''fiscal year 2021'' and all that follows through the period at the end and inserting ''fiscal year 2021, $101,000,000.''.

SEC. 7. PAYGO ANNUAL REPORT.

For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the first session of the 117th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5–year scorecard, if any, and the 10–year scorecard, if any, shall be deducted from such scorecard 2022 and added to such scorecard in 2023.

SEC. 8. EXPEDITED PROCEDURES FOR CONSIDERING AN INCREASE IN THE DEBT LIMIT.

(a) DEFINITION—In this section, the term ''joint resolution'' means a joint resolution—

(1) that is introduced by the Majority Leader of the Senate, or a designce, during the period beginning on the date of enactment of this Act and ending December 31, 2021;

(2) which does not have a preamble;

(3) the title of which is as follows: ''Joint resolution relating to increasing the debt limit.''; and

(4) the matter after the resolving clause of which is as follows: ''That the limitation under section 3101(b) of title 31, U11itecl States Code, as most recently increased by Public Law 117–50 (31 U.S.C. 3101 note), is increased by $————————'', the blank space' being appropriately filled in with the dollar amount of the increase.

(b) EXPEDITED CONSIDERATION IN SENATE.—

(1) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(2) PROCEEDING TO CONSIDERATION.—

(A) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than January 15, 2022 (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution.

(B) PROCEDURE.—For a motion to proceed to the consideration of the joint resolution—

(i) all points of order against the motion are waived;

(ii) the motion is not debatable;

(iii) the motion is not subject to a motion to postpone;

(iv) a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order, and

(v) if the motion is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(3) FLOOR CONSIDERATION.—

(A) IN GENERAL.—If the Senate proceeds to considerntion of the joint resolution—

(i) all points of order against tile joint resolution (and against consideration of the joint resolution) are waived;

(ii) debate on the joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the Chairman and Ranking Member of the Committee on Finance;

(iii) an amendment to the joint resolution is not in order;

(iv) a motion to postpone or a motion to commit the joint resolution is not in order; and

(v) a motion to proceed to the consideration of other business is not in order.

(B) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution and a single quorum call if requested in accordance with the rules of the Senate.

(C) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of this paragraph or the rules of the Senate, as the ease may be, to the procedure relating to the joint resolution shall be decided without debate.

(D) SINGLE MEASURE AUTHORIZED.—It shall not be in order to consider more than 1 joint resolution under the procedures under this paragraph.

(E) SUNSET.—It shall not be in order to consider a joint resolution under the procedures under this paragraph after January l6, 2022.

(4) RULES OF THE SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate, and as such is deemed a part

of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint resolution, and supersede other rules only to the extent that they are inconsistent with such rules; and

(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.''

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means or their respective designees.

The gentleman from Nevada (Mr. HORSFORD) and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Nevada.

□ 1930

GENERAL LEAVE

Mr. HORSFORD. Madam 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 material on S. 610.

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

There was no objection.

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

Madam Speaker, I rise in support of S. 610, the Protecting Medicare and American Farmers from Sequester Cuts Act, which will, among other things, extend additional relief to Medicare providers in 2022 to support providers during the COVID–19 public health emergency.

In 2019, the Centers for Medicare and Medicaid Services made changes to how different physician services were valued relative to one another in the Medicare payment system. While physicians performing many primary care services saw an increase in payments as a result of these changes, other providers saw fairly substantial reductions which were not phased in.

That is why last year, Congress provided a 3.75 percent increase in the Medicare conversion factor, as a transition to the providers that were most affected.

This legislation continues that glidepath, with a 3 percent 1-year increase in the Medicare conversion factor, providing a bump in payments. With the new COVID variant emerging here in the United States, this will be important support for our frontline workers.

This legislation also eliminates the Medicare sequester, the 2 percent cut slated to take effect in January, and instead provides a glidepath by fully eliminating the cut in the first quarter and phasing it down to 1 percent in the second quarter.

Lastly, the legislation imposes a 1-year delay on clinical laboratory reductions and a radiation oncology payment model to provide additional time to adjust to these new policies. These commonsense provisions were also included in the legislation that I am proud to have introduced earlier today, along with my colleague, Congresswoman SCHRIER. These provisions have strong support from the medical community, physicians, and hospitals, because those in the healthcare field recognize that we must ensure providers have the support they need to care for patients as we continue to battle the COVID–19 pandemic. A letter from 20 surgical groups notes: ''We urge Congress to pass the Protecting Medicare and American Farmers from Sequester Funds Act to mitigate the 2022 Medicare payment cuts.''

This legislation will also provide a procedure for the Senate to raise the debt ceiling. This deal was struck by Senate Republican Leader MCCONNELL.

As much as my colleagues across the aisle may claim, this is not about new spending. Increasing the debt ceiling will prevent us from defaulting on debt we already owe.

It is about investments that Congress previously approved. In fact, 97 percent of the current debt was accumulated before President Biden assumed office. This vote is about protecting the full faith and credit of the United States of America.

A default would spell disaster. Nearly 50 million seniors could stop receiving Social Security checks for a period of time. Troops could go unpaid. Millions of families who rely on the monthly child tax credit, a tax cut, could see delays. Our current economic recovery could reverse into recession, with billions of dollars of growth and millions of jobs lost. According to an analysis by Moody's Analytics chief economist, Mark Zandi, the recession could wipe out as many as 6 million jobs and erase $15 trillion in household wealth.

I am proud to stand in strong support of this bipartisan agreement that will end the specter of default looming over the American economy and the American people.

Madam Speaker, I urge my colleagues to support this responsible measure, and I reserve the balance of my time.

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

Madam Speaker, today ought to be a rare day for bipartisanship on behalf of patients and healthcare providers across America. Sadly, it is another day for Democrats' partisanship.

Providing needed funding for Medicare providers, our local doctors and hospitals, especially as we recover from the pandemic, is just common sense. We should be on the same page. In fact, we were, as early as a few hours ago, when Republicans also introduced legislation to help our healthcare providers.

Instead, Democrats have decided to push a very partisan agenda that has led to crisis after crisis, including the one we addressed today.

Our border communities are overwhelmed. Bidenflation is robbing American paychecks. The President has mishandled the economy so badly, he is already nearly a million jobs short of his promises from his last $2 trillion spending binge.

Now, patients and doctors are being held hostage to pave the way for trillions of more reckless spending that most Americans don't even want.

Regrettably, Democrats are politicizing needed funding for Americans' healthcare with a poison pill that provides a process for lifting the debt ceiling, absolutely unrelated, and using patients and access to local doctors as leverage to increase the national debt on our children and grandchildren.

Last month, knowing this was coming, Republicans on the Ways and Means Committee called for a hearing, a bipartisan hearing, to address the issues around our doctors and our healthcare providers and reimbursement.

In a letter, we wrote to our Democrat colleagues, who we believed shared the same concerns, and said: ''If the stability of healthcare providers is, in fact, still a priority for you,'' let's hold a hearing so that we can discuss a legislative solution going forward to maintain patient access to our local providers.

Instead, once again, my Democrat colleagues are choosing to go it alone because seemingly they are obsessed with spending taxpayer dollars wastefully.

We know there is bipartisan support for doctors. We should do a standalone bill. But the truth is, House Republicans can't support using patients and access to local doctors as leverage to increase the national debt on our children.

We know there is bipartisan support for providers, and we know this could stand alone as a bill. Unfortunately, this is not the path the Democrats have chosen.

Make no mistake: This debt ceiling is being lifted to pay for trillions of wasteful socialist spending. This debt ceiling limit is increased until 2023, all to accommodate trillions of wasteful spending, and Americans know it.

The Committee for a Responsible Federal Budget has noted that President Biden's Build Back Better bill would cost nearly $5 trillion, while the President and others continue to claim falsely that this costs zero dollars.

Unfortunately for the President and the taxpayers who will have to foot the bill, The Washington Post fact checker found this claim false and misleading. They said it ''would take some dubious gimmicks that help disguise the true cost of President Biden's agenda,'' and these gimmicks are just to justify paying for absolute waste.

Democrats give away hundreds of billions of dollars to special interests and the wealthy, literally sending government checks to the top 1 percent and the biggest corporations.

Democrats protect so-called green companies from their new minimum tax. Wealthy individuals with up to $500,000 in income every year enjoy their own green welfare, including a $12,500 check from single moms and working Americans so they can buy the wealthy a luxury electric vehicle.

Democrats force the 90 percent of Americans who don't join a union to subsidize the few who do. Democrats provide loopholes and tax cuts for special interests like trial lawyers.

Democrats would increase the $10,000 SALT cap, providing wealthy taxpayers with a windfall of a quarter of a trillion dollars to help the wealthy.

Two out of three millionaires get a tax cut. One out of three middle-class families get a tax hike. Where are their priorities?

Democrats' tax and spending spree will more than double Americans' chances of being audited as it targets lower- and middle-income earners to make sure they pay their ''fair share.''

This proposal and that proposal will lead to an additional 1.2 million IRS audits each year focused on the middle class, and we will see $200 billion of new taxes on our Main Street small businesses.

What does it mean for Americans? More than double the chance of being audited, and not just for the rich.

Americans ought to take a step back and see what we are doing tonight as shameful. That is exactly what it is.

Democrats are threatening to hold up payments for our local doctors and healthcare providers, as they fight out of the pandemic, so Democrats can pay for measures they claim we need because of the pandemic.

We have gone from never letting a crisis go to waste to never letting a crisis get in the way of waste.

This debt ceiling crisis didn't have to happen this way. House Democrats have known this day was coming for 2 years, but they never bothered to pass a budget, never passed appropriations bills, and failed to have any bipartisan discussion. Here we are at the last minute.

Madam Speaker, commonsense Americans will not let their doctors and healthcare providers be held hostage to this debt ceiling crisis. We strongly urge a ''no'' vote on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. HORSFORD. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), the distinguished chair of the Energy and Commerce Committee.

Mr. PALLONE. Madam Speaker, I rise in strong support of this bipartisan legislation that will continue to guarantee access to healthcare providers as we confront the COVID–19 pandemic.

Nothing could be more important to our seniors than making sure that they have access to doctors during this time.

I heard what my colleague on the Republican side said, but I just want to assure everyone that what we are really talking about here is making sure that our seniors can access a doctor, that there are doctors available to help them during the COVID–19 pandemic.

Since the beginning of the pandemic, Congress has provided relief to Medicare providers by waiving a 2 percent cut in payments that was created as part of sequestration. This legislation will continue waiving those cuts. It also protects Medicare and other Federal programs by preventing any cuts from occurring as a result of paygo rules.

The legislation provides additional relief to healthcare providers by increasing payments under Medicare's physician fee schedule next year and preventing cuts to Medicare payments for lab and oncology services.

We have to understand that providers have to keep their doors open. Labs have to be open. During these difficult times, when providers are being stretched to the limit, and labs, oncology services, and everything is being stretched to the limit, if Congress does not take action now and pass this bill, then some healthcare providers will face significant reductions in payments, and that has an impact on our seniors and their ability to get services.

This legislation is important for the seniors, and it is important for our constituents. It has bipartisan and bicameral support, and I urge my colleagues to join me in supporting it tonight.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. SMITH), the Republican leader of the Select Revenue Measures Subcommittee.

Mr. SMITH of Nebraska. Madam Speaker, here we are again, late at night, debating last-minute legislation to fix problems the current majority created.

When considered alongside the ongoing COVID pandemic, widespread workforce concerns, and the cloud of uncertainty created by unnecessary vaccine mandates, it is clear the combined effects of upcoming Medicare reimbursement cuts represent a critical threat to our healthcare system.

While I commend the efforts that have been made over the last few days to draft solutions which address the concerns of our healthcare providers, instead of coming together to pass a bipartisan compromise, we again find the majority attaching controversial, unrelated material to this bill.

Tonight, the majority has chosen to jeopardize urgent relief for healthcare providers with political gimmicks relating to the debt ceiling and paygo issues we saw coming from miles away.

I am disappointed to see yet another erosion of the rules and precedents of Congress. I urge all members to oppose this bill.

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

□ 1945

Mr. BRADY. Madam Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. SMITH), the Republican leader of the Budget Committee and a member of the Ways and Means Committee.

Mr. SMITH of Missouri. Madam Speaker, what a mess. Truly, what a mess.

Just about 9 months ago, I stood on this floor when we were debating the Biden bailout bill, and I warned the gentleman from Nevada how much the seniors in his State were going to lose in Medicare cuts. I said it State by State for everyone who spoke. You know what? Everyone on that side of the aisle, Madam Speaker, acted like it wouldn't happen. They still wanted to spend $2 trillion.

But guess what? Reality has set in, and we are here. Unless you try to wipe away the scorecard for your reckless spending, seniors are going to have cuts. Why? Because of a law that Democrats passed in 2010, the Pay-As-You-Go Act.

NANCY PELOSI loved the act then. President Obama signed that act into law, Madam Speaker. You guys just want to wipe the slate clean.

Madam Speaker, we are here today for two reasons. First, because Democrats blew up a bipartisan agreement this afternoon—this afternoon—and second is because there are looming cuts to seniors and farmers and to programs that millions of Americans rely on because of reckless Democrat spending.

Republicans have warned since March that these cuts would happen. In fact, the $2 trillion Biden bailout bill that Democrats rammed through Congress is what triggered a sizable portion of these cuts in the first place under the Pay-As-You-Go Act.

Their bailout bill is the largest tranche of spending ever added to a paygo scorecard in the history of Congress—in the history of Congress—the $2 trillion expenditure back in March.

Speaker PELOSI said in 2009 that pay-as-you-go budgeting ''will help return our Nation to sound fiscal health.'' It was President Obama who signed paygo into law, as I stated. But now the Democrat deficit spending is forcing cuts, and they are singing a much different tune.

In fact, just today—just today—the chairman of the House Budget Committee said about paygo: It ''has never been an effective tool of fiscal policy.''

The fact is, Democrats should be working in a bipartisan way to protect seniors from these cuts, including those stemming from the Budget Control Act sequester and the Medicare physician fee schedule. But in typical fashion, Democrats have decided to abandon bipartisanship and just kick the can down the road over and over again.

We can stop these cuts, but we should do it in a responsible way, one that addresses wasteful spending and puts in place some commonsense reforms.

How about rescinding money from the Biden bailout bill that is fueling inflation? Maybe Congress could tighten up our laws so Federal benefits and payments aren't flowing to illegal immigrants instead of American citizens, or put commonsense work requirements in place for Federal programs so American businesses can reopen.

Legislation I have introduced today does just that, and I would hope my colleagues across the aisle would support this effort to save seniors and others from cuts.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADY. Madam Speaker, I yield an additional 1 minute to the gentleman from Missouri (Mr. SMITH).

Mr. SMITH of Missouri. This includes those cuts Democrats have directly caused with their reckless spending this year. Since the beginning of this Congress, House Democrats have passed $7 trillion—$7 trillion—in new spending.

We have an inflation crisis, a border crisis, an energy crisis, and Democrats also chose to create a debt limit crisis that they want Republicans to help solve. One party, one rule, this is what you get.

We have been clear from the beginning: If Democrats are going to pursue a partisan agenda that adds trillions to the debt, they can find the votes to raise the debt limit themselves. Republicans will not cosign a loan to enact a radical socialist agenda.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. HORSFORD. Madam Speaker, I just remind the gentleman, when we talk about bipartisanship, this side of the aisle worked in a bipartisan way to pass a bipartisan Infrastructure Investment and Jobs Act that only 13 Republicans voted in favor of and more than 200 Republicans voted against.

Tonight, we are providing a solution to protect the healthcare providers in my home State of Nevada, in States all across the country, including in the prior speaker's home State of Missouri. If he won't vote to fix that problem, I will, because this is about solving a problem, not creating another one.

Madam Speaker, I reserve the balance of my time.

Mr. BRADY. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), leader of the Republican Doctors Caucus who worked to put these solutions together.

Mr. BURGESS. Madam Speaker, I am on the Energy and Commerce Committee; I am on the Budget Committee; and I am on the Rules Committee. But I am also a co-chair of the House Republican Doctors Caucus, and last week, the Surgeon General of the United States, Vivek Murthy, asked if he could come talk to us. We made that a bipartisan meeting. We included Democrats who are physicians as well in that meeting.

Dr. Murthy was concerned primarily about physician burnout, and he has encountered a lot of it since he has reassumed his role as the Surgeon General, the Nation's top doctor.

We shared with the Surgeon General one of the principal drivers. Yes, the pandemic has been a problem. Yes, cutting down elective surgeries early in the pandemic and clobbering the cash flow in offices was a problem. But one of the real drivers of physician burnout today is constant, constant haggling and no solution over these cuts.

A year ago, we were here on this floor talking about a 9.4 percent cut in Medicare reimbursement rates. Now, at the last minute, God came out of the machine and saved the Nation's doctors, but here we are again.

The thing is, we all knew this was coming. It wasn't a mystery. We could have had hearings, as Ranking Member BRADY has pointed out. We could have had hearings in our committee, but we chose not to.

We chose to squander that time, and now the Surgeon General is concerned about burnout in the Nation's physician corps. Here is the problem: They are burned out because we won't answer their calls. We won't solve their problems.

We had an opportunity to do it. I asked in the Rules Committee for an amendment to divide the question. We don't have to do the debt limit and the doc fix at the same blow. Let's divide the question. Let Members have the freedom to vote on this issue and vote their conscience, and let doctors all over this country know who stands with them and who is against them.

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

Mr. BRADY. Madam Speaker, may I ask, is the gentleman prepared to close?

Mr. HORSFORD. I have one additional speaker.

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

Mr. HORSFORD. Madam Speaker, I yield 1 minute to the gentlewoman from the great State of Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, if there is one thing that we have heard so often, it is doctors who have sacrificed during this period of the pandemic, who have maintained their offices. We often hear in public settings and private settings about the cuts that they are expecting and how much it will undermine the work that they do, their offices' expenses.

I am very glad that, rather than talking, the Democrats are working together to ensure that the Medicare sequester payments will not occur and that we will protect against that, as we will do for the farmers.

But here is the point: The pandemic continues. Doctors in private practice are trying to survive. This is a crucial decision and relief that is long overdue.

I want to be able to say to my physicians that Democrats care. And I hope my colleagues on the other side of the aisle will do as much acting on doctors and medicine and healthcare as they will talking.

Tonight, we need to act to provide the safety net for these physicians. I support this legislation, supporting the healthcare providers during this COVID–19 pandemic.

Mr. BRADY. Madam Speaker, I yield myself the balance of my time to close.

The claim we just heard, that only Democrats want to prevent these cuts to our local doctors and hospitals, is just nonsense. Democrats and Republicans have worked hard together to extend the moratorium on the sequester cuts on our providers, our doctors and hospitals; to provide a 3 percent payment increase for our physicians; to make sure, in the administration's proposals, to help increase reimbursement for primary care physicians. You don't cut the payment for specialty doctors, many of whom were hurt so hard during COVID.

We also worked with our Democrat colleagues to delay for a year the proposed cuts by this administration on our labs and our oncologists, and we worked together to make sure other cuts didn't occur.

All that bipartisanship was all on track up until a few hours ago when my Democrat colleagues decided they would hold this hostage, hold the healthcare reimbursements for doctors and hospitals hostage for their debt ceiling crisis that they created.

It really is, I think, in a day and age where we have seen this one-party rule for an entire year, the arrogance of this power going to their heads. It is unfortunate that they couldn't continue to work just a few hours longer together with Republicans to provide help to our physicians, hospitals, and providers.

This bill ought to be a stand-alone bill. We should never hold them hostage for our colleagues' spending spree and socialist agenda. Unfortunately, that is what our Democrat colleagues have done today.

We have introduced legislation as Republicans that mirrors our Democrat colleagues because we believe so strongly together. Unfortunately, one-party rule tore this apart.

That is why the American public is going to return the majority of this House to Republicans in the next election and why President Biden's approval ratings are at a terribly low rate, a disapproval rate of 57 percent. It is unfortunate. We ought to be working together on that.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. BRADY. I would be glad to yield 15 seconds to the gentlewoman.

Ms. JACKSON LEE. I thank my good friend. I will take 15 seconds. You can't provide for the doctors if you don't provide an increase in the debt ceiling. You know that.

We have to pay our bills, and paying the doctors and making sure that they are protected includes doing the action that we are doing. Join us in doing that.

Mr. BRADY. Madam Speaker, reclaiming my time. Our colleagues have known for 2 years this debt ceiling was here, never passed a budget, never passed an appropriations bill. They let this crisis occur and built it time after time after time when we could easily have come together.

By the way, our Democrat colleagues hold the House; they hold the Senate; they hold the White House. They have the power to pass the debt ceiling, and they have had that for the entire year.

To my Democrat friends, you can try to sell this snake oil all you want, but the truth of the matter is, you wrecked a bipartisan agreement for your debt ceiling crisis. That is what we are voting on today.

Republicans support help for healthcare providers. We will not allow them to be held hostage to this debt ceiling crisis.

Madam Speaker, I urge strong opposition to this bill and urge my Democrat colleagues to someday work with us. Let's work together on these issues. I yield back the balance of my time.

□ 2000

Mr. HORSFORD. Madam Speaker, I yield myself the balance of my time.

I will close by stating that, yes, Democrats are delivering. We are delivering for the American people. We are delivering in the time of a pandemic. We are delivering to restore public confidence in our public institutions and to help our economy recover. This bill is about important and responsible measures to deliver for the American people.

When the Republicans had the majority in the House, the Senate, and the White House, they chose to spend their time giving tax cuts to the very wealthy, to big corporations that provided little benefit to average Americans and to small businesses.

Now with Democrats in charge, we are delivering for the American people.

I urge my colleagues to support this important and responsible measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. MCCOLLUM). All time for debate has expired.

Pursuant to House Resolution 838, the previous question is ordered on the bill, as amended.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

SUBMISSION OF MATERIAL EXPLANATORY OF THE AMENDMENT OF THE HOUSE OF REPRESENTATIVES TO S. 1605, NATIONAL PULSE MEMORIAL

Pursuant to section 6 of House Resolution 838, the chair of the Committee on Armed Services submitted explanatory material relating to the amendment of the House of Representatives to S. 1605, National Pulse Memorial. The contents of this submission will be published in Book II of this RECORD.

NATIONAL PULSE MEMORIAL

Mr. SMITH of Washington. Madam Speaker, pursuant to House Resolution 838, I call up the bill (S. 1605) to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 838, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 117–21 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

S. 1605

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2022''.

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—Department of State Authorization

(6) Division F—Other Non-Department of Defense Matters.

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

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 purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, 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.

SEC. 5. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about December 8, 2021, by the Chairman of the Committee on Armed Services of the House of Representatives and the Chairman of the Committee on Armed Services of the Senate, shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Modification of deployment by the Army of interim cruise missile defense capability.
Sec. 112. Multiyear procurement authority for AH–64E Apache helicopters.
Sec. 113. Multiyear procurement authority for UH–60M and HH–60M Black Hawk helicopters.
Sec. 114. Continuation of Soldier Enhancement Program.
Sec. 115. Limitation on availability of funds pending report on the Integrated Visual Augmentation System.
Sec. 116. Strategy and authority for the procurement of components for the next generation squad weapon.

Subtitle C—Navy Programs

Sec. 121. Extension of procurement authority for certain amphibious shipbuilding programs.
Sec. 122. Extension of prohibition on availability of funds for Navy port waterborne security barriers.
Sec. 123. Extension of report on Littoral Combat Ship mission packages.
Sec. 124. Incorporation of advanced degaussing systems into Arleigh Burke class destroyers.
Sec. 125. Report on the potential benefits of a multiyear contract for the procurement of Flight III Arleigh Burke class destroyers.
Sec. 126. Acquisition, modernization, and sustainment plan for carrier air wings.

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2022 for procurement for the Army, the Navy and the Marine Corps, the Air Force and the Space Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. MODIFICATION OF DEPLOYMENT BY THE ARMY OF INTERIM CRUISE MISSILE DEFENSE CAPABILITY.

Section 112(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1660), as amended by section 111(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended—

(1) in paragraph (1), by striking ''shall deploy the capability as follows:'' and all that follows through the period at the end and inserting ''shall deploy two batteries of the capability by not later than September 30, 2020.'';

(2) in paragraph (2)—

(A) in the paragraph heading, by striking ''DEADLINES'' and inserting ''DEADLINE'';

(B) in the matter preceding subparagraph (A), by striking ''deadlines'' and inserting ''deadline'';

(C) in subparagraph (F), by adding ''and'' at the end;

(D) by striking subparagraph (G); and

(E) by redesignating subparagraph (H) as subparagraph (G); and

(3) in paragraph (4), by striking ''deadlines specified in paragraph (1):'' and all that follows through the period at the end and inserting ''deadline specified in paragraph (1) if the Secretary determines that sufficient funds have not been appropriated to enable the Secretary to meet such deadline.''.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–64E APACHE HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2022 program year, for the procurement of AH–64E Apache helicopters.

(b) 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 after fiscal year 2022 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR UH–60M AND HH–60M BLACK HAWK HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2022 program year, for the procurement of UH–60M and HH–60M Black Hawk helicopters.

(b) 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 after fiscal year 2022 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 114. CONTINUATION OF SOLDIER ENHANCEMENT PROGRAM.

(a) REQUIREMENT TO CONTINUE PROGRAM.—The Secretary of the Army, acting through the Assistant Secretary of the Army for Acquisition, Logistics, and Technology in accordance with subsection (b), shall continue to carry out the Soldier Enhancement Program established pursuant to section 203 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Sat. 1394).

(b) RESPONSIBLE OFFICIAL.—The Secretary of the Army shall designate the Assistant Secretary of the Army for Acquisition, Logistics, and Technology as the official in the Department of the Army with principal responsibility for the management of the Soldier Enhancement Program under subsection (a).

(c) DUTIES.—The duties of the Soldier Enhancement Program shall include the identification, research, development, test, and evaluation of commercially available off-the-shelf items (as defined in section 104 of title 41, United States Code) and software applications to accelerate the efforts of the Army to integrate, modernize, and enhance weapons and equipment for use by Army soldiers, including—

(1) lighter, more lethal weapons; and

(2) support equipment, including lighter, more comfortable load-bearing equipment, field gear, combat clothing, survivability items, communications equipment, navigational aids, night vision devices, tactical power, sensors, and lasers.

SEC. 115. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT ON THE INTEGRATED VISUAL AUGMENTATION SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Army for procurement for the Integrated Visual Augmentation System, not more than 75 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees the report required under subsection (b).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than the date specified in paragraph (3), the Secretary of the Army shall submit to the congressional defense committees a report on the Integrated Visual Augmentation System of the Army.

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

(A) A certification from the Secretary of the Army that the Integrated Visual Augmentation System is sufficiently reliable to meet operational needs for mean time between failure to support planned operational mission profiles.

(B) A certification from the Secretary of the Army that the tactical network is sufficiently suitable and reliable to support the operational employment of the System, including the System's ability to integrate into command networks.

(C)(i) A certification from the Secretary of the Army that the duration of the System's battery power is suitable and reliable enough to meet planned operational mission requirements.

(ii) A plan to ensure the battery management of the System meets such requirements.

(D) A plan to enable the System to display position location and identification information for adjacent units, non-System-equipped platforms, and soldiers.

(E) A plan, including critical milestones, to achieve certified three-dimensional geospatial data within the System for dynamic and precision targeting.

(F) A basis-of-issue plan based on lessons from the developmental and operational testing of the System.

(G) A plan for iterative improvements to sensors, software, and form factor throughout production and procurement of the System.

(H) Any other matters that the Secretary considers relevant to the full understanding of the status of and plan for the System.

(3) DATE SPECIFIED.—The date specified in this paragraph is a date selected by the Secretary of the Army that is not later than 60 days after the date on which initial operational testing of the Integrated Visual Augmentation System of the Army has been completed.

(c) ASSESSMENT REQUIRED.—Not later than 60 days after the date on which the Secretary of the Army submits the report required under subsection (b), the Director of Operational Test and Evaluation shall submit to the congressional defense committees an assessment of the validity, reliability, and objectivity of the report with respect to each element described in subsection (b)(2).

SEC. 116. STRATEGY AND AUTHORITY FOR THE PROCUREMENT OF COMPONENTS FOR THE NEXT GENERATION SQUAD WEAPON.

(a) STRATEGY REQUIRED.—The Secretary of the Army shall develop and implement a competitive procurement strategy to identify, test, qualify, and procure components and accessories for the next generation squad weapon of the Army, including magazines, that are capable of improving the performance of such weapon, with an emphasis on the procurement of—

(1) commercially available off-the-shelf items;

(2) nondevelopmental items; and

(3) components and accessories previously developed by the Army that may be used for such weapon.

(b) MARKET SURVEY.—Upon receipt of the initial operational test and evaluation report for the next generation squad weapon, the Secretary of the Army shall initiate a market survey to identify components and accessories for the weapon that meet the criteria described in subsection (a).

(c) AUTHORIZATION.—After completing the market survey under subsection (b), the Secretary of the Army may enter into one or more contracts for the procurement of components and accessories for the next generation squad weapon that meet the criteria described in subsection (a).

(d) INFORMATION TO CONGRESS.—Not later than one year after receiving the initial operational test and evaluation report for the next

generation squad weapon, the Secretary of the Army shall submit to the congressional defense committees a report that includes—

(1) the competitive acquisition strategy developed under subsection (a), including timelines for the fielding of components and accessories for such weapon that—

(A) are commercially available off-the-shelf items or nondevelopmental items; and

(B) are capable of improving the performance of such weapon;

(2) an assessment of the mean rounds between stoppage and mean rounds between failure of the next generation squad weapon, including a comparison of—

(A) the mean rounds between stoppage and mean rounds between failure of such weapon; and

(B) the mean rounds between stoppage and mean rounds between failure of currently fielded weapons;

(3) an explanation of whether any items identified in the market survey conducted under subsection (b) demonstrate the ability to increase the mean rounds between stoppage or the mean rounds between failure of the next generation squad weapon; and

(4) a plan to increase the mean rounds between stoppage and mean rounds between failure of the next generation squad weapon.

(e) DEFINITIONS.—In this section:

(1) The term ''commercially available off-the-shelf items'' has the meaning given that term in section 104 of title 41, United States Code.

(2) The term ''nondevelopmental items'' has the meaning given that term in section 110 of title 41, United States Code.

Subtitle C—Navy Programs

SEC. 121. EXTENSION OF PROCUREMENT AUTHORITY FOR CERTAIN AMPHIBIOUS SHIPBUILDING PROGRAMS.

Section 124(a)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking ''fiscal year 2021'' and inserting ''fiscal years 2021 and 2022''.

SEC. 122. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY PORT 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 most recently amended by section 127 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking ''for fiscal years 2019, 2020, or 2021'' and inserting ''for fiscal years 2019, 2020, 2021, or 2022''.

SEC. 123. EXTENSION OF REPORT ON LITTORAL COMBAT SHIP MISSION PACKAGES.

Section 123(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2030) is amended by striking ''fiscal year 2022'' and inserting ''fiscal year 2027''.

SEC. 124. INCORPORATION OF ADVANCED DEGAUSSING SYSTEMS INTO ARLEIGH BURKE CLASS DESTROYERS.

(a) IN GENERAL.—The Secretary of the Navy shall ensure that an advanced degaussing system is incorporated into any Arleigh Burke class destroyer procured in fiscal year 2025 or any subsequent fiscal year pursuant to a covered contract.

(b) COVERED CONTRACT DEFINED.—In this section, the term ''covered contract'' means an annual or multiyear contract for the procurement of an Arleigh Burke class destroyer that is entered into by the Secretary of the Navy on or after the date of the enactment of this Act.

SEC. 125. REPORT ON THE POTENTIAL BENEFITS OF A MULTIYEAR CONTRACT FOR THE PROCUREMENT OF FLIGHT III ARLEIGH BURKE CLASS DESTROYERS.

(a) IN GENERAL.—Not later than March 1, 2022, the Secretary of the Navy shall submit to the congressional defense committees a report on the potential benefits of a multiyear contract for the period of fiscal years 2023 through 2027 for the procurement of Flight III Arleigh Burke class destroyers in the quantities specified in subsection (c).

(b) ELEMENTS.—The report required by subsection (a) shall include preliminary findings, and the basis for such findings, of the Secretary with respect to whether—

(1) the use of a contract described in such subsection could result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts;

(2) the minimum need for the destroyers described in such subsection to be purchased 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 of Defense will request funding for the contract at the level required to avoid contract cancellation;

(4) there is a stable design for the destroyers to be acquired and that 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 multiyear contract are realistic;

(6) the use of such a contract will promote the national security of the United States; and

(7) a decision not to use such a contract will affect the industrial base and, if so, the nature of such effects.

(c) EVALUATION BY QUANTITY.—The report required by subsection (a) shall evaluate the potential of procuring each of the following quantities of Flight III Arleigh Burke-class destroyers over the period described in such subsection:

(1) 10.

(2) 12.

(3) 15.

(4) Any other quantities the Secretary of the Navy considers appropriate.

SEC. 126. ACQUISITION, MODERNIZATION, AND SUSTAINMENT PLAN FOR CARRIER AIR WINGS.

(a) PLAN REQUIRED.—Not later than April 1, 2022, the Secretary of the Navy shall submit to the congressional defense committees a 15-year acquisition, modernization, and sustainment plan for the carrier air wings of the Navy.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1)(A) An assessment of whether and to what extent the capabilities, capacity, and composition of the carrier air wings in existence as of the date of plan meet the requirements of the National Defense Strategy; and

(B) a plan to address any known shortfalls of such carrier wings, including shortfalls with respect to aerial refueling aircraft capacity and strike-fighter combat radius.

(2) An operational risk assessment and risk mitigation plan regarding the nine carrier air wings that, as of the date of the plan, support combatant commander steady-state peacetime and potential major contingency requirements.

(3) An explanation of when the Secretary of the Navy will field a minimum of 10 carrier air wings in accordance with section 8062(e) of title 10, United States Code.

(4) An identification and explanation of the role of autonomous and remotely-piloted aircraft, including the MQ–25 aircraft, and other potential capabilities and platforms planned to be fielded in future carrier air wings.

(5) A detailed deck and hangar space plan that supports realistic peacetime steady-state or contingency surge level fixed-wing aircraft and rotorcraft preparation activities, flight operations, and onboard unit-level maintenance, repair, and sustainment activities for future carrier air wings.

(6) An appropriate modernization plan to maximize operational use of platforms in existence as of the date of the plan, particularly the EA–18G aircraft and the E–2D aircraft, by leveraging available technologies such as Next Generation Jammer.

(7) An identification of the logistics supply chain support and modernization plan required during peacetime steady-state and contingency operations for future carrier air wings, particularly as it relates to implementing the organic C–130 and C–40 logistics tethering strategy.

(8) A detailed explanation for the Secretary of the Navy's decision to modify carrier air wing composition to one squadron of 14 F–35C aircraft instead of the originally planned two squadrons of 10 F–35C aircraft.

SEC. 127. REPORT ON MATERIAL READINESS OF VIRGINIA CLASS SUBMARINES OF THE NAVY.

(a) IN GENERAL.—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 on the material readiness of the Virginia class submarines.

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

(1) An assessment of the number of components and parts that have required replacement prior to the end of their estimated useful life or scheduled replacement timeline, including efforts to increase the reliability of ''life of ship'' components.

(2) An assessment of the extent to which part and material shortages have impacted deployment and maintenance availability schedules, including an estimate of the number of active part cannibalizations or other actions taken to mitigate those impacts.

(3) An identification of the planned lead time to obtain key material for Virginia class submarines from shipbuilders and vendors.

(4) An identification of the actual lead time to obtain such material from shipbuilders and vendors.

(5) An identification of the cost increases of key components and parts for new construction and maintenance availabilities above planned material costs.

(6) An assessment of potential courses of action to improve the material readiness of the Virginia class submarines, including efforts to align new construction shipyards with maintenance shipyards and Naval Sea Systems Command to increase predictability of materials and purchasing power.

(7) Such recommendations as the Secretary may have for legislative changes, authorities, realignments, and administrative actions, including reforms of the Federal Acquisition Regulation, to improve the material readiness of the Virginia class submarines.

(8) Such other elements as the Secretary considers appropriate.

Subtitle D—Air Force Programs

SEC. 131. EXTENSION OF INVENTORY REQUIREMENT FOR AIR FORCE FIGHTER AIRCRAFT.

(a) EXTENSION OF INVENTORY REQUIREMENT.—Section 9062(i)(1) of title 10, United States Code, is amended by striking ''October 1, 2022'' and inserting ''October 1, 2026''.

(b) REPORTS ON RETIREMENT OF AIR FORCE FIGHTER AIRCRAFT.—Section 131 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1314; 10 U.S.C. 9062 note) is amended—

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

''(b) REPORT ON RETIREMENT OF AIRCRAFT.—

''(1) IN GENERAL.—Beginning with fiscal year 2023, for any fiscal year in which the Secretary of the Air Force expects the total aircraft inventory of fighter aircraft of the Air Force or the total primary mission aircraft inventory of fighter aircraft of the Air Force to decrease below the levels specified in section 9062(i)(1) of title 10, United States Code, the Secretary of the

Air Force shall submit to the congressional defense committees a report setting forth the following:

''(A) A detailed rationale for the retirement of existing fighter aircraft and a detailed operational analysis of the portfolio of capabilities of the Air Force that demonstrates performance of the designated mission at an equal or greater level of effectiveness as the retiring aircraft.

''(B) An assessment of the implications for the Air Force, the Air National Guard, and the Air Force Reserve of the force mix ratio of fighter aircraft and how existing aircraft inventory levels and unit personnel levels for the active and reserve components are proposed to change during the fiscal year in which fighter aircraft will be retired.

''(C) A detailed assessment of the current operational risk and the operational risk that will be incurred for meeting—

''(i) the requirements of the National Defense Strategy and combatant commanders; and

''(ii) operational plans for major contingency operations and steady-state or rotational operations.

''(D) Such other matters relating to the retirement of fighter aircraft as the Secretary considers appropriate.

''(2) TIMING OF REPORT.—Each report required under paragraph (1) shall be included in the materials submitted in support of the budget of the President (as submitted to Congress under section 1105(a) of title 31, United States Code) for the fiscal year in which applicable decrease in fighter aircraft inventory levels is expected to occur.'';

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

SEC. 132. CONTRACT FOR LOGISTICS SUPPORT FOR VC–25B AIRCRAFT.

Section 143 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1668) is amended—

(1) in paragraph (1), by striking '', unless otherwise approved in accordance with established procedures''; and

(2) in paragraph (2), by inserting ''such'' before ''logistics support contract''.

SEC. 133. PROHIBITION ON CERTAIN REDUCTIONS TO B–1 BOMBER AIRCRAFT SQUADRONS.

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

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

(2) reduce, below the levels in effect on such date of enactment, the number of personnel assigned to units responsible for the operation and maintenance of B–1 aircraft if such reduction would affect the ability of such units to meet the capability described in paragraph (1).

(b) EXCEPTION.—The prohibition under subsection (a) shall not apply to an individual unit for which the Secretary of the Air Force has commenced the process of replacing B–1 bomber aircraft with B–21 bomber aircraft.

(c) DEFINITIONS.—In this section:

(1) The term ''covered period'' means the period beginning on the date of the enactment of this Act and ending on September 30, 2023.

(2) The term ''designed operational capability statement'' has the meaning given that term in Air Force Instruction 10–201.

SEC. 134. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF A–10 AIRCRAFT.

(a) PROHIBITION.—Notwithstanding sections 134 and 135 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2037), and except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2022 for the Air Force may be obligated to retire, prepare to retire, or place in storage or on backup aircraft inventory status any A–10 aircraft.

(b) EXCEPTION.—

(1) IN GENERAL.—The limitation under subsection (a) shall not apply to an individual A–10 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of a Class A mishap.

(2) CERTIFICATION REQUIRED.—If the Secretary determines under paragraph (1) that an aircraft is no longer mission capable, the Secretary shall submit to the congressional defense committees a certification that the status of such aircraft is due to a Class A mishap and not due to lack of maintenance or repairs or other reasons.

(3) CERTIFICATION ADDITIONAL.—Any certification submitted under paragraph (2) shall be in addition to the notification and certification required by section 135(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2039).

SEC. 135. LIMITATION ON AVAILABILITY OF FUNDS FOR THE B–52 COMMERCIAL ENGINE REPLACEMENT PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the research and development, design, procurement, or advanced procurement of materials for the B–52 Commercial Engine Replacement Program, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report described in section 2432 of title 10, United States Code, for the most recently concluded fiscal quarter for the B–52 Commercial Engine Replacement Program in accordance with subsection (b)(1).

(b) ADDITIONAL REQUIREMENTS.—

(1) TREATMENT OF BASELINE ESTIMATE.—The Secretary of Defense shall deem the Baseline Estimate for the B–52 Commercial Engine Replacement Program for fiscal year 2020 as the original Baseline Estimate for the Program.

(2) UNIT COST REPORTS AND CRITICAL COST GROWTH.—

(A) Subject to subparagraph (B), the Secretary shall carry out sections 2433 and 2433a of title 10, United States Code, with respect to the B–52 Commercial Engine Replacement Program, as if the Department had submitted a Selected Acquisition Report for the Program that included the Baseline Estimate for the Program for fiscal year 2020 as the original Baseline Estimate, except that the Secretary shall not carry out subparagraph (B) or subparagraph (C) of section 2433a(c)(1) of such title with respect to the Program.

(B) In carrying out the review required by section 2433a of such title, the Secretary shall not enter into a transaction under section 2371 or 2371b of such title, exercise an option under such a transaction, or otherwise extend such a transaction with respect to the B–52 Commercial Engine Replacement Program except to the extent determined necessary by the milestone decision authority, on a non-delegable basis, to ensure that the program can be restructured as intended by the Secretary without unnecessarily wasting resources.

(c) DEFINITIONS.—In this section:

(1) The term ''Baseline Estimate'' has the meaning given the term in section 2433(a)(2) of title 10, United States Code.

(2) The term ''milestone decision authority'' has the meaning given the term in section 2366b(g)(3) of title 10, United States Code.

(3) The term ''original Baseline Estimate'' has the meaning given the term in section 2435(d)(1) of title 10, United States Code.

(4) The term ''Selected Acquisition Report'' means a Selected Acquisition Report submitted to Congress under section 2432 of title 10, United States Code.

SEC. 136. LIMITATION ON AVAILABILITY OF FUNDS PENDING INFORMATION ON BRIDGE TANKER AIRCRAFT.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Office of the Secretary of the Air Force for travel expenses, not more than thirty-five percent may be obligated or expended until—

(1) the Vice Chairman of the Joint Chiefs of Staff submits to the congressional defense committees a report outlining the requirements for the bridge tanker aircraft; and

(2) the Secretary of the Air Force submits to the congressional defense committees—

(A) a report detailing the acquisition strategy for the bridge tanker aircraft;

(B) a certification identifying the amount of funds required for the acquisition of the bridge tanker aircraft; and

(C) a plan for the development of the advanced aerial refueling tanker aircraft (commonly referred to as the ''KC–Z'').

(b) BRIDGE TANKER AIRCRAFT DEFINED.—In this section, the term ''bridge tanker aircraft'' means the follow-on tanker aircraft (commonly referred to as the ''KC–Y'').

SEC. 137. INVENTORY REQUIREMENTS AND LIMITATIONS RELATING TO CERTAIN AIR REFUELING TANKER AIRCRAFT.

(a) REPEAL OF MINIMUM INVENTORY REQUIREMENTS FOR KC–10A AIRCRAFT.—Section 135 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(3) in subsection (b), as so redesignated, by striking ''subsection (e)'' and inserting ''subsection (d)''; and

(4) by amending subsection (d), as so redesignated, to read as follows:

''(d) EXCEPTIONS.—The requirement in subsection (b) shall not apply to an aircraft otherwise required to be maintained by that subsection if the Secretary of the Air Force—

''(1) at any time during the period beginning on the date of the enactment of this Act and ending on October 1, 2023, determines, on a case-by-case basis, that such aircraft is no longer mission capable due to mishap or other damage, or being uneconomical to repair; or

''(2) during fiscal year 2023, certifies in writing to the congressional defense committees, not later than 30 days before the date of divestment of such aircraft, that the Air Force can meet combatant command tanker aircraft requirements by leveraging Air National Guard and Air Force Reserve capacity with increased Military Personnel Appropriation (MPA) Man-day Tours to the reserve force.''.

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

(1) LIMITATION.—Notwithstanding section 135 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and except as provided in paragraph (2), the Secretary of the Air Force may not retire more than 18 KC–135 aircraft during the period beginning on the date of the enactment of this Act and ending on October 1, 2023.

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

(c) PROHIBITION ON REDUCTION OF KC–135 AIRCRAFT IN PMAI OF THE RESERVE COMPONENTS.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Air Force may be obligated or expended to reduce the number of KC–135 aircraft designated as primary mission aircraft inventory within the reserve components of the Air Force.

(d) PRIMARY MISSION AIRCRAFT INVENTORY DEFINED.—In this section, the term ''primary mission aircraft inventory'' has the meaning given that term in section 9062(i)(2)(B) of title 10, United States Code.

SEC. 138. MINIMUM INVENTORY OF TACTICAL AIRLIFT AIRCRAFT.

(a) MINIMUM INVENTORY REQUIREMENT.—During the covered period, the Secretary of the Air Force shall maintain a total inventory of tactical airlift aircraft of not less than 279 aircraft.

(b) EXCEPTION.—The Secretary of the Air Force may reduce the number of tactical airlift aircraft in the Air Force below the minimum number specified in subsection (a) if the Secretary determines, on a case-by-case basis, that an aircraft is no longer mission capable because of a mishap or other damage.

(c) COVERED PERIOD DEFINED.—In this section, the term ''covered period'' means the period—

(1) beginning on October 1, 2021; and

(2) ending on the later of—

(A) October 1, 2022; or

(B) the date of the enactment of the next National Defense Authorization Act enacted after the date of the enactment of this Act.

SEC. 139. REPORT RELATING TO REDUCTION OF TOTAL NUMBER OF TACTICAL AIRLIFT AIRCRAFT.

(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 any plans of the Air Force to reduce the total number of tactical airlift aircraft in the inventory of the Air Force.

(b) ELEMENTS.—The report required under subsection (a) shall include, with respect to any plan of the Air Force to reduce the total number of tactical airlift aircraft—

(1) the justification for such reduction;

(2) an explanation of whether and to what extent domestic operations was considered as part of such justification;

(3) analysis of the role of domestic operations during concurrent contingency operations;

(4) analysis of the C–130 aircraft force structures recommended to support wartime mobility requirements as set forth in—

(A) the mobility capability and requirements study conducted under section 144(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1321); and

(B) the mobility capability requirements study conducted under section 1712 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1803);

(5) the Secretary's justification for any increased risk that may result from accepting a C–130 aircraft force structure smaller than the force structure recommended by such studies; and

(6) an explanation of whether and to what extent Governors of States that may be affected by the planned reduction were consulted as part of the decision making process.

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

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

SEC. 141. IMPLEMENTATION OF AFFORDABILITY, OPERATIONAL, AND SUSTAINMENT COST CONSTRAINTS FOR THE F–35 AIRCRAFT PROGRAM.

(a) F–35A QUANTITY LIMIT FOR THE AIR FORCE.—

(1) LIMITATION.—Beginning on October 1, 2028, the total number of F–35A aircraft that the Secretary of the Air Force may maintain in the aircraft inventory of the Air Force may not exceed the lesser of—

(A) 1,763; or

(B) the number obtained by—

(i) multiplying 1,763 by the cost-per-tail factor determined under paragraph (2); and

(ii) rounding the product of the calculation under clause (i) to the nearest whole number.

(2) COST-PER-TAIL FACTOR.—For purposes of paragraph (1)(B), the cost-per-tail factor is equal to—

(A) the affordability cost target for F–35A aircraft of the Air Force (as determined by the Secretary of the Air Force in accordance with subsection (e)), divided by

(B) a number equal to the average cost-per-tail-per-year of the F–35A aircraft of the Air Force during fiscal year 2027 (as determined by the Secretary of the Air Force in accordance with subsection (f)).

(b) F–35B QUANTITY LIMIT FOR THE MARINE CORPS.—

(1) LIMITATION.—Beginning on October 1, 2028, the total number of F–35B aircraft that the Secretary of the Navy may maintain in the aircraft inventory of the Marine Corps may not exceed the lesser of—

(A) 353; or

(B) the number obtained by—

(i) multiplying 353 by the cost-per-tail factor determined under paragraph (2); and

(ii) rounding the product of the calculation under clause (i) to the nearest whole number.

(2) COST-PER-TAIL FACTOR.—For purposes of paragraph (1)(B), the cost-per-tail factor is equal to—

(A) the affordability cost target for F–35B aircraft of the Marine Corps (as determined by the Secretary of the Navy in accordance with subsection (e)), divided by

(B) a number equal to the average cost-per-tail-per-year of the F–35B aircraft of the Marine Corps during fiscal year 2027 (as determined by the Secretary of the Navy in accordance with subsection (f)).

(c) F–35C QUANTITY LIMIT FOR THE NAVY.—

(1) LIMITATION.—Beginning on October 1, 2028, the total number of F–35C aircraft that the Secretary of the Navy may maintain in the aircraft inventory of the Navy may not exceed the lesser of—

(A) 273; or

(B) the number obtained by—

(i) multiplying 273 by the cost-per-tail factor determined under paragraph (2); and

(ii) rounding the product of the calculation under clause (i) to the nearest whole number.

(2) COST-PER-TAIL FACTOR.—For purposes of paragraph (1)(B), the cost-per-tail factor is equal to—

(A) the affordability cost target for F–35C aircraft of the Navy (as determined by the Secretary of the Navy in accordance with subsection (e)), divided by

(B) a number equal to the average cost-per-tail-per-year of the F–35C aircraft of the Navy during fiscal year 2027 (as determined by the Secretary of the Navy in accordance with subsection (f)).

(d) F–35C QUANTITY LIMIT FOR THE MARINE CORPS.—

(1) LIMITATION.—Beginning on October 1, 2028, the total number of F–35C aircraft that the Secretary of the Navy may maintain in the aircraft inventory of the Marine Corps may not exceed the lesser of—

(A) 67; or

(B) the number obtained by—

(i) multiplying 67 by the cost-per-tail factor determined under paragraph (2); and

(ii) rounding the product of the calculation under clause (i) to the nearest whole number.

(2) COST-PER-TAIL FACTOR.—For purposes of paragraph (1)(B), the cost-per-tail factor is equal to—

(A) the affordability cost target for F–35C aircraft of the Marine Corps (as determined by the Secretary of the Navy in accordance with subsection (e)), divided by

(B) a number equal to the average cost-per-tail-per-year of the F–35C aircraft of the Marine Corps during fiscal year 2027 (as determined by the Secretary of the Navy in accordance with subsection (f)).

(e) DETERMINATION OF REQUIRED AFFORDABILITY COST TARGETS.—

(1) AIR FORCE.—Not later than October 1, 2025, the Secretary of the Air Force shall—

(A) determine an affordability cost target to be used for purposes of subsection (a)(2)(A), which shall be the dollar amount the Secretary determines to represent the required cost-per-tail-per-year for an F–35A aircraft of the Air force for fiscal year 2027; and

(B) submit to the congressional defense committees a certification identifying the affordability cost target determined under subparagraph (A).

(2) NAVY AND MARINE CORPS.—Not later than October 1, 2025, the Secretary of the Navy shall—

(A) determine an affordability cost target to be used for purposes of subsection (b)(2)(A), which shall be the dollar amount the Secretary determines to represent the required cost-per-tail-per-year for an F–35B aircraft of the Marine Corps for fiscal year 2027;

(B) determine an affordability cost target to be used for purposes of subsection (c)(2)(A), which shall be the dollar amount the Secretary determines to represent the required cost-per-tail-per-year for an F–35C aircraft of the Navy for fiscal year 2027;

(C) determine an affordability cost target to be used for purposes of subsection (d)(2)(A), which shall be the dollar amount the Secretary determines to represent the required cost-per-tail-per-year for an F–35C aircraft of the Marine Corps for fiscal year 2027; and

(D) submit to the congressional defense committees a certification identifying each affordability cost target determined under subparagraphs (A) through (C).

(f) DETERMINATION OF ACTUAL COST-PER-TAIL-PER-YEAR FOR FISCAL YEAR 2027.——

(1) IN GENERAL.—Not later than 90 days after the end of fiscal year 2027—

(A) the Secretary of the Air Force shall determine the average cost-per-tail of the F–35A aircraft of the Air Force during fiscal year 2027; and

(B) the Secretary of the Navy shall determine the average cost-per-tail of—

(i) the F–35B aircraft of the Marine Corps during fiscal year 2027;

(ii) the F–35C aircraft of the Navy during fiscal year 2027; and

(iii) the F–35C aircraft of the Marine Corps during fiscal year 2027.

(2) CALCULATION.—For purposes of paragraph (1), the average cost-per-tail of a variant of an F–35 aircraft of an Armed Force shall be determined by—

(A) adding the total amount expended for fiscal year 2027 (in base year fiscal 2012 dollars) for all such aircraft in the inventory of the Armed Force for—

(i) unit level manpower;

(ii) unit operations;

(iii) maintenance;

(iv) sustaining support;

(v) continuing system support; and

(vi) modifications; and

(B) dividing the sum obtained under subparagraph (A) by the average number of such aircraft in the inventory of the Armed Force during such fiscal year.

(g) WAIVER AUTHORITY.—The Secretary of Defense may waive the quantity limits under any of subsections (a) through (d) if, prior to issuing such a waiver, the Secretary certifies to the congressional defense committees that procuring additional quantities of a variant of an F–35 aircraft above the applicable quantity limit are required to meet the national military strategy requirements of the combatant commanders. The authority of the Secretary under this subsection may not be delegated.

(h) AIRCRAFT DEFINED.—In this section, the term ''aircraft'' means aircraft owned and operated by an Armed Force of the United States

and does not include aircraft owned or operated by an armed force of a foreign country.

SEC. 142. TRANSFER OF F–35 PROGRAM RESPONSIBILITIES FROM THE F–35 JOINT PROGRAM OFFICE TO THE DEPARTMENT OF THE AIR FORCE AND THE DEPARTMENT OF THE NAVY.

(a) TRANSFER OF FUNCTIONS.—

(1) SUSTAINMENT FUNCTIONS.—Not later than October 1, 2027, the Secretary of Defense shall transfer all functions relating to the management, planning, and execution of sustainment activities for the F–35 aircraft program from the F–35 Joint Program Office to the Secretary of the Air Force and the Secretary of the Navy as follows:

(A) All functions of the F–35 Joint Program Office relating to the management, planning, and execution of sustainment activities for F–35B and F–35C aircraft shall be transferred to the Department of the Navy, and the Secretary of the Navy shall be the official in the Department of Defense with principal responsibility for carrying out such functions.

(B) All functions of the F–35 Joint Program Office relating to the management, planning, and execution of sustainment activities for F–35A aircraft shall be transferred to the Department of the Air Force, and the Secretary of the Air Force shall be the official in the Department of Defense with principal responsibility for carrying out such functions.

(2) ACQUISITION FUNCTIONS.—Not later than October 1, 2029, the Secretary of Defense shall transfer all acquisition functions for the F–35 aircraft program from the F–35 Joint Program Office to the Secretary of the Air Force and the Secretary of the Navy as follows:

(A) All functions of the F–35 Joint Program Office relating to the acquisition of F–35B and F–35C aircraft shall be transferred to the Department of the Navy, and the Secretary of the Navy shall be the official in the Department of Defense with principal responsibility for carrying out such functions.

(B) All functions of the F–35 Joint Program Office relating to the acquisition of F–35A aircraft shall be transferred to the Department of the Air Force, and the Secretary of the Air Force shall be the official in the Department of Defense with principal responsibility for carrying out such functions.

(b) TRANSITION PLAN.—Not later than October 1, 2022, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Secretary of the Air Force and the Secretary of the Navy, shall submit to the congressional defense committees a plan for carrying out the transfers required under subsection (a).

SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR AIR-BASED AND SPACE-BASED GROUND MOVING TARGET INDICATOR CAPABILITIES.

(a) REVIEW OF REDUNDANCIES.—The Secretary of Defense shall conduct a review of all established and planned efforts to provide air-based and space-based ground moving target indicator capability to identify, eliminate, and prevent redundancies of such efforts across the Department of Defense.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the capability described in subsection (a), not more than 75 percent may be obligated or expended for procurement or research and development for such capability until the date on which the Vice Chairman of the Joint Chiefs of Staff submits to the congressional defense committees the information required under subsection (c).

(c) INFORMATION REQUIRED.—The Vice Chairman of the Joint Chiefs of Staff, in consultation with the Secretaries of the military departments and the heads of such other agencies as the Secretary of Defense considers relevant to the ground moving target indicator capability described in subsection (a), shall submit to the congressional defense committees the following:

(1) A list of all procurement and research and development efforts relating to the capability that are funded by—

(A) the Department of Defense; or

(B) any other department or agency of the Federal Government.

(2) A description of how the efforts described in paragraph (1) will—

(A) provide real-time information to relevant military end users through the use of air battle managers; and

(B) meet the needs of combatant commanders with respect to priority target tasking.

(3) Analysis of whether, and to what extent, the efforts described in paragraph (1) comply with—

(A) the joint all domain command and control requirements and standards of the Department; and

(B) the validated requirements of the Joint Requirements Oversight Council with respect to ground moving target indicator capabilities.

(4) Identification of any potential areas of overlap among the efforts described in paragraph (1).

SEC. 144. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF AIRCRAFT SYSTEMS FOR THE ARMED OVERWATCH PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense for the procurement of aircraft systems for the armed overwatch program of the United States Special Operations Command may be obligated or expended until a period of 15 days has elapsed following the date on which the acquisition roadmap required by section 165(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is submitted to the congressional defense committees.

SEC. 145. ANALYSIS OF CERTAIN RADAR INVESTMENT OPTIONS.

(a) ANALYSIS REQUIRED.—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall conduct an analysis of covered radar systems operating in the Navy and the Missile Defense Agency over the period covered by the most recent future-years defense program submitted to Congress under section 221 of title 10, United States Code.

(2) ELEMENTS.—The analysis conducted under paragraph (1) shall include the following:

(A) An independent cost estimate of each covered radar system described in paragraph (1) and each variant thereof.

(B) An assessment of the capability provided by each such system and variant to address current and future air and missile defense threats.

(C) In the case of covered radar systems operating in the Navy, an assessment of the capability and technical suitability of each planned configuration for such systems to support current and future distributed maritime operations in contested environments.

(b) REPORT.—Not later than May 1, 2022, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees a report that includes the following:

(1) The results of the analysis conducted under subsection (a)(1).

(2) Such recommendations as the Director may have to achieve greater capability, affordability, and sustainability across covered radar systems described in subsection (a)(1), including variants thereof, during fiscal years 2022 through 2027, including whether—

(A) to continue to develop and maintain each covered radar system separately; or

(B) to pursue fewer configurations of such systems.

(c) COVERED RADAR SYSTEMS DEFINED.—In this section, the term ''covered radar systems'' means radar systems with the following designations an any variants thereof:

(1) AN/SPY–1.

(2) AN/SPY–3.

(3) AN/SPY–6.

(4) AN/SPY–7.

SEC. 146. REVIEW AND BRIEFING ON FIELDED MAJOR WEAPON SYSTEMS.

(a) REVIEW AND BRIEFING REQUIRED.—Not later than March 1, 2023, the Secretary of Defense shall conduct a review, and provide a briefing to the congressional defense committees, on the processes of the Department of Defense for the management of strategic risk with respect to capabilities of fielded major weapon systems funded in the most recent future-years defense program submitted to Congress under section 221 of title 10, United States Code, including a description of the analytical and implementation methodologies used—

(1) to ensure that fielded major weapon systems meet current and emerging military threats;

(2) to upgrade or replace any fielded major weapon systems that is not capable of effectively meeting operational requirements or current, evolving, or emerging threats; and

(3) to develop and implement plans for the replacement and divestment of fielded major weapon systems that address lower-priority military threats, as determined by intelligence assessments and operational requirements.

(b) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term ''major weapon system'' has the meaning given such term under section 2379(f) of title 10, United States Code.

SEC. 147. REPORTS ON EXERCISE OF WAIVER AUTHORITY WITH RESPECT TO CERTAIN AIRCRAFT EJECTION SEATS.

Not later than February 1, 2022, and on a semiannual basis thereafter through February 1, 2024, the Secretary of the Air Force and the Secretary of the Navy shall each submit to the congressional defense committees a report that includes, with respect to each location at which active flying operations are conducted or planned as of the date report—

(1) the number of aircrew ejection seats installed in the aircraft used, or expected to be used, at such location;

(2) of the ejection seats identified under paragraph (1), the number that have been, or are expected to be, placed in service subject to a waiver due to—

(A) deferred maintenance; or

(B) the inability to obtain parts to make repairs or to fulfill time-compliance technical orders; and

(3) for each ejection seat subject to a waiver as described in paragraph (2)—

(A) the date on which the waiver was issued; and

(B) the name and title of the official who authorized the waiver.

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 2022 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. CODIFICATION OF NATIONAL DEFENSE SCIENCE AND TECHNOLOGY STRATEGY.

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, as amended by section 1081 of this Act, is further amended by inserting before section 119, the following new section:

''§ 118c. National Defense Science and Technology Strategy

''(a) IN GENERAL.—The Secretary of Defense shall develop a strategy—

''(1) to articulate the science and technology priorities, goals, and investments of the Department of Defense;

''(2) to make recommendations on the future of the defense research and engineering enterprise and its continued success in an era of strategic competition; and

''(3) to establish an integrated approach to the identification, prioritization, development, and fielding of emerging capabilities and technologies.

''(b) ELEMENTS.—The strategy required under subsection (a) shall—

''(1) inform the development of each National Defense Strategy under section 113(g) of this title and be aligned with Government-wide strategic science and technology priorities, including the defense budget priorities of the Office of Science and Technology Policy of the President;

''(2) link the priorities, goals, and investments in subsection (a)(1) with needed critical enablers to specific programs, or broader portfolios, including—

''(A) personnel and workforce capabilities;

''(B) facilities for research and test infrastructure;

''(C) relationships with academia, the acquisition community, the operational community, the defense industry, and the commercial sector; and

''(D) funding, investments, personnel, facilities, and relationships with other departments and agencies of the Federal Government outside the Department of Defense without which defense capabilities would be severely degraded;

''(3) support the coordination of acquisition priorities, programs, and timelines of the Department with the activities of the defense research and engineering enterprise;

''(4) include recommendations for changes in authorities, regulations, policies, or any other relevant areas, that would support the achievement of the goals set forth in the strategy;

''(5) identify mechanisms that may be used to identify critical capabilities and technological applications required to address operational challenges outlined in the National Defense Strategy under section 113(g) of this title;

''(6) identify processes to inform senior leaders and policy makers on the potential impacts of emerging technologies for the purpose of shaping the development of policies and regulations;

''(7) support the efficient integration of capabilities and technologies to close near-term, mid-term, and long-term capability gaps;

''(8) support the development of appropriate investments in research and technology development within the Department, and appropriate partnerships with the defense industry and commercial industry; and

''(9) identify mechanisms to provide information on defense technology priorities to industry to enable industry to invest deliberately in emerging technologies to build and broaden the capabilities of the industrial base.

''(c) COORDINATION.—The Secretary of Defense shall develop the strategy under subsection (a) in coordination with relevant entities within the Office of the Secretary of Defense, the military departments, the research organizations of Defense Agencies and Department of Defense Field Activities, the intelligence community, defense and technology industry partners, research and development partners, other Federal research agencies, allies and partners of the United States, and other appropriate organizations.

''(d) CONSIDERATIONS.—In developing the strategy under subsection (a), the Secretary of Defense shall consider—

''(1) the operational challenges identified in the National Defense Strategy and the technological threats and opportunities identified through the global technology review and assessment activities of the Department of Defense, the intelligence community, and other technology partners;

''(2) current military requirements and emerging technologies in the defense and commercial sectors;

''(3) the capabilities of foreign near-peer and peer nations;

''(4) the need to support the development of a robust trusted and assured industrial base to manufacture and sustain the technologies and capabilities to meet defense requirements; and

''(5) near-term, mid-term, and long-term technology and capability development goals.

''(e) REPORTS.—

''(1) SUBSEQUENT REPORTS AND UPDATES.—Not later than February 1 of the year following each fiscal year in which the National Defense Strategy is submitted under section 113(g) of this title, the Secretary of Defense shall submit to the congressional defense committees a report that includes an updated version of the strategy under subsection (a). Each update to such strategy shall be prepared for purposes of such report based on emerging requirements, technological developments in the United States, and technical intelligence derived from global technology reviews conducted by the Secretary of Defense.

''(2) FORM OF REPORTS.—The reports submitted under paragraph (1) may be submitted in a form determined appropriate by the Secretary of Defense, which may include classified, unclassified, and publicly releasable formats, as appropriate.

''(f) BRIEFING.—Not later than 90 days after the date on which the strategy under subsection (a) is completed, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the implementation plan for the strategy.

''(g) DESIGNATION.—The strategy developed under subsection (a) shall be known as the 'National Defense Science and Technology Strategy'.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 119 the following new item:

''118c. National Defense Science and Technology Strategy.''.

(c) CONFORMING REPEAL.—Section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679) is repealed.

(d) CONFORMING AMENDMENT.—Section 2358b(c)(2)(B)(ii) of title 10, United States Code, is amended by striking ''section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679)'' and inserting ''section 118c of this title''.

SEC. 212. CODIFICATION OF DIRECT HIRE AUTHORITY AT PERSONNEL DEMONSTRATION LABORATORIES FOR ADVANCED DEGREE HOLDERS.

(a) IN GENERAL.—Section 2358a of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) DIRECT HIRE AUTHORITY AT PERSONNEL DEMONSTRATION LABORATORIES FOR ADVANCED DEGREE HOLDERS.—

''(1) AUTHORITY.—The Secretary of Defense may appoint qualified candidates possessing an advanced degree to positions described in paragraph (2) without regard to the provisions of subchapter I of chapter 33 of title 5, other than sections 3303 and 3328 of such title.

''(2) APPLICABILITY.—This subsection applies with respect to candidates for scientific and engineering positions within any laboratory designated by section 4121(b) of this title as a Department of Defense science and technology reinvention laboratory.

''(3) LIMITATION.—(A) Authority under this subsection may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of candidates greater than the number equal to 5 percent of the total number of scientific and engineering positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

''(B) For purposes of this paragraph, positions and candidates shall be counted on a full-time equivalent basis.''.

(b) REPEAL.—Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4618) is hereby repealed.

(c) CONFORMING AMENDMENTS.—

(1) Section 255(b)(5)(B) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2223a note) is amended by striking ''in section 2358a(f)(3) of'' and inserting ''in section 2358a(g) of''.

(2) Section 223(d)(3)(C) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2358 note) is amended by striking ''in section 2358a(f) of'' and inserting ''in section 2358a(g) of''.

(3) Section 249(g)(1)(C) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking ''in section 2358a(f)(3) of'' and inserting ''in section 2358a(g) of''.

SEC. 213. DUTIES AND REGIONAL ACTIVITIES OF THE DEFENSE INNOVATION UNIT.

(a) DUTIES OF DIU JOINT RESERVE DETACHMENT.—Clause (ii) of section 2358b(c)(2)(B) of title 10, United States Code, is amended to read as follows:

''(ii) the technology requirements of the Department of Defense, as identified in the most recent—

''(I) National Defense Strategy;

''(II) National Defense Science and Technology Strategy as directed under section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679); and

''(III) relevant policy and guidance from the Secretary of Defense; and''.

(b) REGIONAL ACTIVITIES.—Subject to the availability of appropriations for such purpose, the Secretary of Defense may expand the efforts of the Defense Innovation Unit to engage and collaborate with private-sector industry and communities in various regions of the United States—

(1) to accelerate the adoption of commercially developed advanced technology in modernization priority areas and such other key technology areas as may be identified by the Secretary; and

(2) to expand outreach to communities that do not otherwise have a Defense Innovation Unit presence, including economically disadvantaged communities.

SEC. 214. CODIFICATION OF REQUIREMENT FOR DEFENSE ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) IN GENERAL.—Chapter 301 of title 10, United States Code, as added by section 1841 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and amended by this Act, is further amended by inserting after section 4007 the following new section:

''§ 4010. Defense Established Program to Stimulate Competitive Research

''(a) PROGRAM REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall carry out a Defense Established Program to Stimulate Competitive Research (DEPSCoR) as part of the university research programs of the Department of Defense.

''(b) PROGRAM OBJECTIVES.—The objectives of the program are as follows:

''(1) To increase the number of university researchers in eligible States capable of performing science and engineering research responsive to the needs of the Department of Defense.

''(2) To enhance the capabilities of institutions of higher education in eligible States to develop, plan, and execute science and engineering research that is relevant to the mission of the Department of Defense and competitive under the peer-review systems used for awarding Federal research assistance.

''(3) To increase the probability of long-term growth in the competitively awarded financial assistance that institutions of higher education in eligible States receive from the Federal Government for science and engineering research.

''(c) PROGRAM ACTIVITIES.—In order to achieve the program objectives, the following activities are authorized under the program:

''(1) Competitive award of grants for research and instrumentation to support such research.

''(2) Competitive award of financial assistance for graduate students.

''(3) To provide assistance to science and engineering researchers at institutions of higher education in eligible States through collaboration between Department of Defense laboratories and such researchers.

''(4) Any other activities that are determined necessary to further the achievement of the objectives of the program.

''(d) ELIGIBLE STATES.—(1) The Under Secretary of Defense for Research and Engineering shall designate which States are eligible States for the purposes of this section.

''(2) The Under Secretary shall designate a State as an eligible State if, as determined by the Under Secretary—

''(A) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the State for the three fiscal years preceding the fiscal year for which the designation is effective or for the last three fiscal years for which statistics are available is less than the amount determined by multiplying 60 percent times the amount equal to 1/50 of the total average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such three preceding or last fiscal years, as the case may be; and

''(B) the State has demonstrated a commitment to developing research bases in the State and to improving science and engineering research and education programs in areas relevant to the mission of the Department of Defense at institutions of higher education in the State.

''(3) The Under Secretary shall not remove a designation of a State under paragraph (2) because the State exceeds the funding levels specified under subparagraph (A) of such paragraph unless the State has exceeded such funding levels for at least two consecutive years.

''(e) COORDINATION WITH SIMILAR FEDERAL PROGRAMS.—(1) The Secretary may consult with the Director of the National Science Foundation and the Director of the Office of Science and Technology Policy in the planning, development, and execution of the program and may coordinate the program with the Established Program to Stimulate Competitive Research conducted by the National Science Foundation and with similar programs sponsored by other departments and agencies of the Federal Government.

''(2) All solicitations under the Defense Established Program to Stimulate Competitive Research may be made to, and all awards may be made through, the State committees established for purposes of the Established Program to Stimulate Competitive Research conducted by the National Science Foundation.

''(3) A State committee referred to in paragraph (2) shall ensure that activities carried out in the State of that committee under the Defense Established Program to Stimulate Competitive Research are relevant to the mission of the Department of Defense and coordinated with the activities carried out in the State under other similar initiatives of the Federal Government to stimulate competitive research.

''(f) STATE DEFINED.—In this section, the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of such title, as added by section 1841 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and amended by this Act, is further amended by striking the item relating to section 4010 and inserting the following new item:

''4010. Defense Established Program to Stimulate Competitive Research.''.

(c) CONFORMING REPEALS.—(1) Section 307 of title I of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18; 10 U.S.C. 2358 note) is repealed.

(2) Section 257 of title II of division A of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note) is repealed.

(d) EFFECTIVE DATE.—This section and the amendments and repeals made by this section shall take effect immediately after the effective date of the amendments made by title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

SEC. 215. CODIFICATION OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.

(a) IN GENERAL.—Subchapter III of chapter 303 of title 10, United States Code, as added by section 1842 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by inserting after the heading for subchapter III the following new section:

''§ 4121. Science and technology reinvention laboratories: authority and designation

''(a) IN GENERAL.—(1) The Secretary of Defense may carry out personnel demonstration projects at Department of Defense laboratories designated by the Secretary as Department of Defense science and technology reinvention laboratories.

''(2)(A) Each personnel demonstration project carried out under the authority of paragraph (1) shall be generally similar in nature to the China Lake demonstration project.

''(B) For purposes of subparagraph (A), the China Lake demonstration project is the demonstration project that is authorized by section 6 of the Civil Service Miscellaneous Amendments Act of 1983 (Public Law 98–224) to be continued at the Naval Weapons Center, China Lake, California, and at the Naval Ocean Systems Center, San Diego, California.

''(3) If the Secretary carries out a demonstration project at a laboratory pursuant to paragraph (1), section 4703 of title 5 shall apply to the demonstration project, except that—

''(A) subsection (d) of such section 4703 shall not apply to the demonstration project;

''(B) the authority of the Secretary to carry out the demonstration project is that which is provided in paragraph (1) rather than the authority which is provided in such section 4703; and

''(C) the Secretary shall exercise the authorities granted to the Office of Personnel Management under such section 4703 through the Under Secretary of Defense for Research and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory and who may, in exercising such authorities, request administrative support from science and technology reinvention laboratories to review, research, and adjudicate personnel demonstration project proposals).

''(4) The employees of a laboratory covered by a personnel demonstration project carried out under this section shall be exempt from, and may not be counted for the purposes of, any constraint or limitation in a statute or regulation in terms of supervisory ratios or maximum number of employees in any specific category or categories of employment that may otherwise be applicable to the employees. The employees shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Research and Engineering.

''(5) The limitations in section 5373 of title 5 do not apply to the authority of the Secretary under this subsection to prescribe salary schedules and other related benefits.

''(b) DESIGNATION OF LABORATORIES.—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory as described in subsection (a):

''(1) The Air Force Research Laboratory.

''(2) The Joint Warfare Analysis Center.

''(3) The Army Research Institute for the Behavioral and Social Sciences.

''(4) The Combat Capabilities Development Command Armaments Center.

''(5) The Combat Capabilities Development Command Army Research Laboratory.

''(6) The Combat Capabilities Development Command Aviation and Missile Center.

''(7) The Combat Capabilities Development Command Chemical Biological Center.

''(8) The Combat Capabilities Development Command Command, Control, Communications, Computers, Cyber, Intelligence, Surveillance, and Reconnaissance Center.

''(9) The Combat Capabilities Development Command Ground Vehicle Systems Center.

''(10) The Combat Capabilities Development Command Soldier Center.

''(11) The Engineer Research and Development Center.

''(12) The Medical Research and Development Command.

''(13) The Technical Center, US Army Space and Missile Defense Command.

''(14) The Naval Air Systems Command Warfare Centers.

''(15) The Naval Facilities Engineering Command Engineering and Expeditionary Warfare Center.

''(16) The Naval Information Warfare Centers, Atlantic and Pacific.

''(17) The Naval Medical Research Center.

''(18) The Naval Research Laboratory.

''(19) The Naval Sea Systems Command Warfare Centers.

''(20) The Office of Naval Research.

''(c) CONVERSION PROCEDURES.—The Secretary of Defense shall implement procedures to convert the civilian personnel of each Department of Defense science and technology reinvention laboratory, as so designated by subsection (b), to the personnel system under an appropriate demonstration project (as referred to in subsection (a)). Any conversion under this subsection—

''(1) shall not adversely affect any employee with respect to pay or any other term or condition of employment;

''(2) shall be consistent with section 4703(f) of title 5;

''(3) shall be completed within 18 months after designation; and

''(4) shall not apply to prevailing rate employees (as defined by section 5342(a)(2) of title 5) or senior executives (as defined by section 3132(a)(3) of such title).

''(d) LIMITATION.—The science and technology reinvention laboratories, as so designated by subsection (a), may not implement any personnel system, other than a personnel system under an appropriate demonstration project (as referred to subsection (a)), without prior congressional authorization.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 of such title, as added by section 1842 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by striking the item relating to section 4121 and inserting the following:

''4121. Science and technology reinvention laboratories: authority and designation.''.

(c) CONFORMING REPEALS.—(1) Section 1105 of the National Defense Authorization Act For Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note) is hereby repealed.

(2) Subsection (b) of section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note) is hereby repealed.

(d) CONFORMING AMENDMENTS.—(1) Section 1601(f) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2358 note) is amended by striking ''section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721)'' and inserting ''section 4121(a) of title 10, United States Code''.

(2) Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2358 note) is amended—

(A) by amending subsection (a) to read as follows:

''(e) REQUIREMENT.—The Secretary of Defense shall take all necessary actions to fully implement and use the authorities provided to the Secretary under subsection (a) of section 4121 of title 10, United States Code, to carry out personnel management demonstration projects at Department of Defense laboratories designated by subsection (b) of such section as Department of Defense science and technology reinvention laboratories.'';

(B) in subsection (c), by striking ''designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486)'' and inserting ''designated by section 4121(b) of title 10, United States Code''; and

(C) in subsection (e)(3), by striking ''section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (as cited in subsection (a))'' and inserting ''section 4121(a) of title 10, United States Code''.

(3) Section 1109(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2358 note) is amended by striking ''specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486; 10 U.S.C. 2358 note)'' and inserting ''designated under section 4121(b) of title 10, United States Code''.

(4) Section 2803(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2358 note) is amended by striking ''(as 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)'' and inserting ''(as designated under section 4121(b) of title 10, United States Code)''.

(5) Section 1108(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 1580 note prec.) is amended by striking ''section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486; 10 U.S.C. 2358 note)'' and inserting ''section 4121(b) of title 10, United States Code''.

(6) Section 211(g) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2358 note) is amended by striking ''under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note), as amended'' and inserting ''under section 4121(b)of title 10, United States Code''.

(7) Section 233(a)(2)(A) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2358 note) is amended by striking ''as specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note)'' and inserting ''as designated under section 4121(b) of title 10, United States Code''.

(8) Section 223(d)(3)(B) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2358 note) is amended by striking ''under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)'' and inserting ''under section 4121(b) of title 10, United States Code''.

(9) Section 252(e)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2358 note) is amended by striking ''under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)'' and inserting ''under section 4121(b) of title 10, United States Code''.

(10) Section 255(b)(5)(A) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 223a note) is amended by striking ''(as designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note))'' and inserting ''(as designated under section 4121(b) of title 10, United States Code)''.

(11) Section 249 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(A) in subsection (e)(1)(A), by striking ''under section 2358a of title 10, United States Code'' and inserting ''under section 4121(b) of title 10, United States Code''; and

(B) in subsection (g)(1)(B) by striking ''under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)'' and inserting ''under section 4121(b) of title 10, United States Code''.

(12) Section 2124(h)(3) of title 10, United States Code, as redesignated by section 1843(b)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by striking ''designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)'' and inserting ''designated under section 4121(b) of this title''.

(13) Section 4091 of title 10, United States Code, as redesignated by section 1843(b)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended—

(A) in subsection (b), by striking ''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)'' both places it appears and inserting ''designated by section 4121(b) of this title''; and

(B) in subsection (d)(2), by striking ''pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note)'' both places it appears and inserting ''pursuant to section 4121(a) of this title''.

(14) Section 4094(f) of title 10, United States Code, as transferred and redesignated by this Act, is amended by striking ''by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note)'' and inserting ''by section 4121(b) of this title''.

(e) EFFECTIVE DATE.—This section and the amendments and repeals made by this section shall take effect immediately after the effective date of the amendments made by title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

SEC. 216. IMPROVEMENTS RELATING TO STEERING COMMITTEE ON EMERGING TECHNOLOGY AND NATIONAL SECURITY THREATS.

Section 236 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended—

(1) in subsection (a), by striking ''may'' and inserting ''and the Director of National Intelligence may jointly'';

(2) in subsection (b), by—

(A) by striking paragraphs (3) through (8); and

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

''(3) The Principal Deputy Director of National Intelligence.

''(4) Such other officials of the Department of Defense and intelligence community as the Secretary of Defense and the Director of National Intelligence jointly determine appropriate.'';

(3) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(4) by inserting after subsection (b) the following:

''(c) LEADERSHIP.—The Steering Committee shall be chaired by the Deputy Secretary of Defense, the Vice Chairman of the Joint Chiefs of Staff, and the Principal Deputy Director of National Intelligence jointly.'';

(5) in subsection (d), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking ''a strategy'' and inserting ''strategies'';

(ii) by inserting ''and intelligence community'' after ''United States military''; and

(iii) by inserting ''and National Intelligence Strategy, and consistent with the National Security Strategy'' after ''National Defense Strategy'';

(B) in paragraph (3)—

(i) in the matter before subparagraph (A), by inserting ''and the Director of National Intelligence'' after ''the Secretary of Defense'';

(ii) in subparagraph (A), by striking ''strategy'' and inserting ''strategies'';

(iii) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(iv) by redesignating subparagraph (E) as subparagraph (F); and

(v) by inserting after subparagraph (D) the following:

''(E) any changes to the guidance for developing the National Intelligence Program budget required by section 102A(c)(1)(A) of the National Security Act of 1947 (50 U.S.C. 3024(c)(1)(A)), that may be required to implement the strategies under paragraph (1); and''; and

(vi) in subparagraph (F), as redesignated by clause (iv), by inserting ''and the intelligence community'' after ''Department of Defense''; and

(C) in paragraph (4), by inserting ''and Director of National Intelligence, jointly'' after ''Secretary of Defense'';

(6) by amending subsection (e), as redesignated by paragraph (3), to read as follows:

''(e) DEFINITIONS.—In this section:

''(1) The term 'emerging technology' means technology jointly determined to be in an emerging phase of development by the Secretary of Defense and the Director of National Intelligence, including quantum information science and technology, data analytics, artificial intelligence, autonomous technology, advanced materials, software, high performance computing, robotics, directed energy, hypersonics, biotechnology, medical technologies, and such other technology as may be jointly identified by the Secretary and the Director.

''(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).''; and

(7) in subsection (f), as redesignated by paragraph (3), by striking ''October 1, 2024'' and inserting ''October 1, 2025''.

SEC. 217. IMPROVEMENTS RELATING TO NATIONAL NETWORK FOR MICROELECTRONICS RESEARCH AND DEVELOPMENT.

Section 9903(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''may'' and inserting ''shall''; and

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

''(3) SELECTION OF ENTITIES.—

''(A) IN GENERAL.—In carrying out paragraph (1), the Secretary shall, through a competitive process, select two or more entities to carry out the activities described in paragraph (2) as part of the network established under paragraph (1).

''(B) GEOGRAPHIC DIVERSITY.—The Secretary shall, to the extent practicable, ensure that the entities selected under subparagraph (A) collectively represent the geographic diversity of the United States.''.

SEC. 218. MODIFICATION OF MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS TO SUPPORT DEPARTMENT OF DEFENSE MISSIONS.

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

(1) by amending subsection (c) to read as follows:

''(c) CONSULTATION WITH OTHER ORGANIZATIONS.—For the purposes of providing technical expertise and reducing costs and duplicative efforts, the Secretary of Defense and the Secretaries of the military departments shall work to ensure and support the sharing of information on the research and consulting that is being carried out across the Federal Government in Department-wide shared information systems including the Defense Technical Information Center.'';

(2) in subsection (e)—

(A) by redesignating paragraph (31) as paragraph (36); and

(B) by inserting after paragraph (30) the following new paragraphs:

''(31) Nuclear science, security, and nonproliferation.

''(32) Chemical, biological, radiological, and nuclear defense.

''(33) Spectrum activities.

''(34) Research security and integrity.

''(35) Printed circuit boards.''; and

(3) in subsection (g), by striking ''2026'' and inserting ''2028''.

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

Section 233(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2358 note) is amended by striking ''Chief Management Officer'' and inserting ''Deputy Secretary of Defense or a designee of the Deputy Secretary''.

SEC. 220. DEFENSE RESEARCH AND ENGINEERING ACTIVITIES AT MINORITY INSTITUTIONS.

(a) PLAN TO PROMOTE DEFENSE RESEARCH AT MINORITY INSTITUTES.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan to promote defense-related engineering, research, and development activities at minority institutions for the purpose of elevating the capacity of such institutions in those areas.

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

(A) An assessment of the engineering, research, and development capabilities of minority institutions, including an assessment of the workforce and physical research infrastructure of such institutions.

(B) An assessment of the ability of minority institutions—

(i) to participate in defense-related engineering, research, and development activities; and

(ii) to effectively compete for defense-related engineering, research, and development contracts.

(C) An assessment of the activities and investments necessary—

(i) to elevate minority institutions or a consortium of minority institutions (including historically black colleges and universities) to R1 status on the Carnegie Classification of Institutions of Higher Education;

(ii) to increase the participation of minority institutions in defense-related engineering, research, and development activities; and

(iii) to increase the ability of such institutions ability to effectively compete for defense-related engineering, research, and development contracts.

(D) Recommendations identifying actions that may be taken by the Secretary, Congress, minority institutions, and other organizations to increase the participation of minority institutions in defense-related engineering, research, and development activities and contracts.

(E) The specific goals, incentives, and metrics developed by the Secretary under subparagraph (D) to increase and measure the capacity of minority institutions to address the engineering, research, and development needs of the Department.

(3) CONSULTATION.—In developing the plan under paragraph (1), the Secretary of Defense shall consult with such other public and private sector organizations as the Secretary determines appropriate.

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(A) submit to the congressional defense committees a report that includes the plan developed under paragraph (1); and

(B) make the plan available on a publicly accessible website of the Department of Defense.

(b) ACTIVITIES TO SUPPORT THE RESEARCH AND ENGINEERING CAPACITY OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary may establish a program to award contracts, grants, or other agreements on a competitive basis, and to perform other appropriate activities for the purposes described in paragraph (2).

(2) PURPOSES.—The purposes described in this paragraph are the following:

(A) Developing the capability, including workforce and research infrastructure, for minority institutions to more effectively compete for Federal engineering, research, and development funding opportunities.

(B) Improving the capability of such institutions to recruit and retain research faculty, and to participate in appropriate personnel exchange programs and educational and career development activities.

(C) Any other purposes the Secretary determines appropriate for enhancing the defense-related engineering, research, and development capabilities of minority institutions.

(c) INCREASING PARTNERSHIPS FOR MINORITY INSTITUTIONS WITH NATIONAL SECURITY RESEARCH AND ENGINEERING ORGANIZATIONS.—Section 2362 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''Assistant Secretary'' each place it appears and inserting ''Under Secretary''; and

(2) in subsection (d)—

(A) by striking ''The Secretary of Defense may'' and inserting the following:

''(1) The Secretary of Defense may''; and

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

''(2) The Secretary of Defense shall establish goals and incentives to encourage federally funded research and development centers, science and technology reinvention laboratories, and University Affiliated Research Centers funded by the Department of Defense—

''(A) to assess the capacity of covered educational institutions to address the research and development needs of the Department through partnerships and collaborations; and

''(B) if appropriate, to enter into partnerships and collaborations with such institutions.''.

(d) MINORITY INSTITUTION DEFINED.—In this section, the term ''minority institution'' means a covered educational institution (as defined in section 2362 of title 10, United States Code).

SEC. 221. TEST PROGRAM FOR ENGINEERING PLANT OF DDG(X) DESTROYER VESSELS.

(a) TEST PROGRAM REQUIRED.—During the detailed design period and prior to the construction start date of the lead ship in the DDG(X) destroyer class of vessels, the Secretary of the Navy shall commence a land-based test program for the engineering plant of such class of vessels.

(b) ADMINISTRATION.—The test program required by subsection (a) shall be administered by the Senior Technical Authority for the DDG(X) destroyer class of vessels.

(c) ELEMENTS.—The test program required by subsection (a) shall include, at a minimum, testing of the following equipment in vessel-representative form:

(1) Electrical propulsion motor.

(2) Other propulsion drive train components.

(3) Main propulsion system.

(4) Electrical generation and distribution systems.

(5) Machinery control systems.

(6) Power control modules.

(d) TEST OBJECTIVES.—The test program required by subsection (a) shall include, at a minimum, the following test objectives demonstrated across the full range of engineering plant operations for the DDG(X) destroyer class of vessels:

(1) Test of a single shipboard representative propulsion drive train.

(2) Test and facilitation of machinery control systems integration.

(3) Simulation of the full range of electrical demands to enable the investigation of load dynamics between the hull, mechanical and electrical equipment, the combat system, and auxiliary equipment.

(e) COMPLETION DATE.—The Secretary of the Navy shall complete the test program required by subsection (a) by not later than the delivery date of the lead ship in the DDG(X) destroyer class of vessels.

(f) DEFINITIONS.—In this section:

(1) DELIVERY DATE.—The term ''delivery date'' has the meaning given that term in section 8671 of title 10, United States Code.

(2) SENIOR TECHNICAL AUTHORITY.—The term ''Senior Technical Authority'' means the official designated as the Senior Technical Authority for the DDG(X) destroyer class of vessels pursuant to section 8669b of title 10, United States Code.

SEC. 222. CONSORTIUM TO STUDY IRREGULAR WARFARE.

(a) ESTABLISHMENT.—The Secretary of Defense may establish a research consortium of institutions of higher education to study irregular warfare and the responses to irregular threats.

(b) PURPOSES.—The purposes of the consortium under subsection (a) are as follows:

(1) To shape the formulation and application of policy through the conduct of research and analysis regarding irregular warfare.

(2) To maintain open-source databases on issues relevant to understanding terrorism, irregular threats, and social and environmental change.

(3) To serve as a repository for datasets regarding research on security, social change, and irregular threats developed by institutions of higher education that receive Federal funding.

(4) To support basic research in social science on emerging threats and stability dynamics relevant to irregular threat problem sets.

(5) To transition promising basic research—

(A) to higher stages of research and development; and

(B) into operational capabilities, as appropriate, by supporting applied research and developing tools to counter irregular threats.

(6) To facilitate the collaboration of research centers of excellence relating to irregular threats to better distribute expertise to specific issues and scenarios regarding such threats.

(7) To enhance educational outreach and teaching at professional military education schools to improve—

(A) the understanding of irregular threats; and

(B) the integration of data-based responses to such threats.

(8) To support classified research when necessary in appropriately controlled physical spaces.

(9) To support the work of a Department of Defense Functional Center for Security Studies in Irregular Warfare if such Center is established pursuant to section 1299L of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(10) To carry out such other research initiatives relating to irregular warfare and irregular threats as the Secretary of Defense determines appropriate.

(c) PARTNERSHIPS.—If the Secretary of Defense establishes a research consortium under subsection (a), the Secretary shall encourage partnerships between the consortium and university-affiliated research centers and other research institutions, as appropriate.

(d) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, 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).

SEC. 223. DEVELOPMENT AND IMPLEMENTATION OF DIGITAL TECHNOLOGIES FOR SURVIVABILITY AND LETHALITY TESTING.

(a) EXPANSION OF SURVIVABILITY AND LETHALITY TESTING.—

(1) IN GENERAL.—The Secretary, in coordination with covered officials, shall—

(A) expand the survivability and lethality testing of covered systems to include testing against non-kinetic threats; and

(B) develop digital technologies to test such systems against such threats throughout the life cycle of each such system.

(2) DEVELOPMENT OF DIGITAL TECHNOLOGIES FOR LIVE FIRE TESTING.—

(A) IN GENERAL.—The Secretary, in coordination with covered officials, shall develop—

(i) digital technologies to enable the modeling and simulation of the live fire testing required under section 2366 of title 10, United States Code; and

(ii) a process to use data from physical live fire testing to inform and refine the digital technologies described in clause (i).

(B) OBJECTIVES.—In carrying out subparagraph (A), the Secretary shall seek to achieve the following objectives:

(i) Enable assessments of full spectrum survivability and lethality of each covered system with respect to kinetic and non-kinetic threats.

(ii) Inform the development and refinement of digital technology to test and improve covered systems.

(iii) Enable survivability and lethality assessments of the warfighting capabilities of a covered system with respect to—

(I) communications;

(II) firepower;

(III) mobility;

(IV) catastrophic survivability; and

(V) lethality.

(C) DEMONSTRATION ACTIVITIES.—

(i) IN GENERAL.—The Secretary, acting through the Director, shall carry out activities to demonstrate the digital technologies for full spectrum survivability testing developed under subparagraph (A).

(ii) PROGRAM SELECTION.—The Secretary shall assess and select not fewer than three and not more than ten programs of the Department to participate in the demonstration activities required under clause (i).

(iii) ARMED FORCES PROGRAMS.—Of the programs selected pursuant to clause (ii), the Director shall select—

(I) at least one such program from the Army;

(II) at least one such program from the Navy or the Marine Corps; and

(III) at least one such program from the Air Force or the Space Force.

(3) REGULAR SURVIVABILITY AND LETHALITY TESTING THROUGHOUT LIFE CYCLE.—

(A) IN GENERAL.—The Secretary, in coordination with covered officials, shall—

(i) develop a process to regularly test through the use of digital technologies the survivability and lethality of each covered system against kinetic and non-kinetic threats throughout the life cycle of such system as threats evolve; and

(ii) establish guidance for such testing.

(B) ELEMENTS.—In carrying out subparagraph (A), the Secretary shall determine the following:

(i) When to deploy digital technologies to provide timely and up-to-date insights with respect to covered systems without unduly delaying fielding of capabilities.

(ii) The situations in which it may be necessary to develop and use digital technologies to assess legacy fleet vulnerabilities.

(b) REPORTS AND BRIEFING.—

(1) ASSESSMENT AND SELECTION OF PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report that identifies the programs selected to participate in the demonstration activities under subsection (a)(2)(C).

(2) MODERNIZATION AND DIGITIZATION REPORT.—

(A) IN GENERAL.—Not later than March 15, 2023, the Director shall submit to the congressional defense committees a report that includes—

(i) an assessment of the progress of the Secretary in carrying out subsection (a);

(ii) an assessment of each of the demonstration activities carried out under subsection (a)(2)(C), including a comparison of—

(I) the risks, benefits, and costs of using digital technologies for live fire testing and evaluation; and

(II) the risks, benefits, and costs of traditional physical live fire testing approaches that—

(aa) are not supported by digital technologies;

(bb) do not include testing against non-kinetic threats; and

(cc) do not include full spectrum survivability;

(iii) an explanation of—

(I) how real-world operational and digital survivability and lethality testing data will be used to inform and enhance digital technology;

(II) the contribution of such data to the digital modernization efforts required under section 836 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283); and

(III) the contribution of such data to the decision-support processes for managing and overseeing acquisition programs of the Department;

(iv) an assessment of the ability of the Department to perform full spectrum survivability and lethality testing of each covered system with respect to kinetic and non-kinetic threats;

(v) an assessment of the processes implemented by the Department to manage digital technologies developed pursuant to subsection (a); and

(vi) an assessment of the processes implemented by the Department to develop digital technology that can perform full spectrum survivability and lethality testing with respect to kinetic and non-kinetic threats.

(B) BRIEFING.—Not later than April 14, 2023, the Director shall provide to the congressional defense committees a briefing that identifies any changes to existing law that may be necessary to implement subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term ''covered officials'' means—

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

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

(C) the Chief Information Officer;

(D) the Director;

(E) the Director of Cost Assessment and Program Evaluation;

(F) the Service Acquisition Executives;

(G) the Service testing commands;

(H) the Director of the Defense Digital Service; and

(I) representatives from—

(i) the Department of Defense Test Resource Management Center;

(ii) the High Performance Computing Modernization Program Office; and

(iii) the Joint Technical Coordination Group for Munitions Effectiveness.

(2) The term ''covered system'' means any warfighting capability that can degrade, disable, deceive, or destroy forces or missions.

(3) The term ''Department'' means the Department of Defense.

(4) The term ''digital technologies'' includes digital models, digital simulations, and digital twin capabilities that may be used to test the survivability and lethality of a covered system.

(5) The term ''Director'' means the Director of Operational Test and Evaluation.

(6) The term ''full spectrum survivability and lethality testing'' means a series of assessments of the effects of kinetic and non-kinetic threats on the communications, firepower, mobility, catastrophic survivability, and lethality of a covered system.

(7) The term ''non-kinetic threats'' means unconventional threats, including—

(A) cyber attacks;

(B) electromagnetic spectrum operations;

(C) chemical, biological, radiological, nuclear effects and high yield explosives; and

(D) directed energy weapons.

(8) The term ''Secretary'' means the Secretary of Defense.

SEC. 224. ASSESSMENT AND CORRECTION OF DEFICIENCIES IN THE PILOT BREATHING SYSTEMS OF TACTICAL FIGHTER AIRCRAFT.

(a) TESTING AND EVALUATION REQUIRED.—Beginning not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall commence operational testing and evaluation of each fleet of tactical fighter aircraft (including each type and model variant of aircraft within the fleet) that uses the Onboard Oxygen Generating System for the pilot breathing system (in this section referred to as the ''breathing system'') to—

(1) determine whether the breathing system complies with Military Standard 3050 (MIL–STD–3050), titled ''Aircraft Crew Breathing Systems Using On-Board Oxygen Generating System (OBOGS)''; and

(2) assess the safety and effectiveness of the breathing system for all pilots of the aircraft fleet tested.

(b) REQUIREMENTS.—The following shall apply to the testing and evaluation conducted for an aircraft fleet under subsection (a):

(1) The F–35 aircraft fleet shall be the first aircraft fleet tested and evaluated, and such testing and evaluation shall include F–35A, F–35B, and F–35C aircraft.

(2) The pilot, aircraft systems, and operational flight environment of the aircraft shall not be assessed in isolation but shall be tested and evaluated as integrated parts of the breathing system.

(3) The testing and evaluation shall be conducted under a broad range of operating conditions, including variable weather conditions, low-altitude flight, high-altitude flight, during weapons employment, at critical phases of flight such as take-off and landing, and in other challenging environments and operating flight conditions.

(4) The testing and evaluation shall assess operational flight environments for the pilot that replicate expected conditions and durations for high gravitational force loading, rapid changes in altitude, rapid changes in airspeed, and varying degrees of moderate gravitational force loading.

(5) A diverse group of pilots shall participate in the testing and evaluation, including—

(A) pilots who are test-qualified and pilots who are not test-qualified; and

(B) pilots who vary in gender, physical conditioning, height, weight, and age, and any other attributes that the Secretary determines to be appropriate.

(6) Aircraft involved in the testing and evaluation shall perform operations with operationally representative and realistic aircraft configurations.

(7) The testing and evaluation shall include assessments of pilot life support gear and relevant equipment, including the pilot breathing mask apparatus.

(8) The testing and evaluation shall include testing data from pilot reports, measurements of breathing pressures and air delivery response timing and flow, cabin pressure, air-speed, acceleration, measurements of hysteresis during all phases of flight, measurements of differential pressure between mask and cabin altitude, and measurements of spirometry and specific oxygen saturation levels of the pilot immediately before and immediately after each flight.

(9) The analysis of the safety and effectiveness of the breathing system shall thoroughly assess any physiological effects reported by pilots, including effects on health, fatigue, cognition, and perception of any breathing difficulty.

(10) The testing and evaluation shall include the participation of subject matter experts who have familiarity and technical expertise regarding design and functions of the aircraft, its propulsion system, pilot breathing system, life support equipment, human factors, and any other systems or subject matter the Secretary determines necessary to conduct effective testing and evaluation. At a minimum, such subject matter experts shall include aerospace physiologists, engineers, flight surgeons, and scientists.

(11) In carrying out the testing and evaluation, the Secretary of Defense may seek technical support and subject matter expertise from the Naval Air Systems Command, the Air Force Research Laboratory, the Office of Naval Research, the National Aeronautics and Space Administration, and any other organization or element of the Department of Defense or the National Aeronautics and Space Administration that the Secretary, in consultation with the Administrator of the National Aeronautics and Space Administration, determines appropriate to support the testing and evaluation.

(c) CORRECTIVE ACTIONS.—Not later than 90 days after the submittal of a final report under subsection (e) for an aircraft fleet, the Secretary of Defense shall take such actions as are necessary to correct all deficiencies, shortfalls, and gaps in the breathing system that were discovered or reported as a result of the testing and evaluation of such aircraft fleet under subsection (a).

(d) PRELIMINARY REPORTS.—

(1) IN GENERAL.—Not later than the date specified in paragraph (2), for each aircraft fleet tested and evaluated under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a separate preliminary report, based on the initial results of such testing and evaluation, that includes—

(A) the initial findings and recommendations of the Secretary;

(B) potential corrective actions that the Secretary of Defense may carry out to address deficiencies in the breathing system of the aircraft tested; and

(C) the results of initial review and assessment, conducted by the Administrator of the National Aeronautics and Space Administration for purposes of the report, of—

(i) the testing and evaluation plans, execution, processes, data, and technical results of the testing and evaluation activities under subsection (a); and

(ii) the initial findings, recommendations, and potential corrective actions determined by the Secretary of Defense under subparagraphs (A) and (B).

(2) DATE SPECIFIED.—The date specified in this paragraph is the earlier of—

(A) a date selected by the Secretary of the Air Force that is not later than 180 days after the testing and evaluation of the aircraft fleet under subsection (a) has been completed; or

(B) one year after the commencement of the testing and evaluation of the aircraft fleet under subsection (a).

(e) FINAL REPORTS.—Not later than two years after the commencement of the testing and evaluation under subsection (a) for an aircraft fleet, the Secretary of Defense shall submit to the congressional defense committees a final report on the results of such testing with respect to such aircraft fleet that includes, based on the final results of such testing and evaluation—

(1) findings and recommendations with respect to the breathing system; and

(2) a description of the specific actions the Secretary will carry out to correct deficiencies in the breathing system, as required under subsection (c).

(f) INDEPENDENT REVIEW OF FINAL REPORT.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall seek to enter into an agreement with a federally funded research and development center with relevant expertise to conduct an independent sufficiency review of the final reports submitted under subsection (e).

(2) REPORT TO SECRETARY.—Not later than seven months after the date on which the Secretary of Defense enters into an agreement with a federally funded research and development center under paragraph (1), the center shall submit to the Secretary a report on the results of the review conducted under such paragraph.

(3) REPORT TO CONGRESS.—Not later than 30 days after the date on which the Secretary of Defense receives the report under paragraph (2), the Secretary shall submit the report to the congressional defense committees.

SEC. 225. IDENTIFICATION OF THE HYPERSONICS FACILITIES AND CAPABILITIES OF THE MAJOR RANGE AND TEST FACILITY BASE.

(a) IDENTIFICATION REQUIRED.—Not later than 180 days after the date of the enactment of this

Act, the Secretary of Defense shall identify each facility and capability of the Major Range and Test Facility Base—

(1) the primary mission of which is the test and evaluation of hypersonics technology; or

(2) that provides other test and evaluation capabilities to support the development of hypersonics technology.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on a plan to improve the capabilities identified under subsection (a), including—

(1) a schedule for such improvements; and

(2) a description of any organizational changes, investments, policy changes, or other activities the Secretary proposes to carry out as part of such plan.

(c) MAJOR RANGE AND TEST FACILITY BASE.—In this section, the term ''Major Range and Test Facility Base'' has the meaning given that term in section 196(i) of title 10, United States Code.

SEC. 226. REVIEW OF ARTIFICIAL INTELLIGENCE APPLICATIONS AND ESTABLISHMENT OF PERFORMANCE METRICS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review the potential applications of artificial intelligence and digital technology to the platforms, processes, and operations of the Department of Defense; and

(2) establish performance objectives and accompanying metrics for the incorporation of artificial intelligence and digital readiness into such platforms, processes, and operations.

(b) PERFORMANCE OBJECTIVES AND ACCOMPANYING METRICS.—

(1) SKILL GAPS.—In carrying out subsection (a), the Secretary of Defense shall require each Secretary of a military department and the heads of such other organizations and elements of the Department of Defense as the Secretary of Defense determines appropriate to—

(A) conduct a comprehensive review and assessment of—

(i) skill gaps in the fields of software development, software engineering, data science, and artificial intelligence;

(ii) the qualifications of civilian personnel needed for both management and specialist tracks in such fields; and

(iii) the qualifications of military personnel (officer and enlisted) needed for both management and specialist tracks in such fields; and

(B) establish recruiting, training, and talent management performance objectives and accompanying metrics for achieving and maintaining staffing levels needed to fill identified gaps and meet the needs of the Department for skilled personnel.

(2) AI MODERNIZATION ACTIVITIES.—In carrying out subsection (a), the Secretary of Defense shall—

(A) assess investment by the Department of Defense in artificial intelligence innovation, science and technology, and research and development;

(B) assess investment by the Department in test and evaluation of artificial intelligence capabilities; and

(C) establish performance objectives and accompanying metrics for artificial intelligence modernization activities of the Department.

(3) EXERCISES, WARGAMES, AND EXPERIMENTATION.—In conjunction with the activities of the Secretary of Defense under subsection (a), the Chairman of the Joint Chiefs of Staff, in coordination with the Director of the Joint Artificial Intelligence Center, shall—

(A) assess the integration of artificial intelligence into war-games, exercises, and experimentation; and

(B) develop performance objectives and accompanying metrics for such integration.

(4) LOGISTICS AND SUSTAINMENT.—In carrying out subsection (a), the Secretary of Defense shall require the Under Secretary of Defense for Acquisition and Sustainment, with support from the Director of the Joint Artificial Intelligence Center, to—

(A) assess the application of artificial intelligence in logistics and sustainment systems; and

(B) establish performance objectives and accompanying metrics for integration of artificial intelligence in the Department of Defense logistics and sustainment enterprise.

(5) BUSINESS APPLICATIONS.—In carrying out subsection (a), the Secretary of Defense shall require the Under Secretary of Defense (Comptroller), in coordination with the Director of the Joint Artificial Intelligence Center, to—

(A) assess the integration of artificial intelligence for administrative functions that can be performed with robotic process automation and artificial intelligence-enabled analysis; and

(B) establish performance objectives and accompanying metrics for the integration of artificial intelligence in priority business process areas of the Department of Defensee, including the following:

(i) Human resources.

(ii) Budget and finance, including audit.

(iii) Retail.

(iv) Real estate.

(v) Health care.

(vi) Logistics.

(vii) Such other business processes as the Secretary considers appropriate.

(c) REPORT TO CONGRESS.—Not later than 120 days after the completion of the review required by subsection (a)(1), the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary with respect to the review and any action taken or proposed to be taken by the Secretary to address such findings; and

(2) the performance objectives and accompanying metrics established under subsections (a)(2) and (b).

SEC. 227. MODIFICATION OF THE JOINT COMMON FOUNDATION PROGRAM.

(a) MODIFICATION OF JOINT COMMON FOUNDATION.—The Secretary of Defense shall modify the Joint Common Foundation program conducted by the Joint Artificial Intelligence Center to ensure that Department of Defense components can more easily contract with leading commercial artificial intelligence companies to support the rapid and efficient development and deployment of applications and capabilities.

(b) QUALIFYING COMMERCIAL COMPANIES.—The Secretary of Defense shall take such actions as may be necessary to increase the number of commercial artificial intelligence companies eligible to provide support to Department of Defense components, including with respect to requirements for cybersecurity protections and processes, to achieve automatic authority to operate and provide continuous delivery, security clearances, data portability, and interoperability.

(c) USE OF FAR PART 12.—The Secretary of Defense shall ensure that, to the maximum extent practicable, commercial artificial intelligence companies are able to offer platforms, services, applications, and tools to Department of Defense components through processes and procedures under part 12 of the Federal Acquisition Regulation.

(d) OBJECTIVES OF THE JOINT COMMON FOUNDATION PROGRAM.—The objectives of the Joint Common Foundation program shall include the following:

(1) Relieving Department of Defense components of the need to design or develop or independently contract for the computing and data hosting platforms and associated services on and through which the component at issue would apply its domain expertise to develop specific artificial intelligence applications.

(2) Providing expert guidance to components in selecting commercial platforms, tools, and services to support the development of component artificial intelligence applications.

(3) Ensuring that leading commercial artificial intelligence technologies and capabilities are easily and rapidly accessible to components through streamlined contracting processes.

(4) Assisting components in designing, developing, accessing, or acquiring commercial or non-commercial capabilities that may be needed to support the operational use of artificial intelligence applications.

(5) Enabling companies to develop software for artificial intelligence applications within secure software development environments that are controlled, sponsored, required, or specified by the Department of Defense, including PlatformOne of the Department of the Air Force

(e) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on actions taken to carry out this section.

SEC. 228. EXECUTIVE EDUCATION ON EMERGING TECHNOLOGIES FOR SENIOR CIVILIAN AND MILITARY LEADERS.

(a) ESTABLISHMENT OF COURSE.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall establish executive education activities on emerging technologies for appropriate general and flag officers and senior executive-level civilian leaders that are designed specifically to prepare new general and flag officers and senior executive-level civilian leaders on relevant technologies and how these technologies may be applied to military and business activities in the Department of Defense.

(b) PLAN FOR PARTICIPATION.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan for participation in executive education activities established under subsection (a).

(2) REQUIREMENTS.—As part of such plan, the Secretary shall ensure that, not later than five years after the date of the establishment of the activities under subsection (a), all appropriate general flag officers and senior executive-level civilian leaders are—

(A) required to complete the executive education activities under such subsection; and

(B) certified as having successfully completed the executive education activities.

(c) REPORT.—

(1) IN GENERAL.—Not later than the date that is three years 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 status of the implementation of the activities required by subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) A description of the new general and flag officers and senior executive-level civilian leaders for whom the education activities have been designated.

(B) A recommendation with respect to continuing or expanding the activities required under subsection (a).

SEC. 229. ACTIVITIES TO ACCELERATE DEVELOPMENT AND DEPLOYMENT OF DUAL-USE QUANTUM TECHNOLOGIES.

(a) ACTIVITIES REQUIRED.—The Secretary of Defense shall establish a set of activities—

(1) to accelerate the development and deployment of dual-use quantum capabilities;

(2) to ensure the approach of the United States to investments of the Department of Defense in quantum information science research and development reflects an appropriate balance between scientific progress and the potential economic and security implications of such progress;

(3) to ensure that the Department of Defense is fully aware and has a technical understanding of the maturity and operational utility of new and emerging quantum technologies; and

(4) to ensure the Department of Defense consistently has access to the most advanced quantum capabilities available in the commercial sector to support research and modernization activities.

(b) ASSISTANCE PROGRAM.—

(1) PROGRAM REQUIRED.—In carrying out subsection (a) and subject to the availability of appropriations for such purpose, the Secretary of Defense shall, acting through the Director of the Defense Advanced Research Projects Agency and in consultation with appropriate public and private sector organizations, establish a program under which the Secretary may award assistance to one or more organizations—

(A) to identify defense applications for which dual-use quantum technologies provide a clear advantage over competing technologies;

(B) to accelerate development of such quantum technologies; and

(C) to accelerate the deployment of dual-use quantum capabilities.

(2) FORM OF ASSISTANCE.—Assistance awarded under the program required by paragraph (1) may consist of a grant, a contract, a cooperative agreement, other transaction, or such other form of assistance as the Secretary of Defense considers appropriate.

(3) AUTHORITIES AND ACQUISITION APPROACHES.—The Secretary of Defense may use the following authorities and approaches for the program required by paragraph (1):

(A) Section 2374a of title 10, United States Code, relating to prizes for advanced technology achievements.

(B) Section 2373 of such title, relating to procurement for experimental purposes.

(C) Sections 2371 and 2371b of such title, relating to transactions other than contracts and grants and authority of the Department of Defense to carry out certain prototype projects, respectively.

(D) Section 2358 of such title, relating to research and development projects.

(E) Section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note), relating to defense pilot program for authority to acquire innovative commercial products, technologies, and services using general solicitation competitive procedures.

(F) Requirement for milestone payments based on technical achievements.

(G) Requirement for cost share from private sector participants in the program.

(H) Commercial procurement authority under part 12 of the Federal Acquisition Regulation.

(I) Such other authorities or approaches as the Secretary considers appropriate.

(4) POLICIES AND PROCEDURES.—The Secretary of Defense shall, in consultation with such experts from government and industry as the Secretary considers appropriate, establish policies and procedures to carry out the program required by paragraph (1).

(c) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than March 1, 2022, the Secretary of Defense shall provide to the congressional defense committees a briefing on the plan to carry out the activities required by subsection (a) and the program required by subsection (b).

(2) REPORT.—Not later than December 31, 2022, and not less frequently than once each year thereafter until December 31, 2026, the Secretary of Defense shall submit to the congressional defense committees a report on the activities carried out under subsection (a) and the program carried out under subsection (b).

SEC. 230. NATIONAL GUARD PARTICIPATION IN MICROREACTOR TESTING AND EVALUATION.

The Secretary of Defense may, in coordination with the Director of the Strategic Capabilities Office and the Chief of the National Guard Bureau, assemble a collection of four National Guard units to participate in the testing and evaluation of a micro nuclear reactor program.

SEC. 231. PILOT PROGRAM ON THE USE OF PRIVATE SECTOR PARTNERSHIPS TO PROMOTE TECHNOLOGY TRANSITION.

(a) IN GENERAL.—Consistent with section 2359 of title 10, United States Code, the Secretary of Defense shall carry out a pilot program to foster the transition of the science and technology programs, projects, and activities of the Department of Defense from the research, development, pilot, and prototyping phases into acquisition activities and operational use. Under the pilot program, the Secretary shall seek to enter into agreements with qualified private sector organizations to support—

(1) matching technology developers with programs, projects, and activities of the Department that may have a use for the technology developed by such developers;

(2) providing technical assistance to appropriate parties on participating in the procurement programs and acquisition processes of the Department, including training and consulting on programming, budgeting, contracting, requirements, and other relevant processes and activities; and

(3) overcoming barriers and challenges facing technology developers, including challenges posed by restrictions on accessing secure facilities, networks, and information.

(b) PRIORITY.—In carrying out the activities described in paragraphs (1) through (3) of subsection (a), a qualified private sector organization shall give priority to technology producers that are small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), research institutions (as defined in section 9(e) of such Act), or institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C 1001)).

(c) TERMS OF AGREEMENTS.—The terms of an agreement under subsection (a) shall be determined by the Secretary of Defense.

(d) DATA COLLECTION.—

(1) PLAN REQUIRED BEFORE IMPLEMENTATION.—The Secretary of Defense may not enter into an agreement under subsection (a) until the date on which the Secretary—

(A) completes a plan to for carrying out the data collection required under paragraph (2); and

(B) submits the plan to the congressional defense committees.

(2) DATA COLLECTION REQUIRED.—The Secretary of Defense shall collect and analyze data on the pilot program under this section for the purposes of—

(A) developing and sharing best practices for facilitating the transition of science and technology from the research, development, pilot, and prototyping phases into acquisition activities and operational use within the Department of Defense;

(B) providing information to the leadership of the Department on the implementation of the pilot program and related policy issues; and

(C) providing information to the congressional defense committees as required under subsection (e).

(e) BRIEFING.—Not later than December 31, 2022, the Secretary of Defense shall provide to the congressional defense committees a briefing on the progress of the Secretary in implementing the pilot program under this section and any related policy issues.

(f) CONSULTATION.—In carrying out the pilot program under this section, the Secretary of Defense shall consult with—

(1) service acquisition executives (as defined in section 101 of title 10, United States Code);

(2) the heads of appropriate Defense Agencies and Department of Defense Field Activities;

(3) procurement technical assistance centers (as described in chapter 142 of title 10, United States Code); and

(4) such other individuals and organizations as the Secretary determines appropriate.

(g) TERMINATION.—The pilot program under this section shall terminate on the date that is five years after the date on which Secretary of Defense enters into the first agreement with a qualified private sector organization under subsection (a).

(h) COMPTROLLER GENERAL ASSESSMENT AND REPORT.—

(1) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the pilot program under this section. The assessment shall include an evaluation of the effectiveness of the pilot program with respect to—

(A) facilitating the transition of science and technology from the research, development, pilot, and prototyping phases into acquisition activities and operational use within the Department of Defense; and

(B) protecting sensitive information in the course of the pilot program.

(2) REPORT.—Not later than the date specified in paragraph (3), the Comptroller General shall submit to the congressional defense committees a report on the results of the assessment conducted under paragraph (1).

(3) DATE SPECIFIED.—The date specified in this paragraph is the earlier of—

(A) four years after the date on which the Secretary of Defense enters into the first agreement with a qualified private sector organization under subsection (a): or

(B) five years after the date of the enactment of this Act.

SEC. 232. PILOT PROGRAM ON DATA REPOSITORIES TO FACILITATE THE DEVELOPMENT OF ARTIFICIAL INTELLIGENCE CAPABILITIES FOR THE DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT OF DATA REPOSITORIES.—The Secretary of Defense, acting through the Chief Data Officer of the Department of Defense and the Director of the Joint Artificial Intelligence Center (and such other officials as the Secretary determines appropriate), may carry out a pilot program under which the Secretary—

(1) establishes data repositories containing Department of Defense data sets relevant to the development of artificial intelligence software and technology; and

(2) allows appropriate public and private sector organizations to access such data repositories for the purpose of developing improved artificial intelligence and machine learning software capabilities that may, as determined appropriate by the Secretary, be procured by the Department to satisfy Department requirements and technology development goals.

(b) ELEMENTS.—If the Secretary of Defense carries out the pilot program under subsection (a), the data repositories established under the program—

(1) may include unclassified training quality data sets and associated labels representative of diverse types of information, representing Department of Defense missions, business processes, and activities; and

(2) shall—

(A) be categorized and annotated to support development of a common evaluation framework for artificial intelligence models and other technical software solutions;

(B) be made available to appropriate public and private sector organizations to support rapid development of software and artificial intelligence capabilities;

(C) include capabilities and tool sets to detect, evaluate, and correct errors in data annotation, identify gaps in training data used in model development that would require additional data labeling, and evaluate model performance across the life cycle of the data repositories; and

(D) be developed to support other missions and activities as determined by the Secretary.

(c) BRIEFING.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on—

(1) whether the Secretary intends to carry out the pilot program under this section;

(2) if the Secretary does not intend to carry out the pilot program, an explanation of the reasons for such decision;

(3) if the Secretary does intend to carry out the pilot program, or if the Secretary has already initiated the pilot program as of the date of the briefing—

(A) the types of information the Secretary determines are feasible and advisable to include in the data repositories described in subsection (a); and

(B) the progress of the Secretary in carrying out the program.

SEC. 233. PILOT PROGRAMS FOR DEPLOYMENT OF TELECOMMUNICATIONS INFRASTRUCTURE TO FACILITATE 5G DEPLOYMENT ON MILITARY INSTALLATIONS.

(a) PLANS.—

(1) IN GENERAL.—Not later than 180 days after enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a plan for a pilot program for the deployment of telecommunications infrastructure to facilitate the availability of fifth-generation wireless telecommunications services on military installations under the jurisdiction of the Secretary.

(2) PLAN ELEMENTS.—Each plan submitted under paragraph (1) by a Secretary of a military department shall include, with respect to such military department, the following:

(A) A list of military installations at which the pilot program will be carried out, including at least one military installation of the department.

(B) A description of authorities that will be used to execute the pilot program.

(C) A timeline for the implementation and duration of the pilot program.

(D) The identity of each telecommunication carrier that intends to use the telecommunications infrastructure deployed pursuant to the pilot to provide fifth-generation wireless telecommunication services at each of the military installations listed under subparagraph (A).

(E) An assessment of need for centralized processes and points of contacts to facilitate deployment of the telecommunications infrastructure.

(b) PILOT PROGRAMS REQUIRED.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall establish a pilot program in accordance with the plan submitted by the Secretary under subsection (a)(1).

(c) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date on which a Secretary of a military department commences a pilot program under subsection (b), and not less frequently than once every 180 days thereafter until the completion of the pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program.

(2) CONTENTS.—Each report submitted under paragraph (1) for a pilot program shall include the following:

(A) A description of the status of the pilot program at each military installation at which the pilot program is carried out.

(B) A description of the use of, and services provided by, telecommunications carriers of the telecommunications infrastructure at each military installation under the pilot program.

(C) Such additional information as the Secretary of the military department considers appropriate.

(d) TELECOMMUNICATIONS INFRASTRUCTURE DEFINED.—In this section, the term ''telecommunications infrastructure'' includes, at a minimum, the following:

(1) Macro towers.

(2) Small cell poles.

(3) Distributed antenna systems.

(4) Dark fiber.

(5) Power solutions.

SEC. 234. LIMITATION ON DEVELOPMENT OF PROTOTYPES FOR THE OPTIONALLY MANNED FIGHTING VEHICLE PENDING REQUIREMENTS ANALYSIS.

(a) LIMITATION.—The Secretary of the Army may not enter into a contract for the development of a physical prototype for the Optionally Manned Fighting Vehicle or any other next-generation infantry fighting vehicle of the Army until a period of 30 days has elapsed following the date on which the Secretary submits to the congressional defense committees the report required under subsection (b).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall submit to the congressional defense committees a report on the analysis supporting the determination of formal requirements or desired characteristics for the Optionally Manned Fighting Vehicle refined through the concept and detailed design phases of the acquisition strategy.

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

(A) A detailed description of the formal requirements applicable to the Optionally Manned Fighting Vehicle or desired characteristics guiding the physical prototyping phase of the program.

(B) A description of the analysis conducted to finalize such requirements and characteristics.

(C) A description of Optionally Manned Fighting Vehicle-equipped force structure designs and the operational concepts analyzed during the vehicle concept design and detailed design phases.

(D) A detailed description of the analysis conducted, trade-offs considered, and conclusions drawn with respect to the force structure designs and operational concepts, survivability, mobility, lethality, payload, and combat effectiveness in execution of the critical operational tasks required of fighting-vehicle-equipped infantry.

(E) An assessment and comparison of the combat effectiveness (including survivability, mobility, and lethality) of combined arms company teams equipped with Optionally Manned Fighting Vehicles compared to those equipped with fully modernized Bradley Fighting Vehicles.

(c) BRIEFING REQUIRED.—At least 30 days prior to the submission of the report under subsection (b), the Secretary of the Army shall provide to the congressional defense committees a briefing on the preliminary findings of the Secretary with respect to each element specified in subsection (b)(2).

(d) COMPTROLLER GENERAL ASSESSMENT.—Not later than 60 days after the date on which the report under subsection (b) is submitted, the Comptroller General of the United States shall submit to the congressional defense committees a written assessment of the report, including—

(1) an assessment of the objectivity, validity, and reliability of the Army's analysis with respect to each element specified in subsection (b)(2); and

(2) any other matters the Comptroller General determines appropriate.

SEC. 235. LIMITATION ON TRANSFER OF CERTAIN OPERATIONAL FLIGHT TEST EVENTS AND REDUCTIONS IN OPERATIONAL FLIGHT TEST CAPACITY.

(a) LIMITATION.—

(1) IN GENERAL.—The Secretary of the Navy may not take any action described in paragraph (2) until the date on which the Director of Operational Test and Evaluation, in consultation with the Secretary of the Navy, certifies to the congressional defense committees that the use of non-test designated units to conduct flight testing will not have any appreciable effect on—

(A) the cost or schedule of any naval aviation or naval aviation-related program; or

(B) the efficacy of test execution, analysis, and evaluation for any such program.

(2) ACTIONS DESCRIBED.—The actions described in this paragraph are the following:

(A) The delegation of any operational flight test event to be conducted by a non-test designated unit.

(B) Any action that would reduce, below the levels authorized and in effect on October 1, 2020, any of the following:

(i) The aviation or aviation-related operational testing and evaluation capacity of the Department of the Navy.

(ii) The personnel billets assigned to support such capacity.

(iii) The aviation force structure, aviation inventory, or quantity of aircraft assigned to support such capacity, including rotorcraft and fixed-wing aircraft.

(b) REPORT REQUIRED.—Not later than September 1, 2022, the Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that assesses each of the following as of the date of the report:

(1) The design and effectiveness of the testing and evaluation infrastructure and capacity of the Department of the Navy, including an assessment of whether such infrastructure and capacity is sufficient to carry out the acquisition and sustainment testing required for the aviation-related programs of the Department of Defense and the naval aviation-related programs of the Department of the Navy.

(2) The plans of the Secretary of the Navy to reduce the testing and evaluation capacity and infrastructure of the Navy with respect to naval aviation in fiscal year 2022 and subsequent fiscal years, as specified in the budget of the President submitted to Congress on May 28, 2021.

(3) The technical, fiscal, and programmatic issues and risks associated with the plans of the Secretary of the Navy to delegate and task non-test designated operational naval aviation units and organizations to efficiently and effectively execute, analyze, and evaluate testing and evaluation master plans for all aviation-related programs and projects of the Department of the Navy.

(c) NON-TEST DESIGNATED UNIT DEFINED.—In this section, the term ''non-test designated unit'' means a naval aviation unit that does not have designated as its primary mission operational testing and evaluation in support of naval aviation or naval aviation-related projects and programs.

SEC. 236. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN C–130 AIRCRAFT.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Navy may be obligated or expended to procure a C–130 aircraft for testing and evaluation as a potential replacement for the E–6B aircraft until the date on which all of the following conditions are met:

(1) The Secretary of the Navy has submitted to the congressional defense committees a report that includes—

(A) the unit cost of each such C–130 test aircraft;

(B) the life cycle sustainment plan for such C–130 aircraft;

(C) a statement indicating whether such C–130 aircraft will be procured using multiyear contracting authority under section 2306b of title 10, United States Code; and

(D) the total amount of funds needed to complete the procurement of such C–130 aircraft.

(2) The Secretary of the Navy has certified to the congressional defense committees that C–130 aircraft in the inventory of the Air Force as of the date of the enactment of this Act would not be capable of fulfilling all requirements under the E–6B aircraft program of record.

(3) The Commander of the United States Strategic Command has submitted to the congressional defense committees a report identifying the plan for hardware that will replace the E–6B aircraft while fulfilling all requirements under the E–6B program of record.

SEC. 237. LIMITATION ON AVAILABILITY OF FUNDS FOR VC–25B AIRCRAFT PROGRAM PENDING SUBMISSION OF DOCUMENTATION.

(a) DOCUMENTATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall

submit to the congressional defense committees an integrated master schedule that has been approved by the Secretary for the VC–25B presidential aircraft recapitalization program of the Air Force.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Air Force for the VC–25B aircraft, not more than 50 percent may be obligated or expended until the date on which the Secretary of the Air Force submits to the congressional defense committees the documentation required under subsection (a).

SEC. 238. LIMITATION ON AVAILABILITY OF FUNDS FOR THE HIGH ACCURACY DETECTION AND EXPLOITATION SYSTEM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for research, development, test, and evaluation for the Army for the High Accuracy Detection and Exploitation System, not more than 75 percent may be obligated or expended until the Vice Chairman of the Joint Chiefs of Staff certifies to the congressional defense committees that—

(1) the High Accuracy Detection and Exploitation System enables multi-domain operations for the Army and is consistent with the Joint All Domain Command and Control strategy of the Department of Defense; and

(2) in a conflict, the System will be able to operate at standoff distances for survivability against enemy air defenses, while providing signals intelligence, electronic intelligence, communications intelligence, or synthetic aperture radar or moving target indicator information to the ground component commander, consistent with planned operational concepts.

Subtitle C—Plans, Reports, and Other Matters

SEC. 241. MODIFICATION TO ANNUAL REPORT OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Section 139(h)(2) of title 10, United States Code, is amended by striking '', through January 31, 2026''.

SEC. 242. ADAPTIVE ENGINE TRANSITION PROGRAM ACQUISITION STRATEGY FOR THE F–35A AIRCRAFT.

(a) IN GENERAL.—Not later than 14 days after the date on which the budget of the President for fiscal year 2023 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of the Air Force, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, shall submit to the congressional defense committees a report on the integration of the Adaptive Engine Transition Program propulsion system into the F–35A aircraft.

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

(1) A competitive acquisition strategy, informed by fiscal considerations, to—

(A) integrate the Adaptive Engine Transition Program propulsion system into the F–35A aircraft; and

(B) begin, not later than fiscal year 2027, activities to retrofit all F–35A aircraft with such propulsion system.

(2) An implementation plan to implement such strategy.

(3) A schedule annotating pertinent milestones and yearly fiscal resource requirements for the implementation of such strategy.

SEC. 243. ACQUISITION STRATEGY FOR AN ADVANCED PROPULSION SYSTEM FOR F–35B AND F–35C AIRCRAFT.

(a) IN GENERAL.—Not later than 14 days after the date on which the budget of the President for fiscal year 2023 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of the Navy, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, shall submit to the congressional defense committees a report on the integration of an advanced propulsion system into F–35B and F–35C aircraft.

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

(1) An analysis the effects of an advanced propulsion system on the combat effectiveness and sustainment costs of F–35B and F–35C aircraft, including any effects resulting from—

(A) increased thrust, fuel efficiency, thermal capacity, and electrical generation; and

(B) improvements in acceleration, speed, range, and overall mission effectiveness.

(2) An assessment of how the integration of an advanced propulsion system may result in—

(A) a reduction in dependency on support assets, including air refueling and replenishment tankers; and

(B) an overall cost benefit to the Department from reduced acquisition and sustainment for such support assets.

(3) A competitive acquisition strategy (informed by fiscal considerations, the assessment of combat effectiveness under paragraph (1), and consideration of technical limitations)—

(A) to integrate an advanced propulsion system into F–35B aircraft and F–35C aircraft;

(B) to begin, not later than fiscal year 2027, activities to produce all F–35B aircraft and all F–35C aircraft with such propulsion systems; and

(C) to begin, not later than fiscal year 2027, activities to retrofit all F–35B aircraft and all F–35C aircraft with such propulsion systems.

(c) ADVANCED PROPULSION SYSTEM DEFINED.—In this section, term ''advanced propulsion system'' means—

(1) a derivative of the propulsion system developed for the F–35 aircraft under the Adaptive Engine Transition Program of the Air Force; or

(2) a derivative of a propulsion system previously developed for the F–35 aircraft.

SEC. 244. ASSESSMENT OF THE DEVELOPMENT AND TEST ENTERPRISE OF THE AIR FORCE RESEARCH LABORATORY.

(a) ASSESSMENT REQUIRED.—The Secretary of the Air Force shall conduct an assessment of the ability of the Air Force Research Laboratory to effectively carry out development and testing activities with respect to the capabilities of the Space Force specific to space access and space operations.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the results of the assessment conducted under subsection (a). The report shall include an explanation of—

(1) any challenges to the development and testing capabilities of the Air Force Research Laboratory as described subsection (a), including any challenges relating to test activities and infrastructure;

(2) any changes to the organizational structure of the Laboratory that may be needed to enable the laboratory to adequately address the missions of both the Space Force and the Air Force generally, and the amount of funding, if any, required to implement such changes;

(3) any barriers to the recapitalization of the testing infrastructure of the Laboratory; and

(4) the plans of the Secretary to address the issues identified under paragraphs (1) through (3).

SEC. 245. STUDY ON EFFICIENT USE OF DEPARTMENT OF DEFENSE TEST AND EVALUATION ORGANIZATIONS, FACILITIES, AND LABORATORIES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a study on the resources and capabilities of the test and evaluation organizations, facilities, and laboratories of the Department of Defense.

(2) PARTICIPATION.—Participants in the study conducted under paragraph (1) shall include the following:

(A) Such members of the Defense Science Board as the Chairman of the Board considers appropriate for the study.

(B) Such additional temporary members or contracted support as the Secretary—

(i) selects from those recommended by the Chairman for purposes of the study; and

(ii) considers to have significant technical, policy, or military expertise relevant to defense test and evaluation missions.

(3) ELEMENTS.—The study conducted under paragraph (1) shall include the following:

(A) Assessment of the effectiveness of current developmental testing, operational testing, and integrated testing within the Department of Defense in meeting statutory objectives and the test and evaluation requirements of the Adaptive Acquisition Framework.

(B) Identification of industry and government best practices for conducting developmental testing, operational testing, and integrated testing.

(C) Potential applicability of industry and government best practices for conducting developmental testing, operational testing, and integrated testing within the Department to improve test and evaluation outcomes.

(D) Identification of duplication of efforts and other non- or low-value added activities that reduce speed and effectiveness of test and evaluation activities.

(E) Assessment of test and evaluation oversight organizations within the Office of the Secretary of Defense, including their authorities, responsibilities, activities, resources, and effectiveness, including with respect to acquisition programs of the military departments and Defense Agencies.

(F) Assessment of the research, development, test, and evaluation infrastructure master plan required under section 252 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2358 note).

(F) Development and assessment of potential courses of action to improve the effectiveness of oversight of developmental testing, operational testing, and integrated testing activities, and test and evaluation resources within the Office of the Secretary of Defense, including as one such course of action establishing a single integrated office with such responsibilities.

(G) Development of such recommendations as the Defense Science Board may have for legislative changes, authorities, organizational realignments, and administrative actions to improve test and evaluation oversight and capabilities, and facilitate better test and evaluation outcomes.

(H) Such other matters as the Secretary considers appropriate.

(4) ACCESS TO INFORMATION.—The Secretary of Defense shall provide the Defense Science Board with timely access to appropriate information, data, resources, and analysis so that the Board may conduct a thorough and independent analysis as required under this subsection.

(5) REPORT.—

(A) REPORT OF BOARD.—Not later than one year after the date on which the Secretary of Defense directs the Defense Science Board to conduct the study under paragraph (1), or December 1, 2022, whichever occurs earlier, the Board shall transmit to the Secretary a final report on the study.

(B) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date on which the Secretary of Defense receives the final report under subparagraph (A), the Secretary shall submit to the congressional defense committees such report and such comments as the Secretary considers appropriate.

(b) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a briefing on the schedule and plan to execute activities under this section.

SEC. 246. REPORT ON AUTONOMY INTEGRATION IN MAJOR WEAPON SYSTEMS.

(a) REPORT REQUIRED.—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 on activities to resource and integrate autonomy software into appropriate systems to enable the continued operational capability of such systems in GPS-denied environments by fiscal year 2025.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) a list of systems, to be selected by the Secretary of Defense, which can be integrated with autonomy software as described in subsection (a) by fiscal year 2025;

(2) timelines for integrating autonomy software into the systems as identified under paragraph (1);

(3) funding requirements related to the development, acquisition, and testing of autonomy software for such systems;

(4) plans to leverage advanced artificial intelligence technologies, as appropriate, for such systems;

(5) plans for ensuring the safety and security of such systems equipped with autonomy software, including plans for testing, evaluation, validation, and verification of such systems; and

(6) a list of Department of Defense policies in effect as of the date of the report that would need to be modified or revoked in order to implement the software integration described in subsection (a).

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

SEC. 247. REPORTS AND BRIEFINGS ON RECOMMENDATIONS OF THE NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE REGARDING THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—On an annual basis during the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the recommendations made by the National Security Commission on Artificial Intelligence with respect to the Department of Defense. Each such report shall include—

(1) for each such recommendation, a determination of whether the Secretary of Defense intends to implement the recommendation;

(2) in the case of a recommendation the Secretary intends to implement, the intended timeline for implementation, a description of any additional resources or authorities required for such implementation, and the plan for such implementation;

(3) in the case of a recommendation the Secretary determines is not advisable or feasible, the analysis and justification of the Secretary in making that determination; and

(4) in the case of a recommendation the Secretary determines the Department is already implementing through a separate line of effort, the analysis and justification of the Secretary in making that determination.

(b) BRIEFINGS REQUIRED.—Not less frequently than once each year during the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on—

(1) the progress of the Secretary in analyzing and implementing the recommendations made by the National Security Commission on Artificial Intelligence with respect to the Department of Defense;

(2) any programs, projects, or other activities of the Department that are being carried out to advance the recommendations of the Commission; and

(3) the amount of funding provided for such programs, projects, and activities.

TITLE III—OPERATION AND MAINTENANCE

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 2022 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. INCLUSION OF IMPACTS ON MILITARY INSTALLATION RESILIENCE IN THE NATIONAL DEFENSE STRATEGY AND ASSOCIATED DOCUMENTS.

(a) NATIONAL DEFENSE STRATEGY AND DEFENSE PLANNING GUIDANCE.—Section 113(g) of title 10, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) in clause (ii), by striking ''actors,'' and inserting ''actors, and the current or projected threats to military installation resilience,''; and

(B) by inserting after clause (ix), the following new clause:

''(x) Strategic goals to address or mitigate the current and projected risks to military installation resilience.''; and

(2) in paragraph (2)(A), in the matter preceding clause (i), by striking ''priorities,'' and inserting ''priorities, including priorities relating to the current or projected risks to military installation resilience,''.

(b) NATIONAL DEFENSE SUSTAINMENT AND LOGISTICS REVIEW.—

(1) IN GENERAL.—The first section 118a of such title is amended—

(A) in subsection (a), by striking ''capabilities,'' and inserting ''capabilities, response to risks to military installation resilience,'';

(B) by redesignating such section, as amended by subparagraph (A), as section 118b; and

(C) by moving such section so as to appear after section 118a.

(2) CLERICAL AND CONFORMING AMENDMENTS.—

(A) CLERICAL AMENDMENTS.—The table of sections for chapter 2 of such title is amended—

(i) by striking the first item relating to section 118a; and

(ii) by inserting after the item relating to section 118a the following new item:

''118b. National Defense Sustainment and Logistics Review.''.

(B) CONFORMING AMENDMENT.—Section 314(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking ''section 118a'' and inserting ''section 118b''.

(c) CHAIRMAN'S RISK ASSESSMENT.—Section 153(b)(2)(B) of title 10, United States Code, is amended by inserting after clause (vi) the following new clause:

''(vii) Identify and assess risk resulting from, or likely to result from, current or projected effects on military installation resilience.''.

(d) STRATEGIC DECISIONS RELATING TO MILITARY INSTALLATIONS.—The Secretary of each military department, with respect to any installation under the jurisdiction of that Secretary, and the Secretary of Defense, with respect to any installation of the Department of Defense that is not under the jurisdiction of the Secretary of a military department, shall consider the strategic risks associated with military installation resilience.

(e) NATIONAL DEFENSE STRATEGY AND NATIONAL MILITARY STRATEGY.—The Secretary of Defense, in coordination with the heads of such other Federal agencies as the Secretary determines appropriate, shall incorporate the security implications of military installation resilience into the National Defense Strategy and the National Military Strategy.

(f) NATIONAL SECURITY PLANNING DOCUMENTS.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall consider the security implications associated with military installation resilience in developing the Defense Planning Guidance under section 113(g)(2) of title 10, United States Code, the Risk Assessment of the Chairman of the Joint Chiefs of Staff under section 153(b)(2) of such title, and other relevant strategy, planning, and programming documents and processes.

(g) CAMPAIGN PLANS OF COMBATANT COMMANDS.—The Secretary of Defense shall ensure that the national security implications associated with military installation resilience are integrated into the campaign plans of the combatant commands.

(h) REPORT ON SECURITY IMPLICATIONS ASSOCIATED WITH MILITARY INSTALLATION RESILIENCE.—

(1) REPORT.—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 describing how the aspects of military installation resilience have been incorporated into modeling, simulation, war-gaming, and other analyses by the Department of Defense.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(i) MODIFICATION TO ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT, ENERGY RESILIENCE, AND MISSION ASSURANCE AND READINESS.—

(1) MODIFICATION.—Section 2925(a) of title 10, United States Code, is amended—

(A) by redesignating paragraph (8) as paragraph (10); and

(B) by inserting after paragraph (7) the following new paragraphs:

''(8) A description of the effects on military readiness, and an estimate of the financial costs to the Department of Defense, reasonably attributed to adverse impacts to military installation resilience during the year preceding the submission of the report, including loss of or damage to military networks, systems, installations, facilities, and other assets and capabilities of the Department.

''(9) An assessment of vulnerabilities to military installation resilience.''.

(2) USE OF ASSESSMENT TOOL.—The Secretary shall use the Climate Vulnerability and Risk Assessment Tool of the Department (or such successor tool) in preparing each report under section 2925(a) of title 10, United States Code (as amended by paragraph (1)).

(j) DEFINITIONS.—In this section:

(1) The term ''military installation resilience'' has the meaning given that term in section 101(e) of title 10, United States Code.

(2) The term ''National Defense Strategy'' means the national defense strategy under section 113(g)(1) of such title.

(3) The term ''National Military Strategy'' means the national military strategy under section 153(b) of such title.

SEC. 312. ENERGY EFFICIENCY TARGETS FOR DEPARTMENT OF DEFENSE DATA CENTERS.

(a) ENERGY EFFICIENCY TARGETS FOR DATA CENTERS.—

(1) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2921. Energy efficiency targets for data centers

''(a) COVERED DATA CENTERS.—(1) For each covered data center, the Secretary of Defense shall—

''(A) develop a power usage effectiveness target for the data center, based on location, resiliency, industry standards, and best practices;

''(B) develop a water usage effectiveness target for the data center, based on location, resiliency, industry standards, and best practices;

''(C) develop other energy efficiency or water usage targets for the data center based on industry standards and best practices, as applicable to meet energy efficiency and resiliency goals;

''(D) identify potential renewable or clean energy resources, or related technologies such as advanced battery storage capacity, to enhance resiliency at the data center, including potential renewable or clean energy purchase targets based on the location of the data center; and

''(E) identify any statutory, regulatory, or policy barriers to meeting any target under any of subparagraphs (A) through (C).

''(2) The Secretary of Defense shall ensure that targets developed under paragraph (1) are consistent with guidance issued by the Secretary of Energy.

''(3) In this subsection, the term 'covered data center' means a data center of the Department of Defense that—

''(A) is one of the 50 data centers of the Department with the highest annual power usage rates; and

''(B) has been established before the date of the enactment of this section.

''(b) NEW DATA CENTERS.—(1) Except as provided in paragraph (2), in the case of any Department of Defense data center established on or after the date of the enactment of this section, the Secretary of Defense shall establish energy, water usage, and resiliency-related standards that the data center shall be required to meet based on location, resiliency, industry and Federal standards, and best practices. Such standards shall include—

''(A) power usage effectiveness standards;

''(B) water usage effectiveness standards; and

''(C) any other energy or resiliency standards the Secretary determines are appropriate.

''(2) The Secretary may waive the requirement for a Department data center established on or after the date of the enactment of this section to meet the standards established under paragraph (1) if the Secretary—

''(A) determines that such waiver is in the national security interest of the United States; and

''(B) submits to the Committee on Armed Services of the House of Representatives notice of such waiver and the reasons for such waiver.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2920 the following new item:

''2921. Energy efficiency targets for data centers.''.

(b) INVENTORY OF DATA FACILITIES.—

(1) INVENTORY REQUIRED.—By not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an inventory of all data centers owned or operated by the Department of Defense. Such survey shall include the following:

(A) A list of data centers owned or operated by the Department of Defense.

(B) For each such data center, the earlier of the following dates:

(i) The date on which the data center was established.

(ii) The date of the most recent capital investment in new power, cooling, or compute infrastructure at the data center.

(C) The total average annual power use, in kilowatts, for each such data center.

(D) The number of data centers that measure power usage effectiveness and, for each such data center, the power usage effectiveness for the center.

(E) The number of data centers that measure water usage effectiveness and, for each such data center, the water usage effectiveness for the center.

(F) A description of any other existing energy efficiency or efficient water usage metrics used by any data center and the applicable measurements for any such center.

(G) An assessment of the facility resiliency of each data center, including redundant power and cooling facility infrastructure.

(H) Any other matters determined relevant by the Secretary.

(c) REPORT.—Not later than 180 days after the completion of the inventory required under subsection (b), the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives a report on the inventory and the energy assessment targets under section 2921(a) of title 10, United States Code, as added by subsection (a). Such report shall include the following:

(1) A timeline of necessary actions required to meet the energy assessment targets for covered data centers.

(2) The estimated costs associated with meeting such targets.

(3) An assessment of the business case for meeting such targets, including any estimated savings in operational energy and water costs and estimated reduction in energy and water usage if the targets are met.

(4) An analysis of any statutory, regulatory, or policy barriers to meeting such targets identified pursuant to section 2921(a)(E) of title 10, United States Code, as added by subsection (a).

(d) DATA CENTER DEFINED.—In this section, the term ''data center'' has the meaning given such term in the most recent Integrated Data Collection guidance of the Office of Management and Budget.

SEC. 313. GRANTS FOR MAINTAINING OR IMPROVING MILITARY INSTALLATION RESILIENCE.

Section 2391 of title 10, United States Code, is amended—

(1) in subsection (b)(5), by adding at the end the following new subparagraph:

''(D) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds, in order to assist a State or local government in planning, enhancing infrastructure, and implementing measures and projects (to include resilience measures and projects involving the protection, restoration, and maintenance of natural features) that, as determined by the Secretary of Defense, will contribute to maintaining or improving military installation resilience or will prevent or mitigate encroachment that could affect operations of the Department of Defense.''; and

(2) in subsection (e)(1), by striking ''subsection (b)(1)(D)'' and inserting ''paragraphs (1)(D) and (E) and (5)(D) of subsection (b) and subsection (d)''.

SEC. 314. MAINTENANCE OF CURRENT ANALYTICAL TOOLS IN EVALUATING ENERGY RESILIENCE MEASURES.

(a) IN GENERAL.—Section 2911 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i) ASSESSMENT OF LIFE-CYCLE COSTS AND PERFORMANCE OF POTENTIAL ENERGY RESILIENCE PROJECTS.—(1) Subject to the availability of appropriations, the Secretary of Defense shall develop and institute a process to ensure that the Department of Defense, when evaluating energy resilience measures, uses analytical tools that are accurate and effective in projecting the costs and performance of such measures.

''(2) Analytical tools used under paragraph (1) shall be—

''(A) designed to—

''(i) provide an accurate projection of the costs and performance of the energy resilience measure being analyzed;

''(ii) be used without specialized training; and

''(iii) produce resulting data that is understandable and usable by the typical source selection official;

''(B) consistent with standards and analytical tools commonly applied by the Department of Energy and by commercial industry;

''(C) adaptable to accommodate a rapidly changing technological environment;

''(D) peer reviewed for quality and precision and measured against the highest level of development for such tools; and

''(E) periodically reviewed and updated, but not less frequently than once every three years.''.

(b) REPORTING REQUIREMENT.—If amounts are appropriated to carry out the requirements under subsection (i) of section 2911 of title 10, United States Code, as added by subsection (a), not later than September 30, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the execution by the Secretary of such requirements.

SEC. 315. AUTHORITY TO TRANSFER AMOUNTS DERIVED FROM ENERGY COST SAVINGS.

Section 2912 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''until expended'' and inserting ''for that fiscal year and the succeeding fiscal year''; and

(2) by adding at the end the following new subsection:

''(e) TRANSFER OF AMOUNTS.—(1) The Secretary of Defense may transfer amounts described in subsection (a) that remain available for obligation to other funding accounts of the Department of Defense if the purpose for which such amounts will be used is a purpose specified in subsection (b) or (c).

''(2) Amounts transferred to a funding account of the Department under paragraph (1) shall be available for obligation for the same period as amounts in that account.

''(3) At the end of each fiscal year, the Secretary of Defense shall submit to Congress a report detailing any funds transferred pursuant to paragraph (1) during that fiscal year, including a detailed description of the purpose for which such amounts have been used.''.

SEC. 316. EXEMPTION FROM PROHIBITION ON USE OF OPEN-AIR BURN PITS IN CONTINGENCY OPERATIONS OUTSIDE THE UNITED STATES.

Section 317(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2701 note) is amended by adding at the end the following new paragraphs:

''(3) EXEMPTION AUTHORITY FOR CERTAIN LOCATIONS.—

''(A) IN GENERAL.—The Secretary may exempt a location from the prohibition under paragraph (1) if the Secretary determines it is in the paramount interest of the United States to do so.

''(B) NONDELEGATION.—The Secretary may not delegate the authority under subparagraph (A).

''(4) REPORTING REQUIREMENT FOR LOCATION EXEMPTIONS.—

''(A) IN GENERAL.—Not later than 30 days after granting an exemption pursuant to paragraph (3)(A) with respect to the use of an open-air burn pit at a location, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written report that identifies—

''(i) the location of the open-air burn pit;

''(ii) the number of personnel of the United States assigned to the location where the open-air burn pit is being used;

''(iii) the size and expected duration of use of the open-air burn pit;

''(iv) the personal protective equipment or other health risk mitigation efforts that will be used by members of the armed forces when airborne hazards are present, including how such equipment will be provided when required; and

''(v) the need for the open-air burn pit and rationale for granting the exemption.

''(B) FORM.—A report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 317. EXPANSION OF PURPOSES OF SENTINEL LANDSCAPES PARTNERSHIP PROGRAM TO INCLUDE RESILIENCE.

(a) IN GENERAL.—Section 317 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2684a note) is amended—

(1) in subsection (a), in the first sentence, by inserting ''and restore'' after ''to preserve'';

(2) in subsection (c)—

(A) by inserting ''resilience,'' after ''benefit of conservation,''; and

(B) by inserting '', resilience,'' after ''land management'';

(3) in subsection (d), in the second sentence, by inserting ''by an eligible landowner or agricultural producer'' after ''Participation'';

(4) by redesignating subsection (e) as subsection (f);

(5) by inserting after subsection (d) the following new subsection (e):

''(e) PARTICIPATION BY OTHER AGENCIES.—Other Federal agencies with programs addressing conservation or resilience may, and are encouraged to—

''(1) participate in the activities of the Sentinel Landscapes Partnership; and

''(2) become full partners in the Sentinel Landscapes Partnership.''; and

(6) in subsection (f), as redesignated by paragraph (4), by adding at the end the following new paragraph:

''(4) RESILIENCE.—The term 'resilience' means the capability to avoid, prepare for, minimize the effect of, adapt to, and recover from extreme weather events, flooding, wildfire, or other anticipated or unanticipated changes in environmental conditions.''.

(b) INCLUSION OF PROGRAM INFORMATION IN CERTAIN ANNUAL REPORTS.—Section 2684a(g)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) Information concerning the activities undertaken pursuant to the Sentinel Landscapes Partnership established under section 317 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2684a note).''.

(c) CONSERVATION AND CULTURAL ACTIVITIES.—Section 2694 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''or involves a sentinel landscape'' before the semicolon; and

(ii) in subparagraph (B), by inserting ''or that would contribute to maintaining or improving military installation resilience'' before the semicolon; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or nature-based climate resilience plans'' before the period; and

(ii) in subparagraph (F)—

(I) in clause (i)—

(aa) by striking ''single ecosystem that encompasses'' and inserting ''single ecosystem—

''(I) that encompasses'';

(bb) by redesignating clause (ii) as subclause (II) and moving such subclause, as so redesignated, two ems to the right; and

(cc) in subclause (II), as redesignated by item (bb), by striking the period at the end and inserting ''; or''; and

(II) by adding at the end the following new clause (ii):

''(ii) for one or more ecosystems within a sentinel landscape.''; and

(2) by adding at the end the following new subsection:

''(e) SENTINEL LANDSCAPE DEFINED.—In this section, the term 'sentinel landscape' has the meaning given that term in section 317(f) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2684a note).''.

SEC. 318. INSPECTION OF PIPING AND SUPPORT INFRASTRUCTURE AT RED HILL BULK FUEL STORAGE FACILITY, HAWAI'I.

(a) SENSE OF CONGRESS.—In order to fully effectuate national security, assure the maximum safe utilization of the Red Hill Bulk Fuel Storage Facility in Honolulu, Hawai'i, and fully address concerns as to potential impacts of the facility on public health, it is the sense of Congress that the Secretary of the Navy and the Defense Logistics Agency should—

(1) operate and maintain the Red Hill Bulk Fuel Storage Facility to the highest standard possible; and

(2) require safety inspections to be conducted more frequently based on the corrosion rate of the piping and overall condition of the pipeline system and support equipment at the facility.

(b) INSPECTION REQUIREMENT.—

(1) INSPECTION REQUIRED.—The Secretary of the Navy shall direct the Naval Facilities Engineering Command to conduct an inspection of

the pipeline system, supporting infrastructure, and appurtenances, including valves and any other corrosion prone equipment, at the Red Hill Bulk Fuel Storage Facility.

(2) INSPECTION AGENT; STANDARDS.—The inspection required by this subsection shall be performed—

(A) by an independent American Petroleum Institute certified inspector who will present findings of the inspection and options to the Secretary of the Navy for improving the integrity of the Red Hill Bulk Fuel Storage Facility and its appurtenances; and

(B) in accordance with the Unified Facilities Criteria (UFC-3-460-03) and American Petroleum Institute 570 inspection standards.

(3) EXCEPTION.—The inspection required by this subsection excludes the fuel tanks at the Red Hill Bulk Fuel Storage Facility.

(c) LIFE-CYCLE SUSTAINMENT PLAN.—In conjunction with the inspection required by subsection (b), the Naval Facilities Engineering Command shall prepare a life-cycle sustainment plan for the Red Hill Bulk Fuel Storage Facility, which shall consider the current condition and service life of the tanks, pipeline system, and support equipment.

(d) CONSIDERATION OF ALTERNATIVES TO RED HILL BULK FUEL STORAGE FACILITY.—The Secretary of Defense shall conduct an assessment of possible alternatives to the Red Hill Bulk Fuel Storage Facility for bulk fuel storage, including consideration of at least three locations outside of the State of Hawai'i. The assessment shall be based on the overall requirement to support the fuel requirements of the Pacific Fleet, the costs and timeline for recapitalization of the Red Hill Bulk Fuel Storage Facility to the standards delineated in subsection (b)(2)(B), and the costs and timeline to establish an alternative location for secure bulk fuel storage.

(e) REPORTING REQUIREMENT.—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 containing—

(1) the results of the independent inspection of the Red Hill Bulk Fuel Storage Facility conducted under subsection (b);

(2) the life-cycle sustainment plan prepared by the Naval Facilities Engineering Command under subsection (c);

(3) the results of the assessment conducted by the Secretary under subsection (d) of possible alternatives to the Red Hill Bulk Fuel Storage Facility; and

(4) options on improving the security and maintenance of the Red Hill Bulk Fuel Storage Facility.

SEC. 319. ENERGY, WATER, AND WASTE NET-ZERO REQUIREMENT FOR MAJOR MILITARY INSTALLATIONS.

(a) REQUIREMENT.—The Secretary of Defense shall improve military installation efficiency, performance, and management by ensuring that at least 10 percent of major military installations achieve energy net-zero and water or waste net-zero by fiscal year 2035.

(b) STUDY ON REQUIREMENT.—

(1) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall seek to enter into a contract with a federally funded research and development center to carry out a study on the net-zero requirement specified in subsection (a) that assesses, at a minimum, the following:

(A) Potential methods or strategies to achieve such requirement by the fiscal year 2035 deadline.

(B) The resiliency of major military installations subject to such requirement with respect to grid or other utility disruptions.

(C) The life-cycle costs related to such requirement.

(D) Computation methods for determining such life-cycle costs.

(E) Such other matters as the federally funded research and development center carrying out the study determines appropriate.

(2) DEADLINE.—The study under paragraph (1) shall be completed by not later than February 1, 2023.

(3) BRIEFING.—Upon completion of the study under paragraph (1), the Secretary shall provide to the Committees on Armed Services of the House of Representatives and Senate a briefing on the findings of the study.

(c) STATUS REPORT AND BRIEFINGS ON PROGRESS TOWARD MEETING CURRENT GOAL REGARDING USE OF RENEWABLE ENERGY TO MEET FACILITY ENERGY NEEDS.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and Senate a report on the progress the Secretary has made toward meeting the goal described in section 2911(g)(1)(A) of title 10, United States Code, with respect to fiscal year 2025.

(2) BRIEFINGS.—During fiscal year 2022 and each succeeding fiscal year through fiscal year 2025, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and Senate a briefing on the progress the Secretary has made toward meeting the goal described in section 2911(g)(1)(A) of title 10, United States Code, with respect to fiscal year 2025.

(d) MAJOR MILITARY INSTALLATION DEFINED.—In this section, the term ''major military installation'' has the meaning given to the term ''large site'' in the most recent version of the Department of Defense Base Structure Report issued before the date of the enactment of this Act.

SEC. 320. DEMONSTRATION PROGRAM ON DOMESTIC PRODUCTION OF RARE EARTH ELEMENTS FROM COAL BYPRODUCTS.

(a) DEMONSTRATION PROGRAM REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a demonstration program on recovering rare earth elements and critical minerals from acid mine drainage and other coal byproducts.

(b) PARTNERSHIP.—In carrying out the demonstration program required by subsection (a), the Secretary shall seek to enter into a partnership with one or more institutions of higher education that can demonstrate techniques for recovering rare earth elements and critical minerals from acid mine drainage and other coal byproducts, as the Secretary considers applicable.

(c) ELEMENTS.—The demonstration program required by subsection (a) shall address the following:

(1) The efficacy of separating rare earth elements and critical minerals from acid mine drainage.

(2) The feasibility of bringing such technology to commercialized scale.

(3) Domestic locations that are appropriate for the deployment of such technology.

(4) The ability of such technology to meet the requirements of the defense industrial base to supplement the rare earth element and critical mineral needs of the Department of Defense.

(d) DURATION.—The demonstration program required by subsection (a) shall be carried out during the one-year period beginning on the date of the commencement of the demonstration program.

(e) BRIEFING.—Not later than 120 days after the date of the completion of the demonstration program required by subsection (a), the Secretary and the program manager of the institute of higher education with whom the Secretary partners pursuant to subsection (b) shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the elements of the demonstration program set forth under subsection (c).

SEC. 321. LONG-DURATION DEMONSTRATION INITIATIVE AND JOINT PROGRAM.

(a) ESTABLISHMENT OF INITIATIVE.—Not later than March 1, 2022, the Secretary of Defense shall establish a demonstration initiative composed of demonstration projects focused on the development of long-duration energy storage technologies.

(b) SELECTION OF PROJECTS.—To the maximum extent practicable, in selecting demonstration projects to participate in the demonstration initiative under subsection (a), the Secretary of Defense 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.

(c) JOINT PROGRAM.—

(1) ESTABLISHMENT.—As part of the demonstration initiative under subsection (a), the Secretary of Defense, in consultation with the Secretary of Energy, 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 180 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a memorandum of understanding with the Secretary of Energy to administer the joint program.

(3) INFRASTRUCTURE.—In carrying out the joint program, the Secretary of Defense and the Secretary of Energy 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 Secretary of Defense and the Secretary of Energy 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 Secretary of Defense and the Secretary of Energy may—

(i) ensure that projects are carried out under conditions that represent a variety of environments with different physical conditions and market constraints; and

(ii) ensure an appropriate balance of—

(I) larger, operationally-scaled projects, adapting commercially-proven technology that meets military service defined requirements; and

(II) smaller, lower-cost projects.

(B) PRIORITY.—In carrying out the joint program, the Secretary of Defense and the Secretary of Energy 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 as field demonstrations fully integrated into the installation grid at an operational scale.

SEC. 322. PILOT PROGRAM TO TEST NEW SOFTWARE TO TRACK EMISSIONS AT CERTAIN MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense may conduct a pilot program (to be known as the ''Installations Emissions Tracking Program'') to evaluate the feasibility and effectiveness of software and emerging technologies and methodologies to track real-time emissions from military installations and installation assets.

(b) GOALS.—The goals of the Installations Emissions Tracking Program shall be—

(1) to evaluate the capabilities of software and emerging technologies and methodologies to effectively track emissions in real time; and

(2) to reduce energy costs and increase efficiencies.

(c) LOCATIONS.—If the Secretary conducts the Installations Emissions Tracking Program, the Secretary shall select, for purposes of the Program, four major military installations located in different geographical regions of the United States.

SEC. 323. DEPARTMENT OF DEFENSE PLAN TO REDUCE GREENHOUSE GAS EMISSIONS.

(a) PLAN REQUIRED.—Not later than September 30, 2022, the Secretary of Defense shall submit to Congress a plan to reduce the greenhouse gas emissions of the Department of Defense.

(b) BRIEFINGS.—The Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate annual briefings on the progress of the Department of Defense toward meeting science-based emissions targets in the plan required by subsection (a).

Subtitle C—National Security Climate Resilience

SEC. 331. DEFINITIONS.

In this subtitle:

(1) The terms ''climate resilience'' and ''extreme weather'' have the meanings given such terms in section 101(a) of title 10, United States Code, as amended by section 332.

(2) The term ''climate security'' has the meaning given such term in the second subsection (e) of section 120 of the National Security Act of 1947 (50 U.S.C. 3060(e)).

(3) The term ''military installation resilience'' has the meaning given such term in section 101(e) of title 10, United States Code.

SEC. 332. CLIMATE RESILIENCE INFRASTRUCTURE INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) CLIMATE RESILIENCE INFRASTRUCTURE INITIATIVE.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2285. Department of Defense Climate Resilience Infrastructure Initiative

''(a) DESIGNATION.—The programs, practices, and activities carried out pursuant to this section shall be known collectively as the 'Climate Resilience Infrastructure Initiative of the Department of Defense'.

''(b) HARDENING AND QUICK RECOVERY.—In carrying out military installation resilience plans pursuant to section 2864 of this title, the Secretary of Defense shall ensure that the development by the Department of Defense of requirements for backup utilities, communications, and transportation to ensure that the critical infrastructure of Department facilities is hardened, developed, and constructed for quick recovery from natural disasters and the impacts of extreme weather.

''(d) SUSTAINMENT AND MODERNIZATION.—The Secretary shall develop sustainment and modernization requirements for facilities of the Department in connection with climate resilience.

''(e) COLLABORATION IN PLANNING WITH LOCAL COMMUNITIES.—The Secretary shall develop, within existing frameworks for collaborative activities between military installations and State and local communities, and in addition to the requirements of section 2864(c) of this title, a framework that authorizes and directs installation commanders to engage with State, regional, and local agencies, and with local communities, on planning for climate resilience, to enhance efficient response to impacts of extreme weather and secure collaborative investment in infrastructure that is resilient to the current and projected impacts of extreme weather.

''(f) TESTING AND TRAINING RANGE LANDS.—

''(1) PRACTICES FOR SUSTAINMENT OF LANDS.—The Secretary shall develop and implement practices to sustain the lands of the military testing and training ranges of the Department, and the lands of testing and training ranges on State-owned National Guard installations, through the adaptation and resilience of such lands to the current and projected impacts of extreme weather to ensure the ongoing availability of such lands to military personnel, weapon systems, and equipment for testing and training purposes.

''(2) TRAINING AND EDUCATION ON SUSTAINMENT OF LANDS.—The Secretary shall develop a program of training and education for members of the Armed Forces (including the reserve components) on the importance of the sustainment of the lands of the military testing and training ranges as described in paragraph (1).

''(3) INVESTMENT IN RESILIENCE OF LANDS.—The Secretary shall use existing programs of the Department, including the Readiness and Environmental Protection Integration Program of the Department (or such successor program), to provide for investments determined appropriate by the Secretary in the lands of the military testing and training ranges, to increase the resilience and adaptation of such lands to the current and projected impacts of extreme weather for testing and training purposes in connection with current and projected testing and training requirements in the short- and long-term.

''(b) USE OF CERTAIN TECHNOLOGIES.—The Secretary shall take appropriate actions to increase the use of low emission, emission-free, and net-zero-emission energy technologies in the operations, programs, projects, and activities of the Department, provided the use is cost effective over the life-cycle of the investment.''.

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

''2285. Department of Defense Climate Resilience Infrastructure Initiative.''.

(c) DEFINITIONS.—Section 101(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(19) The term 'climate resilience' means the capability to avoid, prepare for, minimize the effect of, adapt to, and recover from, extreme weather, or from anticipated or unanticipated changes in environmental conditions, that do (or have the potential to) adversely affect the national security of the United States or of allies and partners of the United States.

''(20) The term 'extreme weather' means recurrent flooding, drought, desertification, wildfires, thawing permafrost, sea level fluctuation, changes in mean high tides, or any other weather-related event, or anticipated change in environmental conditions, that present (or are projected to present) a recurring annual threat to the climate security of the United States or of allies and partners of the United States.''.

SEC. 333. INCLUSION OF INFORMATION REGARDING EXTREME WEATHER AND CYBER ATTACKS OR DISRUPTIONS IN REPORTS ON NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

Section 2504(3)(B) of title 10, United States Code, is amended by inserting ''(including vulnerabilities related to the current and projected impacts of extreme weather and to cyber attacks or disruptions)'' after ''industrial base''.

SEC. 334. CLIMATE RESILIENCE IN PLANNING, ENGAGEMENT STRATEGIES, INFRASTRUCTURE, AND FORCE DEVELOPMENT OF DEPARTMENT OF DEFENSE.

(a) CLIMATE CHALLENGES AND CLIMATE RESILIENCE IN KEY PROCESSES OF DEPARTMENT OF DEFENSE.—The Secretary of Defense shall direct that the acquisition, budget planning and execution, infrastructure planning and sustainment, force development, engagement strategy development, security assistance, and other core processes of the Department of Defense fully consider and make needed adjustments to account for current and emerging climate and environmental challenges and to ensure the climate resilience of assets and capabilities of the Department, to include cost effectiveness over the life cycle of the investment weighed against threat reduction.

(b) CLIMATE RESILIENCE MISSION IMPACT ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall conduct a mission impact assessment on climate resilience for the Department.

(2) ELEMENTS.—The assessment conducted under paragraph (1) shall include the following:

(A) An assessment of the direct impacts of extreme weather on the deployment and operations of the Armed Forces, and the manner in which extreme weather may impact the requirements of the commanders of the combatant commands in the respective areas of responsibility of such commanders, including—

(i) an assessment of the evolving posture of peer competitors and impacts to deployment and operations of peer competitors due to extreme weather;

(ii) an assessment of the impacts of expanding requirements for Department humanitarian assistance and disaster response due to extreme weather;

(iii) a threat assessment of the impacts of extreme weather, drought, and desertification on regional stability;

(iv) an assessment of risks to home station strategic and operational support area readiness, including the strategic highway network, the strategic rail network, and strategic air and sea ports; and

(v) the development of standards for data collection to assist decision-making processes for research, development, and acquisition priorities for installation and infrastructure resilience to extreme weather.

(B) A long-term strategic plan, including war games and exercises, centered on climate-driven crises, and a long-term assessment of climate security by the Office of Net Assessment of the Department.

(C) A review outlining near-term and long-term needs for research, development, and deployment for equipment and other measures required to assure the resilience of the assets and capabilities of the Department and each component thereof, and of key elements of the defense industrial base and supporting transportation networks, to the impacts of extreme weather.

(c) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and every five years thereafter, the Chairman of the Joint Chiefs of Staff shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the broader strategic and operational impacts of extreme weather on the Department, measures to address such impacts, and progress in implementing new technologies and platforms, training and education methods, and data collection and dissemination for each military department to meet the respective mission requirements of the department.

(2) RESEARCH, DEVELOPMENT, AND DEPLOYMENT NEEDS.—Each report required by paragraph (1) shall identify research, development, and deployment needs for each combatant command and functional command.

SEC. 335. ASSESSMENT OF CLIMATE RISKS TO INFRASTRUCTURE OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall direct the Secretary of each military department to—

(1) assess the vulnerability of installations and other facilities under the jurisdiction of such Secretary, and of State-owned National Guard installations, to the current and projected impacts of extreme weather, using vulnerability and risk assessment tools chosen or developed pursuant to section 326 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1310);

(2) assess the infrastructure required for successful operation of such installations and facilities in response to any such vulnerabilities

and ensure the military installation resilience of such installations and facilities; and

(3) develop installation-specific plans pursuant to section 2864(c) of title 10, United States Code, and similar plans for State-owned National Guard installations, to address such vulnerabilities.

(b) FACILITY ASSESSMENT.—In carrying out subsection (a), the Secretary of each military department shall determine the needs of the military installations and other facilities under the jurisdiction of such Secretary, and of State-owned National Guard installations, based on the level of risks posed by the current and projected impacts of extreme weather, the likelihood of such risks, and the role of such installations and facilities in maintaining overall readiness and operational capability.

(c) CONSIDERATIONS.—In carrying out the assessments and developing the plans required under this section, the Secretary of Defense shall ensure that the cost effectiveness over the life-cycle of the investment, and the feasibility of solutions and technologies, are considered.

Subtitle D—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

SEC. 341. TREATMENT BY DEPARTMENT OF DEFENSE OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new sections:

''§ 2714. Perfluoroalkyl substances and polyfluoroalkyl substances task force

''(a) IN GENERAL.—The Secretary of Defense shall establish a task force to address the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from activities of the Department of Defense (in this section referred to as the 'PFAS Task Force').

''(b) MEMBERSHIP.—The members of the PFAS Task Force are the following:

''(1) The Assistant Secretary of Defense for Energy, Installations, and Environment.

''(2) The Assistant Secretary of the Army for Installations, Energy, and Environment.

''(3) The Assistant Secretary of the Navy for Energy, Installations, and Environment.

''(4) The Assistant Secretary of the Air Force for Installations, Environment, and Energy.

''(5) The Assistant Secretary of Defense for Health Affairs.

''(c) CHAIRMAN.—The Assistant Secretary of Defense for Energy, Installations, and Environment shall be the chairman of the PFAS Task Force.

''(d) SUPPORT.—The Under Secretary of Defense for Personnel and Readiness and such other individuals as the Secretary of Defense considers appropriate shall support the activities of the PFAS Task Force.

''(e) DUTIES.—The duties of the PFAS Task Force are the following:

''(1) Monitoring the health aspects of exposure to perfluoroalkyl substances and polyfluoroalkyl substances, as found by the Secretary of Health and Human Services.

''(2) Identifying, and funding the procurement of, an effective alternative to firefighting foam containing perfluoroalkyl substances or polyfluoroalkyl substances.

''(3) Coordinating within the Department of Defense with respect to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances.

''(4) Assessing the perceptions of Congress and the public of the efforts of the Department of Defense with respect to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from activities of the Department.

''(f) REPORT.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, and quarterly thereafter, the Chairman of the PFAS Task Force shall submit to Congress a report on the activities of the task force.

''(g) DEFINITIONS.—In this section:

''(1) The term 'perfluoroalkyl substance' means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

''(2) The term 'polyfluoroalkyl substance' means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

''§ 2715. Testing for perfluoroalkyl substances and polyfluoroalkyl substances at military installations and facilities of the National Guard

''(a) IN GENERAL.—Not later than two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense shall complete preliminary assessment and site inspection testing for perfluoroalkyl substances and polyfluoroalkyl substances at all military installations and facilities of the National Guard located in the United States that are identified as of March 31, 2021, as having a release of perfluoroalkyl substances or polyfluoroalkyl substances.

''(b) DETERMINATION OF CONTAMINATION.—Testing conducted under subsection (a) at a military installation or facility of the National Guard shall determine—

''(1) whether the installation or facility has contamination from a perfluoroalkyl substance or polyfluoroalkyl substance; and

''(2) whether activities in connection with such installation or facility have caused contamination from a perfluoroalkyl substance or polyfluoroalkyl substance outside of such installation or facility.

''(c) ADDITIONAL RESPONSE ACTIONS.—Testing conducted under subsection (a) shall provide at least a preliminary basis for determining whether additional environmental response actions are necessary to address contamination from a perfluoroalkyl substance or polyfluoroalkyl substance.

''(d) TYPE OF TESTING.—When testing for perfluoroalkyl substances or polyfluoroalkyl substances under subsection (a) or any other provision of law, the Secretary shall use a method to measure for all perfluoroalkyl substances or polyfluoroalkyl substances in drinking water that has been validated by the Administrator of the Environmental Protection Agency.

''(e) DEFINITIONS.—In this section:

''(1) The term 'military installation' has the meaning given such term in section 2801(c)(4) of this title.

''(2) The terms 'perfluoroalkyl substance' and 'polyfluoroalkyl substance' have the meanings given such terms in section 2714 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following new items:

''2714. Perfluoroalkyl substances and polyfluoroalkyl substances task force.

''2715. Testing for perfluoroalkyl substances and polyfluoroalkyl substances at military installations and facilities of the National Guard.''.

(c) REPORTS ON STATUS OF TESTING.—

(1) SUBMISSION.—For each of fiscal years 2022 through 2024, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the status of the testing conducted under section 2715(a) of title 10, United States Code (as added by subsection (a)), during such year.

(2) MATTERS.—Each report submitted under paragraph (1) shall identify, with respect to testing conducted under such section 2715(a)—

(A) each military installation or facility where testing has been completed;

(B) each military installation or facility where testing has not yet been completed;

(C) the projected completion date for testing at military installations or facilities where testing has not yet been completed;

(D) the results of testing at military installations or facilities where testing has been completed; and

(E) the actions planned, and the projected timelines for such actions, for each military installation or facility to address contamination by a perfluoroalkyl substance or polyfluoroalkyl substance.

(3) TIMING.—Each report under paragraph (1) shall be submitted not later than January 1 of the fiscal year immediately following the fiscal year covered by the report.

(4) LIMITATION ON DELEGATION.—The Secretary may delegate the responsibility for preparing the reports required by paragraph (1) only to the Deputy Secretary of Defense.

(5) DEFINITIONS.—In this subsection, the terms ''military installation'', ''perfluoroalkyl substance'', and ''polyfluoroalkyl substance'' have the meanings given such terms in section 2715 of title 10, United States Code (as added by subsection (a)).

SEC. 342. EXTENSION OF TRANSFER AUTHORITY FOR FUNDING OF STUDY AND ASSESSMENT ON HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER BY AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.

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), section 321 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1307), and section 337 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking ''fiscal years 2019, 2020, and 2021'' and inserting ''fiscal years 2019 through 2023''.

SEC. 343. TEMPORARY MORATORIUM ON INCINERATION BY DEPARTMENT OF DEFENSE OF PERFLUOROALKYL SUBSTANCES, POLYFLUOROALKYL SUBSTANCES, AND AQUEOUS FILM FORMING FOAM.

(a) TEMPORARY MORATORIUM.—Beginning not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prohibit the incineration of covered materials until the earlier of the following:

(1) The date on which the Secretary issues guidance implementing—

(A) the interim guidance on the destruction and disposal of PFAS and materials containing PFAS published by the Administrator of the Environmental Protection Agency under section 7361 of the National Defense Authorization Act for Fiscal Year 2020 (15 U.S.C. 8961); and

(B) section 330 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note).

(2) The date on which the Administrator of the Environmental Protection Agency publishes in the Federal Register a final rule regarding the destruction and disposal of such materials pursuant to such section.

(b) REQUIRED ADOPTION OF FINAL RULE.—Upon publication of the final rule specified in subsection (a)(2), the Secretary shall adopt such final rule, regardless of whether the Secretary previously implemented the interim guidance specified in subsection (a)(1)(A).

(c) REPORT.—Not later than one year after the enactment of this Act, and annually thereafter for three years, the Secretary shall submit to the Administrator and the Committees on Armed Services of the Senate and the House of Representatives a report on all incineration by the Department of Defense of covered materials during the year covered by the report, including—

(1) the total amount of covered materials incinerated;

(2) the temperature range specified in the permit where the covered materials were incinerated;

(3) the locations and facilities where the covered materials were incinerated;

(4) details on actions taken by the Department of Defense to implement section 330 of the National Defense Authorization Act for Fiscal Year 2020; and

(5) recommendations for the safe storage of PFAS and PFAS-containing materials prior to destruction and disposal.

(d) SCOPE.—The prohibition in subsection (a) and reporting requirements in subsection (c) shall apply not only to materials sent directly by the Department of Defense to an incinerator, but also to materials sent to another entity or entities, including any waste processing facility, subcontractor, or fuel blending facility, prior to incineration.

(e) DEFINITIONS.—In this section:

(1) The term ''AFFF'' means aqueous film forming foam.

(2) The term ''covered material'' means any AFFF formulation containing PFAS, material contaminated by AFFF release, or spent filter or other PFAS-contaminated material resulting from site remediation or water filtration that—

(A) has been used by the Department of Defense or a military department;

(B) is being discarded for disposal by the Department of Defense or a military department; or

(C) is being removed from sites or facilities owned or operated by the Department of Defense.

(3) The term ''PFAS'' means per- or polyfluoroalkyl substances.

SEC. 344. REVIEW AND GUIDANCE RELATING TO PREVENTION AND MITIGATION OF SPILLS OF AQUEOUS FILM-FORMING FOAM.

(a) REVIEW REQUIRED.—Not later than 180 days of after the date of the enactment of this Act, the Secretary of Defense shall complete a review of the efforts of the Department of Defense to prevent or mitigate spills of aqueous film-forming foam (in this section referred to as ''AFFF''). Such review shall assess the following:

(1) The preventative maintenance guidelines for fire trucks of the Department and fire suppression systems in buildings of the Department, to mitigate the risk of equipment failure that may result in a spill of AFFF.

(2) Any requirements for the use of personal protective equipment by personnel when conducting a material transfer or maintenance activity of the Department that may result in a spill of AFFF, or when conducting remediation activities for such a spill, including requirements for side-shield safety glasses, latex gloves, and respiratory protection equipment.

(3) The methods by which the Secretary ensures compliance with guidance specified in material safety data sheets with respect to the use of such personal protective equipment.

(b) GUIDANCE.—Not later than 90 days after the date on which the Secretary completes the review under subsection (a), the Secretary shall issue guidance on the prevention and mitigation of spills of AFFF based on the results of such review that includes, at a minimum, best practices and recommended requirements to ensure the following:

(1) The supervision by personnel trained in responding to spills of AFFF of each material transfer or maintenance activity of the Department of Defense that may result in such a spill.

(2) The use of containment berms and the covering of storm drains and catch basins by personnel performing maintenance activities for the Department in the vicinity of such drains or basins.

(3) The storage of materials for the cleanup and containment of AFFF in close proximity to fire suppression systems in buildings of the Department and the presence of such materials during any transfer or activity specified in paragraph (1).

(c) BRIEFING.—Not later than 30 days after the date on which the Secretary issues the guidance under subsection (b), the Secretary shall provide to the congressional defense committees a briefing that summarizes the results of the review conducted under subsection (a) and the guidance issued under subsection (b).

SEC. 345. PUBLIC DISCLOSURE OF RESULTS OF DEPARTMENT OF DEFENSE TESTING OF WATER FOR PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.

(a) PUBLIC DISCLOSURE OF RESULTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 20 days after the receipt of a final result of testing water for perfluoroalkyl or polyfluoroalkyl substances (commonly referred to as ''PFAS'') in a covered area, the Secretary of Defense shall publicly disclose such final result, including—

(A) the results of all such testing conducted in the covered area by the Department of Defense; and

(B) the results of all such testing conducted in the covered area by a non-Department entity (including any Federal agency and any public or private entity) under a contract, or pursuant to an agreement, with the Department of Defense.

(2) CONSENT BY PRIVATE PROPERTY OWNERS.—The Secretary of Defense may not publicly disclose the results of testing for perfluoroalkyl or polyfluoroalkyl substances conducted on private property without the consent of the property owner.

(b) PUBLIC DISCLOSURE OF PLANNED TESTING OF WATER.—Not later than 180 days after the date of the enactment of the Act, and every 90 days thereafter, the Secretary of Defense shall publicly disclose the anticipated timeline for, and general location of, any planned testing for perfluoroalkyl or polyfluoroalkyl substances proposed to be conducted in a covered area, including—

(1) all such testing to be conducted by the Department of Defense; and

(2) all such testing to be conducted by a non-Department entity (including any Federal agency and any public or private entity) under a contract, or pursuant to an agreement, with the Department.

(c) NATURE OF DISCLOSURE.—The Secretary of Defense may satisfy the disclosure requirements under subsections (a) and (b) by publishing the results and information referred to in such subsections—

(1) on the publicly available website established under section 331(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C 2701 note);

(2) on another publicly available website of the Department of Defense; or

(3) in the Federal Register.

(d) LOCAL NOTIFICATION.—Prior to conducting any testing of water for perfluoroalkyl or polyfluoroalkyl substances, including any testing which has not been planned or publicly disclosed pursuant to subsection (b), the Secretary of Defense shall provide notice of the testing to—

(1) the managers of the public water system serving the covered area where such testing is to occur;

(2) the heads of the municipal government serving the covered area where such testing is to occur; and

(3) as applicable, the members of the restoration advisory board for the military installation where such testing is to occur.

(e) METHODS FOR TESTING.—In testing water for perfluoroalkyl or polyfluoroalkyl substances, the Secretary of Defense shall adhere to methods for measuring the amount of such substances in drinking water that have been validated by the Administrator of the Environmental Protection Agency.

(f) DEFINITIONS.—In this section:

(1) The term ''covered area'' means an area in the United States that is located immediately adjacent to and down gradient from a military installation, a formerly used defense site, or a facility where military activities are conducted by the National Guard of a State pursuant to section 2707(e) of title 10, United States Code.

(2) The term ''formerly used defense site'' means any site formerly used by the Department of Defense or National Guard eligible for environmental restoration by the Secretary of Defense funded under the ''Environmental Restoration Account, Formerly Used Defense Sites'' account established under section 2703(a)(5) of title 10, United States Code.

(3) The term ''military installation'' has the meaning given such term in section 2801(c)(4) of title 10, United States Code.

(4) The term ''perfluoroalkyl or polyfluoroalkyl substance'' means any man-made chemical with at least one fully fluorinated carbon atom.

(5) The term ''public water system'' has the meaning given such term under section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)).

(6) The term ''restoration advisory board'' means a restoration advisory board established pursuant to section 2705(d) of title 10, United States Code.

SEC. 346. REVIEW OF AGREEMENTS WITH NON-DEPARTMENT ENTITIES WITH RESPECT TO PREVENTION AND MITIGATION OF SPILLS OF AQUEOUS FILM-FORMING FOAM.

(a) REVIEW REQUIRED.—Not later than 180 days of after the date of the enactment of this Act, the Secretary of Defense shall complete a review of mutual support agreements entered into with non-Department of Defense entities (including State and local entities) that involve fire suppression activities in support of missions of the Department.

(b) MATTERS.—The review under subsection (a) shall assess, with respect to the agreements specified in such subsection, the following:

(1) The preventative maintenance guidelines specified in such agreements for fire trucks and fire suppression systems, to mitigate the risk of equipment failure that may result in a spill of aqueous film-forming foam (in this section referred to as ''AFFF'').

(2) Any requirements specified in such agreements for the use of personal protective equipment by personnel when conducting a material transfer or maintenance activity pursuant to the agreement that may result in a spill of AFFF, or when conducting remediation activities for such a spill, including requirements for side-shield safety glasses, latex gloves, and respiratory protection equipment.

(3) The methods by which the Secretary, or the non-Department entity with which the Secretary has entered into the agreement, ensures compliance with guidance specified in the agreement with respect to the use of such personal protective equipment.

(c) GUIDANCE.—Not later than 90 days after the date on which the Secretary completes the review under subsection (a), the Secretary shall issue guidance (based on the results of such review) on requirements to include under the agreements specified in such subsection, to ensure the prevention and mitigation of spills of AFFF. Such guidance shall include, at a minimum, best practices and recommended requirements to ensure the following:

(1) The supervision by personnel trained in responding to spills of AFFF of each material transfer or maintenance activity carried out pursuant to such an agreement that may result in such a spill.

(2) The use of containment berms and the covering of storm drains and catch basins by personnel performing maintenance activities pursuant to such an agreement in the vicinity of such drains or basins.

(3) The storage of materials for the cleanup and containment of AFFF in close proximity to fire suppression systems in buildings of the Department and the presence of such materials

during any transfer or activity specified in paragraph (1).

(d) BRIEFING.—Not later than 30 days after the date on which the Secretary issues the guidance under subsection (c), the Secretary shall provide to the congressional defense committees a briefing that summarizes the results of the review conducted under subsection (a) and the guidance issued under subsection (c).

SEC. 347. COMPTROLLER GENERAL STUDY ON DEPARTMENT OF DEFENSE PROCUREMENT OF CERTAIN ITEMS CONTAINING CERTAIN PFAS SUBSTANCES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the procurement by the Department of Defense of certain items that contain covered PFAS substances.

(b) ELEMENTS.—In conducting the study under subsection (a), the Comptroller General shall assess the following:

(1) The extent to which information is available to the Department of Defense regarding the presence of covered PFAS substances in the items procured by the Department.

(2) The challenges, if any, that exist in identifying the presence of covered PFAS substances in the items the Department procures, including whether there are certain categories of items that are more readily identified than others as containing such substances.

(3) The extent to which the Department has examined the feasibility of prohibiting the procurement of items containing covered PFAS substances.

(4) Such other topics as may be determined necessary by the Comptroller General.

(c) ITEMS.—In conducting the study under subsection (a), the Comptroller General shall, to the extent practicable, examine information relating to the consideration by the Department of Defense of such substances in the following items:

(1) Furniture or floor waxes.

(2) Car wax and car window treatments.

(3) Cleaning products.

(4) Shoes and clothing for which treatment with a covered PFAS substance is not necessary for an essential function.

(d) BRIEFING AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall provide to the Committees on Armed Services of the House of Representatives and the Senate an interim briefing on the study conducted under subsection (a), including any preliminary observations. After such interim briefing, the Comptroller General shall submit to the committees a report on the study at a date mutually agreed upon by the Comptroller General and the committees.

(e) COVERED PFAS SUBSTANCE DEFINED.—In this section, the term ''covered PFAS substance'' means any of the following:

(1) Perfluorononanoic acid (PFNA).

(2) Perfluorooctanoic acid (PFOA).

(3) Perfluorohexanoic acid (PFHxA).

(4) Perfluorooctane sulfonic acid (PFOS).

(5) Perfluorohexane sulfonate (PFHxS).

(6) Perfluorobutane sulfonic acid (PFBS).

(7) GenX.

SEC. 348. REPORT ON SCHEDULE FOR COMPLETION OF REMEDIATION OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES.

(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 detailing a proposed schedule for the completion of remediation of perfluoroalkyl substances and polyfluoroalkyl substances, and the associated cost estimates to perform such remediation, at military installations, facilities of the National Guard, and formerly used defense sites in the United States that are identified as of March 31, 2021, as having a release of perfluoroalkyl substances or polyfluoroalkyl substances.

(b) DEFINITIONS.—In this section:

(1) The term ''military installation'' has the meaning given such term in section 2801(c)(4) of title 10, United States Code.

(2) The term ''perfluoroalkyl substance'' means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(3) The term ''polyfluoroalkyl substance'' means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

SEC. 349. REPORT ON REMEDIATION OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES AT CERTAIN MILITARY INSTALLATIONS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report identifying the status of efforts to remediate perfluoroalkyl substances and polyfluoroalkyl substances at the following locations:

(1) England Air Force Base, Louisiana.

(2) Naval Air Weapons Station China Lake, California.

(3) Patrick Air Force Base, Florida.

(4) Myrtle Beach Air Force Base, South Carolina.

(5) Langley Air Force Base, Virginia.

(6) Naval Air Station Jacksonville, Florida.

(7) Niagara Falls Air Reserve Station, New York.

(8) Grand Prairie Armed Forces Reserve Complex, Texas.

(9) Altus Air Force Base, Oklahoma.

(10) Charleston Air Force Base, South Carolina.

(11) Barksdale Air Force Base, Louisiana.

(12) Plattsburgh Air Force Base, New York.

(13) Tyndall Air Force Base, Florida.

(14) Sheppard Air Force Base, Texas.

(15) Columbus Air Force Base, Mississippi.

(16) Chanute Air Force Base, Illinois.

(17) Marine Corps Air Station Tustin, California.

(18) Travis Air Force Base, California.

(19) Ellsworth Air Force Base, South Dakota.

(20) Minot Air Force Base, North Dakota.

(21) Westover Air Reserve Base, Massachusetts.

(22) Eaker Air Force Base, Arkansas.

(23) Naval Air Station Alameda, California.

(24) Eielson Air Force Base, Alaska.

(25) Horsham Air Guard Station, Pennsylvania.

(26) Vance Air Force Base, Oklahoma.

(27) Dover Air Force Base, Delaware.

(28) Edwards Air Force Base, California.

(29) Robins Air Force Base, Georgia.

(30) Joint Base McGuire–Dix–Lakehurst, New Jersey.

(31) Galena Air Force Base, Alaska.

(32) Naval Research Laboratory Chesapeake Bay Detachment, Maryland.

(33) Buckley Air Force Base, Colorado.

(34) Arnold Air Force Base, Tennessee.

(35) Tinker Air Force Base, Oklahoma.

(36) Fairchild Air Force Base, Washington.

(37) Vandenberg Air Force Base, California.

(38) Hancock Field Air National Guard Base, New York.

(39) F.E. Warren Air Force Base, Wyoming.

(40) Nevada Air National Guard Base, Nevada.

(41) K.I. Sawyer Air Force Base, Michigan.

(42) Pease Air Force Base, New Hampshire.

(43) Whiteman Air Force Base, Missouri.

(44) Wurtsmith Air Force Base, Michigan.

(45) Shepherd Field Air National Guard Base, West Virginia.

(46) Naval Air Station Whidbey Island–Ault Field, Washington.

(47) Rosecrans Air National Guard Base, Missouri.

(48) Joint Base Andrews, Maryland.

(49) Iowa Air National Guard Base, Iowa.

(50) Stewart Air National Guard Base, New York.

(b) DEFINITIONS.—In this section:

(1) The term ''perfluoroalkyl substance'' means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(2) The term ''polyfluoroalkyl substance'' means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

Subtitle E—Logistics and Sustainment

SEC. 351. MITIGATION OF CONTESTED LOGISTICS CHALLENGES OF THE DEPARTMENT OF DEFENSE THROUGH REDUCTION OF OPERATIONAL ENERGY DEMAND.

(a) CLARIFICATION OF OPERATIONAL ENERGY RESPONSIBILITIES.—Section 2926 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''in contested logistics environments'' after ''missions''; and

(2) in subsection (b)—

(A) in the heading, by striking ''AUTHORITIES'' and inserting ''RESPONSIBILITIES'';

(B) in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall'';

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

''(1) require the Secretaries concerned and the commanders of the combatant commands to assess the energy supportability in contested logistics environments of systems, capabilities, and plans;'';

(D) in paragraph (2), by inserting '' supportability in contested logistics environments,'' after ''power,''; and

(E) in paragraph (3), by inserting ''in contested logistics environments'' after ''vulnerabilities''.

(b) ESTABLISHMENT OF WORKING GROUP.—Such section is further amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '' and in coordination with the working group under subsection (d)'' after ''components'';

(B) in paragraph (1), by striking ''Defense and oversee'' and inserting ''Defense, including the activities of the working group established under subsection (d), and oversee'';

(C) in paragraph (2), by inserting '', taking into account the findings of the working group under subsection (d)'' after ''Defense''; and

(D) in paragraph (3), by inserting '', taking into account the findings of the working group under subsection (d)'' after ''resilience'';

(2) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(3) by inserting after subsection (c), as amended by paragraph (1), the following new subsection:

''(d) WORKING GROUP.—(1) The Secretary of Defense shall establish a working group to integrate efforts to mitigate contested logistics challenges through the reduction of operational energy demand that are carried out within each armed force, across the armed forces, and with the Office of the Secretary of Defense and to conduct other coordinated functions relating to such efforts.

''(2) The head of the working group under paragraph (1) shall be the Assistant Secretary of Defense for Energy, Installations, and Environment. The Assistant Secretary shall supervise the members of the working group and provide guidance to such members with respect to specific operational energy plans and programs to be carried out pursuant to the strategy under subsection (e).

''(3) The members of the working group under paragraph (1) shall be appointed as follows:

''(A) A senior official of each armed force, who shall be nominated by the Secretary concerned and confirmed by the Senate to represent such armed force.

''(B) A senior official from each geographic and functional combatant command, who shall be appointed by the commander of the respective combatant command to represent such combatant command.

''(C) A senior official under the jurisdiction of the Chairman of the Joint Chiefs of Staff, who shall be appointed by the Chairman to represent the Joint Chiefs of Staff and the Joint Staff.

''(4) Each member of the working group shall be responsible for carrying out operational energy plans and programs and implementing coordinated initiatives pursuant to the strategy under subsection (e) for the respective component of the Department that the member represents.

''(5) The duties of the working group under paragraph (1) shall be as follows:

''(A) Planning for the integration of efforts to mitigate contested logistics challenges through the reduction of operational energy demand carried out within each armed force, across the armed forces, and with the Office of the Secretary of Defense.

''(B) Developing recommendations regarding the strategy for operational energy under subsection (e).

''(C) Developing recommendations relating to the development of, and modernization efforts for, platforms and weapons systems of the armed forces.

''(D) Developing recommendations to ensure that such development and modernization efforts lead to increased lethality, extended range, and extended on-station time for tactical assets.

''(E) Developing recommendations to mitigate the effects of hostile action by a near-peer adversary targeting operational energy storage and operations of the armed forces, including through the use of innovative delivery systems, distributed storage, flexible contracting, and improved automation.''; and

(4) in subsection (g), as redesignated by paragraph (2)—

(A) in paragraph (1)—

(i) by striking ''The Secretary of a military department'' and inserting ''Each member of the working group under subsection (d)''; and

(ii) by striking ''conducted by the military department'' and inserting ''conducted by the respective component of the Department that the member represents for purposes of the working group''; and

(B) in paragraph (2), by striking ''military department'' and inserting ''armed force''.

(c) MODIFICATIONS TO OPERATIONAL ENERGY STRATEGY.—Subsection (e) of such section, as redesignated by subsection (b)(2), is amended to read as follows:

''(1) The Assistant Secretary of Defense for Energy, Installations, and Environment, in coordination with the working group under subsection (d), shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall be updated every five years and shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within each armed force, across the armed forces, and with the Office of the Secretary of Defense.

''(2) The strategy required under paragraph (1) shall include the following:

''(A) A plan to integrate efforts to mitigate contested logistics challenges through the reduction of operational energy demand within each armed force.

''(B) An assessment of how industry trends transitioning from the production of internal combustion engines to the development and production of alternative propulsion systems may affect the long-term availability of parts for military equipment, the fuel costs for such equipment, and the sustainability of such equipment.

''(C) An assessment of any technologies, including electric, hydrogen, or other sustainable fuel technologies, that may reduce operational energy demand in the near-term or long-term.

''(D) An assessment of how the Secretaries concerned and the commanders of the combatant commands can better plan for challenges presented by near-peer adversaries in a contested logistics environment, including through innovative delivery systems, distributed storage, flexible contracting, and improved automation.

''(E) An assessment of any infrastructure investments of allied and partner countries that may affect operational energy availability in the event of a conflict with a near-peer adversary.

''(3) By authority of the Secretary of Defense, and taking into consideration the findings of the working group, the Assistant Secretary shall prescribe policies and procedures for the implementation of the strategy and make recommendations to the Secretary of Defense and Deputy Secretary of Defense with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.

''(4) Not later than 30 days after the date on which the budget for fiscal year 2024 is submitted to Congress pursuant to section 1105 of title 31, and every five years thereafter, the Assistant Secretary shall submit to the congressional defense committees the strategy required under paragraph (1).''.

(d) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(h) CONTESTED LOGISTICS ENVIRONMENT DEFINED.—In this section, the term 'contested logistics environment' means an environment in which the armed forces engage in conflict with an adversary that presents challenges in all domains and directly targets logistics operations, facilities, and activities in the United States, abroad, or in transit from one location to the other.''.

(e) CONFORMING AMENDMENT.—Section 2926(c)(5) of title 10, United States Code, is amended by striking ''subsection (e)(4)'' and inserting ''subsection (f)(4)''.

(f) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Energy, Installations, and Environment shall submit to the congressional defense committees an interim report on any actions taken pursuant to the amendments made by this section. Such report shall include an update regarding the establishment of the working group under section 2926(d) of title 10, United States Code, as amended by subsection (b).

(g) BRIEFING ON ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the status of the following:

(1) The planned division of responsibilities between the Assistant Secretary of Defense for Sustainment and the Assistant Secretary of Defense for Energy, Installations, and Environment.

(2) A personnel plan to ensure the adequate manning of support personnel for the Assistant Secretary of Defense for Energy, Installations, and Environment.

(3) Any additional resources necessary to ensure the ability of the Assistant Secretary of Defense for Energy, Installations, and Environment to fulfill the duty required under section 138(b)(7) of title 10, United States Code, and any other duties required of such Assistant Secretary by law.

SEC. 352. GLOBAL BULK FUEL MANAGEMENT AND DELIVERY.

(a) RESPONSIBILITY OF UNITED STATES TRANSPORTATION COMMAND.—

(1) IN GENERAL.—Subchapter III of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2927. Global bulk fuel management and delivery

''(a) RESPONSIBLE ELEMENT.—(1) Beginning during the period described in paragraph (2) and permanently thereafter, the United States Transportation Command shall be the element responsible for bulk fuel management and delivery of the Department of Defense on a global basis.

''(2) The period described in this paragraph is the period beginning on January 1, 2023, and ending on February 1, 2023.

''(b) COORDINATION WITH DEFENSE LOGISTICS AGENCY.—In carrying out the responsibilities specified in subsection (a), the Commander of the United States Transportation Command shall coordinate with the Director of the Defense Logistics Agency.

''(c) RULE OF CONSTRUCTION.—Except to the extent that, prior to January 1, 2023, a responsibility specified in subsection (a) was a specific function of the Defense Logistics Agency Energy, nothing under this section shall be construed as—

''(1) limiting any other function of the Defense Logistics Agency Energy; or

''(2) requiring the transfer of any function, personnel, or asset from the Defense Logistics Agency Energy to the United States Transportation Command.''.

(2) CLERICAL AMENDMENT.—The table of contents for such subchapter is amended by adding at the end the following new item:

''2927. Global bulk fuel management and delivery.''.

(b) BRIEFING.—Not later than July 1, 2022, the Commander of United States Transportation Command shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on progress made to carry out the transfer of responsibilities to the United States Transportation Command pursuant to section 2927 of title 10, United States Code (as added by subsection (a)), including—

(1) a review of the plan of action for such transfer;

(2) a review of milestones completed and yet to be completed with respect to such transfer; and

(3) an identification of any legislative changes or additional resources the Commander determines are necessary to implement such section 2927.

(c) GLOBAL BULK FUEL MANAGEMENT STRATEGY.—

(1) STRATEGY REQUIRED.—Not later than October 1, 2022, the Commander of United States Transportation Command shall prepare and submit to the Committees on Armed Services of the House of Representatives and the Senate a strategy to develop the infrastructure and programs necessary to optimally support global bulk fuel management of the Department of Defense.

(2) ADDITIONAL ELEMENTS.—The strategy under paragraph (1) shall include the following additional elements:

(A) A description of the current organizational responsibility for bulk fuel management of the Department, organized by geographic combatant command, including with respect to ordering, storage, and strategic and tactical transportation.

(B) A description of any legacy bulk fuel management assets of each of the geographic combatant commands.

(C) A description of the operational plan to exercise such assets to ensure full functionality and to repair, upgrade, or replace such assets as necessary.

(D) An identification of the resources required for any such repairs, upgrades, or replacements.

(E) A description of the current programs relating to platforms, weapon systems, or research and development, that are aimed at managing fuel constraints by decreasing demand for fuel.

(F) An assessment of current and projected threats to forward-based bulk fuel delivery,

storage, and distribution systems, and an assessment, based on such current and projected threats, of attrition to bulk fuel infrastructure, including storage and distribution systems, in a conflict involving near-peer foreign countries.

(G) An assessment of current days of supply guidance, petroleum war reserve requirements, and prepositioned war reserve stocks, based on operational tempo associated with distributed operations in a contested environment.

(H) An identification of the resources required to address any changes to such guidance, requirements, or stocks recommended as the result of such assessment.

(I) An identification of any global shortfall with respect to bulk fuel management, organized by geographic combatant command, and a prioritized list of investment recommendations to address each shortfall identified.

(3) COORDINATION.—In preparing the strategy under paragraph (1), the Commander of United States Transportation Command shall coordinate with subject matter experts of the Joint Staff, the geographic combatant commands, the Defense Logistics Agency, and the military departments.

(4) FORM.—The strategy under paragraph (1) may be submitted in classified form, but if so submitted shall include an unclassified executive summary.

(d) CONFORMING AMENDMENTS.—Section 2854 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283) is amended—

(1) in subsection (b), by striking ''The organizational element designated pursuant to subsection (a)'' and inserting ''The Secretary of Defense'';

(2) in subsection (c), by striking ''subsection (b)'' and inserting ''subsection (a)'';

(3) by striking subsections (a) and (d); and

(4) by redesignating subsections (b) and (c), as amended by paragraphs (1) and (2), as subsections (a) and (b), respectively.

SEC. 353. TEST AND EVALUATION OF POTENTIAL BIOBASED SOLUTION FOR CORROSION CONTROL AND MITIGATION.

(a) TEST AND EVALUATION.—Not later than 120 days after the date of the enactment of this Act, the Director of the Strategic Environmental Research and Development Program and the Environmental Security Technology Certification Program shall test and evaluate at least one existing covered biobased solution for use as an alternative to current solutions of the Department of Defense for the control and mitigation of corrosion.

(b) DETERMINATION.—Following the test and evaluation of a covered biobased solution under subsection (a), the Director shall determine, based on such test and evaluation, whether the solution meets the following requirements:

(1) The solution is capable of being produced domestically in sufficient quantities.

(2) The solution is at least as effective at the control and mitigation of corrosion as current alternative solutions.

(3) The solution reduces environmental exposures.

(c) RECOMMENDATIONS.—The Director shall develop recommendations for the Department of Defense-wide deployment of covered biobased solutions that the Director has determined meet the requirements under subsection (b).

(d) COVERED BIOBASED SOLUTION DEFINED.—In this section, the term ''covered biobased solution'' means a solution for the control and mitigation of corrosion that is domestically produced, commercial, and biobased.

SEC. 354. PILOT PROGRAM ON DIGITAL OPTIMIZATION OF ORGANIC INDUSTRIAL BASE MAINTENANCE AND REPAIR OPERATIONS.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Sustainment, in coordination with the Secretaries of the military departments, shall undertake a pilot program under which the digitization of the facilities and operations of at least one covered depot shall be provided for by the Secretary concerned.

(b) ELEMENTS OF PILOT PROGRAM.—In carrying out the pilot program under this section, the Secretary concerned shall provide for each of the following at the covered depot or depots at which the program is carried out:

(1) The creation of a digital twin model of the maintenance, repair, and remanufacturing infrastructure and activities.

(2) The modeling and simulation of optimized facility configuration, logistics systems, and processes.

(3) The analysis of material flow and resource use to achieve key performance metrics for all levels of maintenance and repair.

(4) An assessment of automated, advanced, and additive manufacturing technologies that could improve maintenance, repair, and remanufacturing operations.

(c) REPORT.—Not later than 60 days after the completion of the digital twin model and associated analysis, the Assistant Secretary of Defense for Sustainment shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. Such report shall include—

(1) a summary of the cost of the pilot program;

(2) a description of the efficiencies identified under the pilot program;

(3) a description of the infrastructure, workforce, and capital equipment investments necessary to achieve such efficiencies;

(4) any plans to undertake such investments; and

(5) the assessment of the Assistant Secretary of the value of the pilot program and the potential applicability of the findings of the pilot program to other covered depots.

(d) DEFINITIONS.—In this section:

(1) The term ''covered depot'' includes any depot covered under section 2476(e) of title 10, United States Code, except for the following:

(A) Portsmouth Naval Shipyard, Maine.

(B) Pearl Harbor Naval Shipyard, Hawaii.

(C) Puget Sound Naval Shipyard, Washington.

(D) Norfolk Naval Shipyard, Virginia.

(2) The terms ''military departments'' and ''Secretary concerned'' have the meanings given such terms in section 101 of title 10, United States Code.

SEC. 355. IMPROVED OVERSIGHT FOR IMPLEMENTATION OF SHIPYARD INFRASTRUCTURE OPTIMIZATION PROGRAM OF THE NAVY.

(a) UPDATED PLAN.—

(1) IN GENERAL.—Not later than September 30, 2022, the Secretary of the Navy shall submit to the congressional defense committees an update to the plan of the Secretary for implementation of the Shipyard Infrastructure Optimization Program of the Department of the Navy, with the objective of providing increased transparency for the actual costs and schedules associated with infrastructure optimization activities for shipyards covered by such program.

(2) UPDATED COST ESTIMATES.—The updated plan required under paragraph (1) shall include updated cost estimates comprising the most recent costs of capital improvement projects for each of the four public shipyards covered by the Shipyard Infrastructure Optimization Program.

(b) BRIEFING REQUIREMENT.—

(1) IN GENERAL.—Before the start of physical construction with respect to a covered project, the Secretary of the Navy or a designee of the Secretary shall brief each of the congressional defense committees on such project, regardless of the source of funding for such project.

(2) WRITTEN INFORMATION.—Before conducting a briefing under paragraph (1) with respect to a covered project, the Secretary of the Navy or a designee of the Secretary shall submit to the congressional defense committees in writing the following information:

(A) An updated cost estimate for such project that—

(i) meets the standards of the Association for the Advancement of Cost Engineering for a Level 1 or Level 2 cost estimate; or

(ii) is an independent cost estimate.

(B) A schedule for such project that is comprehensive, well-constructed, credible, and controlled pursuant to the Schedule Assessment Guide: Best Practices for Project Schedules (GAO–16–89G) set forth by the Comptroller General of the United States in December 2015, or successor guide.

(C) An estimate of the likelihood that programmed and planned funds for such project will be sufficient for the completion of the project.

(3) COVERED PROJECT DEFINED.—In this subsection, the term ''covered project'' means a shipyard project under the Shipyard Infrastructure Optimization Program—

(A) with a contract awarded on or after October 1, 2024; and

(B) valued at $250,000,000 or more.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2022, and not later than December 31 of each year thereafter, the Commander of the Naval Sea Systems Command, in coordination with the Program Manager Ships 555, shall submit to the congressional defense committees a report detailing the use by the Department of the Navy of funding for all efforts associated with the Shipyard Infrastructure Optimization Program, including the use of amounts made available by law to support the projects identified in the plan to implement such program, including any update to such plan under subsection (a).

(2) ELEMENTS.—Each report required by paragraph (1) shall include updated cost and schedule estimates—

(A) for the plan to implement the Shipyard Optimization Program, including any update to such plan under subsection (a); and

(B) for each dry dock, major facility, and infrastructure project valued at $250,000,000 or more under such program.

(d) COMPTROLLER GENERAL REPORT.—

(1) REPORT.—

(A) IN GENERAL.—Not later than May 1, 2023, 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 the progress of the Secretary of the Navy in implementing the Shipyard Infrastructure Optimization Program, including—

(i) the progress of the Secretary in completing the first annual report required under such program; and

(ii) the cost and schedule estimates for full implementation of such program.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) An assessment of the extent to which the cost estimate for the updated optimization plan for the Shipyard Infrastructure Optimization Program is consistent with leading practices for cost estimation.

(ii) An assessment of the extent to which the project schedule for such program is comprehensive, well-constructed, credible, and controlled.

(iii) An assessment of whether programmed and planned funds for a project under such program will be sufficient for the completion of the project.

(iv) Such other related matters as the Comptroller General considers appropriate.

(2) INITIAL BRIEFING.—Not later than April 1, 2023, the Comptroller General shall brief the Committees on Armed Services of the Senate and the House of Representatives on the preliminary findings of the report under paragraph (1).

SEC. 356. REPORT AND CERTIFICATION REQUIREMENTS REGARDING SUSTAINMENT COSTS FOR FIGHTER AIRCRAFT PROGRAMS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary

of Defense shall submit to the congressional defense committees a report on individual aircraft fleet sustainment costs for the F–35 A/B/C, F/A–18 C/D/E/F/G, AV–8B, A–10C, F–16 C/D, F–22, and F–15 C/E/EX aircraft fleets. Such report shall include the following:

(1) A detailed description and explanation of, and the actual cost data related to, current sustainment costs for the aircraft fleets specified in this subsection, including an identification and assessment of cost elements attributable to the Federal Government or to contractors (disaggregated by the entity responsible for each portion of the cost element, including for a prime contractor and any first-tier subcontractor) with respect to such sustainment costs.

(2) An identification of sustainment cost metrics for each aircraft fleet specified in this subsection for each of fiscal years 2022 through 2026, expressed in cost-per-tail-per-year format.

(b) LIMITATION ON CERTAIN F–35 CONTRACTS.—

(1) IN GENERAL.—The Secretary of Defense may not enter into a performance-based logistics sustainment contract for the F–35 airframe or engine programs, or modify an existing contract for the F–35 airframe or engine programs to require the use of a performance-based logistics sustainment contract, unless the Secretary submits to the congressional defense committees a certification that the Secretary has determined such a performance-based logistics contract will—

(A) reduce sustainment or operating costs for the F–35 airframe or engine programs; or

(B) increase readiness rates, full and partial mission capability rates, or airframe and engine availability rates of the F–35 weapon system.

(2) CERTIFICATION.—Any certification submitted pursuant to paragraph (1) shall include a cost-benefit analysis comparing an existing contract for the F–35 airframe or engine programs with a performance-based logistics sustainment contract for the F–35 airframe or engine programs.

(3) APPLICABILITY.—The limitation under paragraph (1) shall not apply with respect to the termination, modification, exercise of a contract option for, or other action relating to, a contract for the F–35 program entered into prior to the date of the enactment of this Act unless such termination, modification, exercise, or other action would require the use of a performance-based logistics sustainment contract as specified in paragraph (1).

(c) COST-PER-TAIL-PER-YEAR CALCULATION.—For purposes of this section, the average cost-per-tail of a variant of an aircraft of an Armed Force shall be determined by—

(1) adding the total amount expended for a fiscal year (in base year fiscal 2012 dollars) for all such aircraft in the inventory of an Armed Force for—

(A) unit level manpower;

(B) unit operations;

(C) maintenance;

(D) sustaining support;

(E) continuing system support; and

(F) modifications; and

(2) dividing the sum resulting under paragraph (1) by the average number of such aircraft in the inventory of an Armed Force during such fiscal year.

SEC. 357. COMPTROLLER GENERAL ANNUAL REVIEWS OF F–35 SUSTAINMENT EFFORTS.

(a) ANNUAL REVIEWS AND BRIEFINGS.—Not later than March 1 of each year of 2022, 2023, 2024, and 2025, the Comptroller General of the United States shall—

(1) conduct an annual review of the sustainment efforts of the Department of Defense with respect to the F–35 aircraft program (including the air vehicle and propulsion elements of such program); and

(2) provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on such review, including any findings of the Comptroller General as a result of such review.

(b) ELEMENTS.—Each review under subsection (a)(1) shall include an assessment of the following:

(1) The status of the sustainment strategy of the Department for the F–35 Lightning II aircraft program.

(2) The Department oversight and prime contractor management of key sustainment functions with respect to the F–35 aircraft program.

(3) The ability of the Department to reduce the costs, or otherwise maintain the affordability, of the sustainment of the F–35 fleet.

(4) Any other matters regarding the sustainment or affordability of the F–35 aircraft program that the Comptroller General determines to be of critical importance to the long-term viability of such program.

(c) REPORTS.—Following the provision of each briefing under subsection (a)(2), at such time as is mutually agreed upon by the Committees on Armed Services of the House of Representatives and the Senate and the Comptroller General, the Comptroller General shall submit to such committees a report on the matters covered by the briefing.

Subtitle F—Reports

SEC. 361. INCLUSION OF INFORMATION REGARDING BORROWED MILITARY MANPOWER IN READINESS REPORTS.

Section 482(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph:

''(10) Information regarding the extent to which any member of the armed forces is assigned or detailed outside the member's unit or away from training in order to perform any function that had previously been performed by civilian employees of the Federal Government.''.

SEC. 362. ANNUAL REPORT ON MATERIAL READINESS OF NAVY SHIPS.

Section 8674(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''submit to the'' and inserting ''provide to the'';

(B) by inserting ''a briefing and submit to such committees'' after ''congressional defense committees''; and

(C) by striking ''setting forth'' and inserting ''regarding'';

(2) in paragraph (2)—

(A) by striking ''in an unclassified form that is releasable to the public without further redaction.'' and inserting ''in—''; and

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

''(A) a classified form; and

''(B) an unclassified form that is releasable to the public without further redaction.''; and

(3) by striking paragraph (3).

SEC. 363. INCIDENT REPORTING REQUIREMENTS FOR DEPARTMENT OF DEFENSE REGARDING LOST OR STOLEN WEAPONS.

(a) IN GENERAL.—For each of fiscal years 2022, 2023, and 2024, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on security, control, thefts, losses, and recoveries of sensitive conventional arms, ammunition, and explosives (commonly referred to as ''AA&E'') of the Department of Defense during such year, including the following:

(1) M–16 or M4s.

(2) Light automatic weapons up to and including M249, M2, and 40mm MK19 machine guns.

(3) Functional launch tube with umbilical squib installed and grip stock for the Stinger missile.

(4) Launch tube, sight assembly, and grip stock for missiles.

(5) Tracker for the Dragon missile.

(6) Mortar tubes up to and including 81mm.

(7) Grenade launchers.

(8) Rocket and missile launchers with an unpacked weight of 100 pounds or less.

(9) Flame throwers.

(10) The launcher, missile guidance se, or the optical sight for the TOW and the Javelin Command Launch Unit.

(11) Single shot and semi-automatic (non-automatic) shoulder-fired weapons such as shotguns and bolt action rifles and weapons barrels.

(12) Handguns.

(13) Recoil-less rifles up to and including 106mm.

(14) Man-portable missiles and rockets in a ready-to-fire configuration or when jointly stored or transported with the launcher tube or grip-stock and the explosive round.

(15) Stinger missiles.

(16) Dragon, Javelin, light antitank weapon (66mm), shoulder-launched multi-purpose assault weapon rocket (83mm), M136 (AT4) anti-armor launcher and cartridge (84mm).

(17) Missiles and rockets that are crew-served or require platform-mounted launchers and other equipment to function, including HYDRA–70 rockets and tube-launched optically wire guided (TOW) missiles.

(18) Missiles and rockets that require platform-mounted launchers and complex hardware equipment to function including the HELLFIRE missile.

(19) Explosive rounds of any missile or rocket listed in paragraphs (1) through (18).

(20) Hand or rifle grenades (high-explosive and white phosphorous).

(21) Antitank or antipersonnel mines.

(22) Explosives used in demolition operations, C–4, military dynamite, and trinitrotoluene (TNT).

(23) Warheads for sensitive missiles and rockets weighing less than 50 pounds each.

(24) Ammunition that is .50 caliber or larger with explosive-filled projectile.

(25) Incendiary grenades and fuses for high-explosive grenades.

(26) Blasting caps.

(27) Supplementary charges.

(28) Bulk explosives.

(29) Detonating cord.

(30) Riot control agents.

(b) IMMEDIATE REPORTING OF CONFIRMED THEFTS, LOSSES, AND RECOVERIES.—Not later than 72 hours after a confirmed theft, loss, or recovery of a sensitive conventional arm, ammunition, or explosive covered by the report required by subsection (a), the Secretary shall report such theft, loss, or recovery to the National Crime Information Center and local law enforcement.

SEC. 364. STRATEGY AND ANNUAL REPORT ON CRITICAL LANGUAGE PROFICIENCY OF SPECIAL OPERATIONS FORCES.

(a) STRATEGY.—

(1) STRATEGY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Secretaries of the military departments, shall submit to the congressional defense committees a strategy to improve the language proficiency of the special operations forces of the Armed Forces, including by identifying individuals who have proficiency in a critical language and recruiting and retaining such individuals in the special operations forces.

(2) ELEMENTS.—The strategy under paragraph (1) shall include the following:

(A) A baseline of foreign language proficiency requirements to be implemented within the special operations forces, disaggregated by Armed Force and by critical language.

(B) Annual recruitment targets for the number of candidates with demonstrated proficiency in a critical language to be selected for participation in the initial assessment and qualification programs of the special operations forces.

(C) A description of current and planned efforts of the Secretaries concerned and the Assistant Secretary to meet such annual recruitment targets.

(D) A description of any training programs used to enhance or maintain foreign language proficiency within the special operations forces, including any nongovernmental programs used.

(E) An annual plan to enhance and maintain foreign language proficiency within the special operations forces of each Armed Force.

(F) An annual plan to retain members of the special operation forces of each Armed Force who have proficiency in a foreign language.

(G) A description of current and projected capabilities and activities that the Assistant Secretary determines are necessary to maintain proficiency in critical languages within the special operations forces.

(H) A plan to implement a training program for members of the special operations forces who serve in positions that the Assistant Secretary determines require proficiency in a critical language to support the Department of Defense in strategic competition.

(b) REPORTS REQUIRED.—Not later than December 31, 2022, and annually thereafter until December 31, 2025, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Secretaries of the military departments, shall submit to the congressional defense committees a report on the strategy required under subsection (a), including progress in achieving the objectives of the strategy with respect to the recruitment, training, and retention of members of the special operations forces who have proficiency in a critical language.

(c) DEFINITIONS.—In this section:

(1) The term ''critical language'' means a language identified by the Director of the National Security Education Program as critical to national security.

(2) The terms ''military departments'' and ''Secretary concerned'' have the meanings given such terms in section 101 of title 10, United States Code.

(3) The term ''proficiency'' means proficiency in a language, as assessed by the Defense Language Proficiency Test.

(4) The term ''special operations forces'' means forces described under section 167(j) of title 10, United States Code.

Subtitle G—Other Matters

SEC. 371. MILITARY AVIATION AND INSTALLATION ASSURANCE CLEARINGHOUSE MATTERS.

(a) STRATEGY TO TEST AND INTEGRATE WIND TURBINE INTERFERENCE MITIGATION STRATEGIES.—The Secretary of Defense and the Secretary of the Air Force, in coordination with the Commander of United States Northern Command and the Commander of North American Aerospace Defense Command, shall develop a strategy to test and integrate wind turbine interference mitigation technologies into radars and the air surveillance command and control architecture of the Department of Defense.

(b) MODIFICATION OF CLEARINGHOUSE REQUIREMENTS.—Section 183a(c) of title 10, United States Code, is amended—

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

''(C) A notice of presumed risk issued under subparagraph (A) is a preliminary assessment only and does not represent a formal objection pursuant to subsection (e). Discussions of possible mitigation actions under such subparagraph could favorably resolve any concerns identified in the notice of presumed risk.''; and

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

''(8) If, in reviewing an application for an energy project pursuant to paragraph (1), the Clearinghouse finds no adverse impact on military operations under section 44718(b)(1) of title 49, the Clearinghouse shall communicate to the Secretary of Transportation in writing, not later than five business days after making such finding, the following: 'No Part 77 concerns, national security review ongoing.'.''.

SEC. 372. ESTABLISHMENT OF JOINT SAFETY COUNCIL.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 183a the following new section:

''§ 184. Joint Safety Council

''(a) IN GENERAL.—There is established, within the Office of the Deputy Secretary of Defense, a Joint Safety Council (in this section referred to as the 'Council').

''(b) MEMBERSHIP; APPOINTMENT; COMPENSATION.—(1) The Council shall be composed of voting members as follows:

''(A) The Director of Safety for each military department.

''(B) An employee of the Department of Defense who is a career member of the Senior Executive Service and has a demonstrated record of success in the implementation of programs within the Department of Defense (as determined by the Deputy Secretary of Defense), appointed by the Deputy Secretary of Defense.

''(C) One member of the armed forces or civilian employee from each military department, appointed by the Secretary concerned.

''(D) Such additional members as may be determined by the Deputy Secretary of Defense.

''(2)(A) Each member of the Council shall serve at the will of the official who appointed that member.

''(B) Any vacancy on the Council shall be filled in the same manner as the original appointment.

''(3) Members of the Council may not receive additional pay, allowances, or benefits by reason of their service on the Council.

''(c) CHAIRPERSON AND VICE CHAIRPERSON.—(1)(A) The Secretary of Defense, or the designee of the Secretary, shall select one of the members of the Council who is a member of the armed forces to serve as the Chairperson of the Council.

''(B) The Chairperson shall serve for a term of two years and shall be responsible for—

''(i) serving as the Director of Safety for the Department of Defense;

''(ii) serving as principal advisor to the Secretary of Defense regarding military safety and related regulations and policy reforms, including issues regarding maintenance, supply chains, personnel management, and training;

''(iii) overseeing all duties and activities of the Council, including the conduct of military safety studies and the issuance of safety guidance to the military departments;

''(iv) working with, and advising, the Secretaries of the military departments through appointed safety chiefs to implement standardized safety guidance across the military departments;

''(v) submitting to the Secretary of Defense and Congress an annual report reviewing the compliance of each military department with the guidance described in clause (iv);

''(vi) advising Congress on issues relating to military safety and reforms; and

''(vii) overseeing coordination with other Federal agencies, including the Federal Aviation Administration, to inform military aviation safety guidance and reforms.

''(2) The individual appointed under subsection (b)(1)(B) shall serve as the Vice Chairperson. The Vice Chairperson shall report to the Chairperson and shall serve as Chairperson in the absence of the Chairperson.

''(d) RESPONSIBILITIES.—The Council shall carry out the following responsibilities:

''(1) Subject to subsection (e), issuing, publishing, and updating regulations related to joint safety, including regulations on the reporting and investigation of mishaps.

''(2) With respect to mishap data—

''(A) establishing uniform data collection standards and a repository, that is accessible Department-wide, of data for mishaps in the Department of Defense;

''(B) reviewing the compliance of each military department in adopting and using the uniform data collection standards established under subparagraph (A); and

''(C) reviewing mishap data to assess, identify, and prioritize risk mitigation efforts and safety improvement efforts across the Department.

''(3) With respect to non-mishap data—

''(A) establishing standards and requirements for the collection of aircraft, equipment, simulator, airfield, range, pilot, and operator data;

''(B) establishing standards and requirements for the collection of ground vehicle equipment and crew data; and

''(C) establishing requirements for each military department to collect and analyze any waivers issued relating to pilot or operator qualifications or standards.

''(4) Reviewing and assessing civil and commercial aviation safety programs and practices to determine the suitability of such programs and practices for implementation in the military departments.

''(5) Establishing, in consultation with the Administrator of the Federal Aviation Administration, a requirement for each military department to implement an aviation safety management system.

''(6) Establishing, in consultation with the heads of appropriate Federal departments and agencies, a requirement for each military department to implement a separate safety management program for ground vehicles and ships.

''(7) Reviewing the proposal of each military department for the safety management systems described in paragraphs (9) and (10).

''(8) Reviewing the implementation of such systems by each military department.

''(9) Ensuring each military department has in place a system to monitor the implementation of recommendations made in safety and legal investigation reports of mishap incidents.

''(e) OVERSIGHT.—The decisions and recommendations of the Council are subject to review and approval by the Deputy Secretary of Defense.

''(f) STAFF.—(1) The Council may appoint staff in accordance with section 3101 of title 5.

''(2) The Council may accept persons on detail from within the Department of Defense and from other Federal departments or agencies on a reimbursable or non-reimbursable basis.

''(g) CONTRACT AUTHORITY.—The Council may enter into contracts for the acquisition of administrative supplies, equipment, and personnel services for use by the Council, to the extent that funds are available for such purposes.

''(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson may procure temporary and intermittent services under section 3109(b) of title 5 at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

''(i) DATA COLLECTION.—(1) Under regulations issued by the Secretary of Defense, the Council shall have access to Department of Defense databases necessary to carry out its responsibilities, including causal factors to be used for mishap reduction purposes.

''(2) Under regulations issued by the Secretary of Defense, the Council may enter into agreements with the Federal Aviation Administration, the National Transportation Safety Board, and any other Federal agency regarding the sharing of safety data.

''(3) Data collected by the Council pursuant to this subsection may include privileged safety information that is protected from disclosure or discovery to any person.

''(j) MEETINGS.—The Council shall meet quarterly and at the call of the Chairperson.

''(k) REPORT.—The Chair of the Council shall submit to the congressional defense committees

semi-annual reports on the activities of the Council.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 183a the following new item:

''184. Joint Safety Council.''.

(c) DEADLINES.—

(1) ESTABLISHMENT.—The Secretary of Defense shall ensure the establishment of the Joint Safety Council under section 184 of title 10, United States Code (as added by subsection (a)), by not later than the date that is 120 days after the date of the enactment of this Act.

(2) APPOINTMENT OF FIRST MEMBERS.—The initial members of the Joint Safety Council established under such section 184 shall be appointed by not later than the date that is 120 days after the date of the enactment of this Act.

(3) DIRECTORS OF SAFETY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of each military department shall ensure there is appointed as the Director of Safety for the military department concerned an officer of that military department in pay grade O–8 or above.

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) A description of the measures the Secretary plans to take to correct the issues identified in the report of the National Commission on Military Aviation Safety submitted to the President and Congress and dated December 1, 2020.

(2) A statement as to whether the Secretary concurs or disagrees with the findings of such report.

(3) A detailed plan of action for the implementation of each recommendation included in such report.

(4) Any additional recommendations the Secretary determines are necessary to apply the findings of the National Commission on Military Aviation Safety in such report to all aspects of military safety.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated or otherwise made available by this Act for Military Personnel Appropriations for fiscal year 2022, $4,000,000 shall be made available for the Joint Safety Council established under section 184 of title 10, United States Code, as added by subsection (a).

SEC. 373. IMPROVEMENTS AND CLARIFICATIONS RELATED TO MILITARY WORKING DOGS.

(a) PROHIBITION ON CHARGE FOR TRANSFER OF MILITARY ANIMALS.—Section 2583(d) of title 10, United States Code, is amended by striking ''may'' and inserting ''shall''.

(b) INCLUSION OF MILITARY WORKING DOGS IN CERTAIN RESEARCH.—Section 708(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1071 note) is amended—

(1) in paragraph (7), by striking ''of members of the Armed Forces'' and inserting ''with respect to both members of the Armed Forces and military working dogs''; and

(2) by striking paragraph (9) and inserting the following new paragraph:

''(9) To inform and advise the conduct of research on the leading causes of morbidity and mortality of members of the Armed Forces and military working dogs in combat.''.

SEC. 374. EXTENSION OF TEMPORARY AUTHORITY TO EXTEND CONTRACTS AND LEASES UNDER THE ARMS INITIATIVE.

Section 343 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 7554 note) is amended by striking ''the date that is five years after the date of the enactment of this Act'' and inserting ''November 25, 2025,''.

SEC. 375. AUTHORITY TO MAINTAIN ACCESS TO CATEGORY 3 SUBTERRANEAN TRAINING FACILITY.

(a) IN GENERAL.—The Secretary of Defense may ensure that the Department of Defense maintains access to a covered category 3 subterranean training facility on a continuing basis.

(b) AUTHORITY TO ENTER INTO LEASE.—The Secretary of Defense is authorized to enter into a short-term lease with a provider of a covered category 3 subterranean training facility for purposes of carrying out subsection (a).

(c) COVERED CATEGORY 3 SUBTERRANEAN TRAINING FACILITY DEFINED.—In this section, the term ''covered category 3 subterranean training facility'' means a category 3 subterranean training facility that is—

(1) operational as of the date of the enactment of this Act; and

(2) deemed safe for use as of such date.

SEC. 376. ACCIDENT INVESTIGATION REVIEW BOARD.

(a) PROPOSAL FOR ESTABLISHMENT OF BOARD.—The Deputy Secretary of Defense shall develop a proposal for the establishment of an Accident Investigation Review Board (in this section referred to as the ''Board'') to provide independent oversight and review of the legal investigations conducted by the Department of Defense outside of the safety process into the facts and circumstances surrounding operational and training accidents. The proposal shall include recommendations relating to—

(1) the size and composition of the Board;

(2) the process by which the Board would screen accident investigations to identify unsatisfactory, biased, incomplete, or insufficient investigations requiring subsequent review by the Board, including whether the Board should review investigations meeting a predetermined threshold (such as all fatal accidents or all Class A mishaps);

(3) the process by which the military departments and other components of the Department of Defense could refer pending or completed accident investigations to the Board for review;

(4) the process by which the Board would evaluate a particular accident investigation for accuracy, thoroughness, and objectivity;

(5) the requirements for and process by which the convening component of an investigation reviewed by the Board should address the findings of the Board's review of that particular investigation;

(6) proposed procedures for safeguarding privileged and sensitive data and safety information collected during the investigation review process; and

(7) how and when the Board would be required to report to the Deputy Secretary of Defense on the activities of the Board, the outcomes of individual investigation reviews performed by the Board, and the assessment of the Board regarding cross-cutting themes and trends identified by those reviews.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall submit to the congressional defense committee the proposal required by subsection (a) and a timeline for establishing the Board.

SEC. 377. IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON PREVENTING TACTICAL VEHICLE TRAINING ACCIDENTS.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each Secretary concerned shall submit to the congressional defense committees and to the Comptroller General of the United States a plan to address the recommendations in the report of the Government Accountability Office entitled ''Army and Marine Corps Should Take Additional Actions to Mitigate and Prevent Training Accidents'' (GAO–21–361). Each such plan shall include, with respect to each recommendation in such report that the Secretary concerned has implemented or intends to implement—

(1) a summary of actions that have been or will be taken to implement the recommendation; and

(2) a schedule, with specific milestones, for completing implementation of the recommendation.

(b) DEADLINE FOR IMPLEMENTATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall carry out activities to implement the plan of the Secretary developed under subsection (a).

(2) EXCEPTION FOR IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—

(A) DELAYED IMPLEMENTATION.—A Secretary concerned may initiate implementation of a recommendation in the report referred to in subsection (a) after the date specified in paragraph (1) if, on or before such date, the Secretary provides to the congressional defense committees a specific justification for the delay in implementation of such recommendation.

(B) NONIMPLEMENTATION.—A Secretary concerned may decide not to implement a recommendation in the report referred to in subsection (a) if, on or before the date specified in paragraph (1), the Secretary provides to the congressional defense committees—

(i) a specific justification for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the conditions underlying the recommendation.

(c) SECRETARY CONCERNED.—In this section, the term ''Secretary concerned'' means—

(1) the Secretary of the Army, with respect to the Army; and

(2) the Secretary of the Navy, with respect to the Navy.

SEC. 378. REQUIREMENTS RELATING TO EMISSIONS CONTROL TACTICS, TECHNIQUES, AND PROCEDURES.

(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of current electromagnetic spectrum emissions control tactics, techniques, and procedures across the joint force.

(b) REQUIREMENTS.—Not later than 60 days after completing the review under subsection (a), the Secretary of Defense shall direct each Secretary of a military department to update or establish, as applicable, standard tactics, techniques, and procedures, including down to the operational level, pertaining to emissions control discipline during all phases of operations.

(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 implementation status of the tactics, techniques, and procedures updated or established, as applicable, under subsection (b) by each of the military departments, including—

(1) incorporation into doctrine of the military departments;

(2) integration into training of the military departments; and

(3) efforts to coordinate with the militaries of partner countries and allies to develop similar standards and associated protocols, including through the use of working groups.

SEC. 379. MANAGEMENT OF FATIGUE AMONG CREW OF NAVAL SURFACE SHIPS AND RELATED IMPROVEMENTS.

(a) REQUIREMENT.—The Secretary of the Navy shall implement each recommendation for executive action set forth in the report of the Government Accountability Office titled ''Navy Readiness: Additional Efforts Are Needed to Manage Fatigue, Reduce Crewing Shortfalls, and Implement Training'' (GAO–21–366).

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees and the Comptroller

General a report on the status of actions taken by the Secretary to monitor crew fatigue and ensure equitable fatigue management throughout the naval surface ship fleet in accordance with subsection (a). Such report shall include the following:

(1) An assessment of the extent of crew fatigue throughout the naval surface ship fleet.

(2) A description of the metrics used to assess the extent of fatigue pursuant to paragraph (1).

(3) An identification of results-oriented goals for effective fatigue management.

(4) An identification of timeframes for achieving the goals identified pursuant to paragraph (3).

(c) COMPTROLLER GENERAL BRIEFING.—Not later than 90 days after the date on which the Comptroller General receives the report under subsection (b), the Comptroller General shall provide to the congressional defense committees a briefing on the extent to which the actions and goals described in the report meet the requirements of subsection (a).

SEC. 380. AUTHORITY FOR ACTIVITIES TO IMPROVE NEXT GENERATION RADAR SYSTEMS CAPABILITIES.

(a) AUTHORITY.—The Secretary of Defense may undertake activities to enhance future radar systems capabilities, including the following:

(1) Designating specific industry, academic, government, or public-private partnership entities to provide expertise in the repair, sustainment, and support of radar systems to meet current and future defense requirements, as appropriate.

(2) Facilitating collaboration among academia, the Federal Government, the defense industry, and the commercial sector, including with respect to radar system repair and sustainment activities.

(3) Establishing advanced research and workforce training and educational programs to enhance future radar systems capabilities.

(4) Establishing goals for research in areas of study relevant to advancing technology and facilitating better understanding of radar systems in defense systems and operational activities, including continuing education and training goals.

(5) Increasing communications and personnel exchanges with radar systems experts in industry to support adoption of state-of-the-art technologies and operational practices, especially to support meeting future defense needs related to radar systems in autonomous systems.

(6) Establishing agreements with one or more institutions of higher education or other organizations in academia or industry to provide for activities authorized under this section.

(7) Partnering with nonprofit institutions and private industry with expertise in radar systems to support activities authorized under this section.

(8) Establishing research centers and facilities, including centers of excellence, as appropriate to support activities authorized under this section, especially to promote partnerships between government, industry, and academia.

(b) INSTITUTION OF HIGHER EDUCATION DEFINED.—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).

SEC. 381. PILOT PROGRAM ON MILITARY WORKING DOG AND EXPLOSIVES DETECTION CANINE HEALTH AND EXCELLENCE.

(a) PILOT PROGRAM.—Not later than September 31, 2022, the Secretary of Defense shall carry out a pilot program to ensure the health and excellence of explosives detection military working dogs. Under such pilot program, the Secretary shall consult with domestic breeders of working dog lines, covered institutions of higher education, and covered national domestic canine associations, to—

(1) facilitate the presentation, both in a central location and at regional field evaluations in the United States, of domestically-bred explosives detection military working dogs for assessment for procurement by the Department of Defense, at a rate of at least 250 canines presented per fiscal year;

(2) facilitate the delivery and communication to domestic breeders, covered institutions of higher education, and covered national domestic canine associations, of information regarding—

(A) any specific needs or requirements for the future acquisition by the Department of explosives detection military working dogs; and

(B) any factors identified as relevant to the success or failure of explosives detection military working dogs presented for assessment pursuant to this section;

(3) collect information on the biological and health factors of explosives detection military working dogs procured by the Department, and make such information available for academic research and to domestic breeders;

(4) collect and make available genetic and phenotypic information, including canine rearing and training data for study by domestic breeders and covered institutions of higher education, for the further development of working canines that are bred, raised, and trained domestically; and

(5) evaluate current Department guidance for the procurement of military working dogs to ensure that pricing structures and procurement requirements for foreign and domestic canine procurements accurately account for input cost differences between foreign and domestic canines.

(b) TERMINATION.—The authority to carry out the pilot program under subsection (a) shall terminate on October 1, 2024.

(c) DEFINITIONS.—In this section:

(1) The term ''covered institution of higher education'' means an institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), with demonstrated expertise in veterinary medicine for working canines.

(2) The term ''covered national domestic canine association'' means a national domestic canine association with demonstrated expertise in the breeding and pedigree of working canine lines.

(3) The term ''explosives detection military working dog'' means a canine that, in connection with the work duties of the canine performed for the Department of Defense, is certified and trained to detect odors indicating the presence of explosives in a given object or area, in addition to the performance of such other duties for the Department as may be assigned.

SEC. 382. DEPARTMENT OF DEFENSE RESPONSE TO MILITARY LAZING INCIDENTS.

(a) INVESTIGATION INTO LAZING OF MILITARY AIRCRAFT.—

(1) INVESTIGATION REQUIRED.—The Secretary of Defense shall conduct a formal investigation into all incidents of lazing of military aircraft that occurred during fiscal year 2021. The Secretary shall carry out such investigation in coordination and collaboration with appropriate non-Department of Defense entities.

(2) REPORT TO CONGRESS.—Not later than March 31, 2022, the Secretary shall submit to the congressional defense committees a report on the findings of the investigation conducted pursuant to paragraph (1).

(b) INFORMATION SHARING.—The Secretary shall seek to increase information sharing between the Department of Defense and the States with respect to incidents of lazing of military aircraft, including by entering into memoranda of understanding with State law enforcement agencies on information sharing in connection with such incidents to provide for procedures for closer cooperation with local law enforcement in responding to such incidents as soon as they are reported.

(c) DATA COLLECTION AND TRACKING.—The Secretary shall collect such data as may be necessary to track the correlation between noise complaints and incidents of military aircraft lazing.

(d) OPERATING PROCEDURES.—The Secretary shall give consideration to adapting local operating procedures in areas with high incidence of military aircraft lazing incidents to reduce potential injury to aircrew.

(e) EYE PROTECTION.—The Secretary shall examine the availability of commercial off-the-shelf laser eye protection equipment that protects against the most commonly available green light lasers that are available to the public. If the Secretary determines that no such laser eye protection equipment is available, the Secretary shall conduct research and develop such equipment.

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, 2022, as follows:

(1) The Army, 485,000.
(2) The Navy, 346,920.
(3) The Marine Corps, 178,500.
(4) The Air Force, 329,220.
(5) The Space Force, 8,400.

SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (5) and inserting the following new paragraphs:

''(1) For the Army, 485,000.
''(2) For the Navy, 346,920.
''(3) For the Marine Corps, 178,500.
''(4) For the Air Force, 329,220.
''(5) For the Space Force, 8,400.''.

SEC. 403. ADDITIONAL AUTHORITY TO VARY SPACE FORCE END STRENGTH.

(a) IN GENERAL.—Notwithstanding section 115(g) of title 10, United States Code, upon determination by the Secretary of the Air Force that such action would enhance manning and readiness in essential units or in critical specialties, the Secretary may vary the end strength authorized by Congress for each fiscal year as follows:

(1) Increase the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Space Force by a number equal to not more than 5 percent of such authorized end strength.

(2) Decrease the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Space Force by a number equal to not more than 10 percent of such authorized end strength.

(b) TERMINATION.—The authority provided under subsection (a) shall terminate on December 31, 2022.

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, 2022, as follows:

(1) The Army National Guard of the United States, 336,000.
(2) The Army Reserve, 189,500.
(3) The Navy Reserve, 58,600.
(4) The Marine Corps Reserve, 36,800.
(5) The Air National Guard of the United States, 108,300.
(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, 2022, 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, 30,845.
(2) The Army Reserve, 16,511.
(3) The Navy Reserve, 10,293.
(4) The Marine Corps Reserve, 2,386.
(5) The Air National Guard of the United States, 25,333.
(6) The Air Force Reserve, 6,003.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—The minimum authorized number of military technicians (dual status) as of the last day of fiscal year 2022 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, 7,111.

(b) LIMITATION ON NUMBER OF TEMPORARY MILITARY TECHNICIANS (DUAL STATUS).—The number of temporary military technicians (dual-status) employed under the authority of subsection (a) may not exceed 25 percent of the total authorized number specified in such subsection.

(c) 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 2022, 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. ACCOUNTING OF RESERVE COMPONENT MEMBERS PERFORMING ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY TOWARDS AUTHORIZED END STRENGTHS.

Section 115(b)(2)(B) of title 10, United States Code, is amended by striking ''1095 days in the previous 1460 days'' and inserting ''1825 days in the previous 2190 days''.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2022 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in the subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2022.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A— Officer Personnel Policy

SEC. 501. AUTHORITY WITH RESPECT TO AUTHORIZED STRENGTHS FOR GENERAL AND FLAG OFFICERS WITHIN THE ARMED FORCES FOR EMERGING REQUIREMENTS.

(a) AUTHORITY ON AND BEFORE DECEMBER 31, 2022.—Section 526 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

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

''(k) TRANSFER OF AUTHORIZATIONS AMONG THE MILITARY SERVICES.—(1) The Secretary of Defense may increase the maximum number of brigadier generals or major generals in the Army, Air Force, Marine Corps, or Space Force, or rear admirals (lower half) or rear admirals in the Navy, allowed under subsection (a) and section 525 of this title, and the President may appoint officers in the equivalent grades equal to the number increased by the Secretary of Defense, if each appointment is made in conjunction with an offsetting reduction under paragraph (2).

''(2) For each increase and appointment made under the authority of paragraph (1) in the Army, Navy, Air Force, Marine Corps, or Space Force, the number of appointments that may be made in the equivalent grade in one of the other armed forces (other than the Coast Guard) shall be reduced by one. When such an increase and appointment is made, the Secretary of Defense shall specify the armed force in which the reduction required by this paragraph is to be made.

''(3) The total number of general officers and flag officers increased under paragraph (1), combined with the total number of general officers and flag officers increased under section 526a(i)(1) of this title, may not exceed 15 at any one time.

''(4) The Secretary may not increase the maximum number of general officers or flag officers under paragraph (1) until the date that is 30 days after the date on which the Secretary provides, to the Committees on Armed Services of the Senate and the House of Representatives, written notice of—

''(A) such increase; and

''(B) each offsetting reduction under paragraph (2), specifying the armed force and billet so reduced.''.

(b) AUTHORITY AFTER DECEMBER 31, 2022.—Section 526a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i) TRANSFER OF AUTHORIZATIONS AMONG THE MILITARY SERVICES.—(1) The Secretary of Defense may increase the maximum number of brigadier generals or major generals in the Army, Air Force, Marine Corps, or Space Force, or rear admirals (lower half) or rear admirals in the Navy, allowed under subsection (a) and section 525 of this title and the President may appoint officers in the equivalent grades equal to the number increased by the Secretary of Defense if each appointment is made in conjunction with an offsetting reduction under paragraph (2).

''(2) For each increase and appointment made under the authority of paragraph (1) in the Army, Navy, Air Force, Marine Corps, or Space Force, the number of appointments that may be made in the equivalent grade in one of the other armed forces (other than the Coast Guard) shall be reduced by one. When such an increase and appointment is made, the Secretary of Defense shall specify the armed force in which the reduction required by this paragraph is to be made.

''(3) The total number of general officers and flag officers increased under paragraph (1), combined with the total number of general officers and flag officers increased under section 526(k)(1) of this title, may not exceed 15 at any one time.

''(4) The Secretary may not increase the maximum number of general officers or flag officers under paragraph (1) until the date that is 30 days after the date on which the Secretary provides, to the Committees on Armed Services of the Senate and the House of Representatives, written notice of—

''(A) such increase; and

''(B) each offsetting reduction under paragraph (2), specifying the armed force and billet so reduced.''.

SEC. 502. TIME IN GRADE REQUIREMENTS.

Section 619(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) When the needs of the service require, the Secretary of the military department concerned may prescribe a shorter period of service in grade, but not less than two years, for eligibility for consideration for promotion, in the case of officers designated for limited duty to whom paragraph (2) applies.''.

SEC. 503. AUTHORITY TO VARY NUMBER OF SPACE FORCE OFFICERS CONSIDERED FOR PROMOTION TO MAJOR GENERAL.

(a) IN GENERAL.—Notwithstanding section 616(d) of title 10, United States Code, the number of officers recommended for promotion by a selection board convened by the Secretary of the Air Force under section 611(a) of title 10, United States Code, to consider officers on the Space Force active duty list for promotion to major general may not exceed the number equal to 95 percent of the total number of brigadier generals eligible for consideration by the board.

(b) TERMINATION.—The authority provided under subsection (a) shall terminate on December 31, 2022.

SEC. 504. SEAMAN TO ADMIRAL-21 PROGRAM: CREDIT TOWARDS RETIREMENT.

(a) CREDIT.—For each participant in the Seaman to Admiral-21 program during fiscal years 2010 through 2014 for whom the Secretary of the Navy cannot find evidence of an acknowledgment that, before entering a baccalaureate degree program, service during the baccalaureate degree program would not be included when computing years of service for retirement, the Secretary shall include service during the baccalaureate degree program when computing—

(1) years of service; and

(2) retired or retainer pay.

(b) REPORT REQUIRED.—The Secretary shall submit a report to the Committees on Armed Services of the Senate and House of Representatives regarding the number of participants credited with service under subsection (a).

(c) DEADLINE.—The Secretary shall carry out this section not later than 180 days after the date of the enactment of this Act.

SEC. 505. INDEPENDENT ASSESSMENT OF RETENTION OF FEMALE SURFACE WARFARE OFFICERS.

(a) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with a nonprofit entity or a federally funded research and development center independent of the Department of Defense to conduct research and analysis on the gender gap in retention of surface warfare officers in the Navy.

(b) ELEMENTS.—The research and analysis conducted under subsection (a) shall include consideration of the following:

(1) Demographics of surface warfare officers, disaggregated by gender, including—

(A) race;

(B) ethnicity;

(C) socioeconomic status;

(D) marital status (including whether the spouse is a member of the Armed Forces and, if so, the length of service of such spouse);

(E) whether the officer has children (including number and age or ages of children);

(F) whether an immediate family member serves or has served as a member of the Armed Forces; and

(G) the percentage of such officers who—

(i) indicate an intent to complete only an initial service agreement; and

(ii) complete only an initial service agreement.

(2) Whether there is a correlation between the number of female surface warfare officers serving on a vessel and responses of such officers to command climate surveys.

(3) An anonymous but traceable study of command climate results to—

(A) correlate responses from particular female surface warfare officers with resignation; and

(B) compare attitudes of first-tour and second-tour female surface warfare officers.

(4) Recommendations based on the findings under paragraphs (1), (2), and (3).

(c) REPORTS.—

(1) IN GENERAL.—Not later than 270 days after the date on which a nonprofit entity or federally funded research and development center enters into an agreement under subsection (a) with the Secretary of Defense, such entity or center shall submit to the Secretary of Defense a report on the results of the research and analysis under subsection (a).

(2) SUBMISSION TO CONGRESS.—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 each of the following:

(A) A copy of the report submitted under paragraph (1) without change.

(B) Any comments, changes, recommendations, or other information provided by the Secretary of Defense relating to the research and analysis under subsection (a) and contained in such report.

SEC. 506. REPORTS ON AIR FORCE PERSONNEL PERFORMING DUTIES OF A NUCLEAR AND MISSILE OPERATIONS OFFICER (13N).

(a) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report on personnel performing the duties of a Nuclear and Missile Operations Officer (13N)—

(1) not later than 90 days after the date of the enactment of this Act; and

(2) concurrent with the submission to Congress of the budget of the President for each of fiscal years 2023 through 2027 pursuant to section 1105(a) of title 31, United States Code.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) The number of Nuclear and Missile Operations Officers commissioned, by commissioning source, during the most recent fiscal year that ended before submission of the report.

(2) A description of the rank structure and number of such officers by intercontinental ballistic missile operational group during that fiscal year.

(3) The retention rate of such officers by intercontinental ballistic missile operational group during that fiscal year and an assessment of reasons for any loss in retention of such officers.

(4) A description of the rank structure and number of officers by intercontinental ballistic missile operational group performing alert duties by month during that fiscal year.

(5) A description of the structure of incentive pay for officers performing 13N duties during that fiscal year.

(6) A personnel manning plan for managing officers performing alert duties during the period of five fiscal years after submission of the report.

(7) A description of methods, with metrics, to manage the transition of Nuclear and Missile Operations Officers, by intercontinental ballistic missile operational group, to other career fields in the Air Force.

(8) Such other matters as the Secretary considers appropriate to inform the congressional defense committees with respect to the 13N career field during the period of five to ten fiscal years after submission of the report.

Subtitle B—Reserve Component Management

SEC. 511. MODIFICATION OF GRANT PROGRAM SUPPORTING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH EDUCATION IN THE JUNIOR RESERVE OFFICERS' TRAINING CORPS TO INCLUDE QUANTUM INFORMATION SCIENCES.

Section 2036(g)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (J) through (M) as subparagraphs (K) through (N), respectively; and

(2) by inserting after subparagraph (I) the following new subparagraph:

''(J) quantum information sciences;''.

SEC. 512. PROHIBITION ON PRIVATE FUNDING FOR INTERSTATE DEPLOYMENT OF NATIONAL GUARD.

(a) PROHIBITION.—Chapter 3 of title 32, United States Code, is amended by adding at the end the following new section:

''§ 329. Prohibition on private funding for interstate deployment

''A member of the National Guard may not be ordered to cross a border of a State to perform duty (under this title or title 10) if such duty is paid for with private funds, unless such duty is in response to a major disaster or emergency under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).''.

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

''329. Prohibition on private funding for interstate deployment.''.

SEC. 513. ACCESS TO TOUR OF DUTY SYSTEM.

(a) ACCESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall ensure, subject to paragraph (2), that a member of the reserve components of the Army may access the Tour of Duty system using a personal internet-enabled device.

(2) EXCEPTION.—The Secretary of the Army may restrict access to the Tour of Duty system on personal internet-enabled devices if the Secretary determines such restriction is necessary to ensure the security and integrity of information systems and data of the United States.

(b) TOUR OF DUTY SYSTEM DEFINED.—In this Act, the term ''Tour of Duty system'' means the online system of listings for opportunities to serve on active duty for members of the reserve components of the Army and through which such a member may apply for such an opportunity, known as ''Tour of Duty'', or any successor to such system.

SEC. 514. IMPLEMENTATION OF CERTAIN RECOMMENDATIONS REGARDING USE OF UNMANNED AIRCRAFT SYSTEMS BY THE NATIONAL GUARD.

Not later than September 30, 2022, the Secretary of Defense shall implement recommendations of the Secretary described in section 519C(a)(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

SEC. 515. CONTINUED NATIONAL GUARD SUPPORT FOR FIREGUARD PROGRAM.

Until September 30, 2026, the Secretary of Defense shall continue to support the FireGuard program with personnel of the California National Guard to aggregate, analyze, and assess multi-source remote sensing information for interagency partnerships in the initial detection and monitoring of wildfires.

SEC. 516. ENHANCEMENT OF NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) AUTHORITY.—During fiscal year 2022, the Secretary of Defense may provide assistance to

a National Guard Youth Challenge Program of a State—

(1) in addition to assistance under subsection (d) of section 509 of title 32, United States Code;

(2) that is not subject to the matching requirement under such subsection; and

(3) for—

(A) new program start-up costs; or

(B) a workforce development program.

(b) LIMITATIONS.—

(1) MATCHING.—The Secretary may not provide additional assistance under this section to a State that does not comply with the fund matching requirement under such subsection regarding assistance under such subsection.

(2) TOTAL ASSISTANCE.—Total assistance under this section to all States may not exceed $5,000,000 of the funds appropriated for the National Guard Youth Challenge Program for fiscal year 2022.

(c) REPORTING.—Any assistance provided under this section shall be included in the annual report under subsection (k) of section 509 of such title.

SEC. 517. REPORT ON METHODS TO ENHANCE SUPPORT FROM THE RESERVE COMPONENTS IN RESPONSE TO CATASTROPHIC INCIDENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation and coordination with the Federal Emergency Management Agency, the National Security Council, the Council of Governors, and the National Governors Association, shall submit to the appropriate congressional committees a report that includes—

(1) a detailed examination of the policy framework for the reserve components, consistent with existing authorities, to provide support to other Federal agencies in response to catastrophic incidents;

(2) identify major statutory or policy impediments to such support; and

(3) recommendations for legislation as appropriate.

(b) CONTENTS.—The report submitted under this section shall include a description of—

(1) the assessment of the Secretary, informed by consultation with the Federal Emergency Management Agency, the National Security Council, the Council of Governors, and the National Governors Association, regarding—

(A) the sufficiency of current authorities for the reimbursement of reserve component personnel during catastrophic incidents under title 10 and title 32, United States Code; and

(B) specifically whether reimbursement authorities are sufficient to ensure that military training and readiness are not degraded to fund disaster response, or use of such authorities degrades the effectiveness of the Disaster Relief Fund;

(2) the plan of the Secretary to ensure there is parallel and consistent policy in the application of the authorities granted under section 12304a of title 10, United States Code, and section 502(f) of title 32, United States Code, including—

(A) a description of the disparities between benefits and protections under Federal law versus State active duty;

(B) recommended solutions to achieve parity at the Federal level; and

(C) recommended changes at the State level, if appropriate;

(3) the plan of the Secretary to ensure there is parity of benefits and protections for members of the Armed Forces employed as part of the response to catastrophic incidents under title 32 or title 10, United States Code, and recommendations for addressing shortfalls; and

(4) a review, by the Federal Emergency Management Agency, of the current policy for, and an assessment of the sufficiency of, reimbursement authority for the use of the reserve components, both to the Department of Defense and to the States, during catastrophic incidents, including any policy and legal limitations, and cost assessment impact on Federal funding.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means the following:

(A) The congressional defense committees;

(B) The Committee on Homeland Security of the House of Representatives.

(C) The Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Committee on Transportation and Infrastructure of the House of Representatives.

(E) The Committee on Commerce, Science, and Transportation of the Senate.

(2) The term ''catastrophic incident'' has the meaning given that term in section 501 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 311).

SEC. 518. STUDY ON REAPPORTIONMENT OF NATIONAL GUARD FORCE STRUCTURE BASED ON DOMESTIC RESPONSES.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine whether to reapportion the current force structure of the National Guard based on wartime and domestic response requirements. The study shall include the following elements:

(1) An assessment of how domestic response missions affect recruitment and retention of qualified personnel, especially in States—

(A) with the lowest ratios of National Guard members to the general population; and

(B) that are most prone to natural disasters.

(2) An assessment of how domestic response missions affect the ability of the National Guard of a State to ability to staff, equip, and ready a unit for its Federal missions.

(3) A comparison of the costs of a response to a domestic incident in a State with—

(A) units of the National Guard of such State; and

(B) units of the National Guards of other States pursuant to an emergency management assistance compact.

(4) Based on the recommendations in the 2021 report of the National Guard Bureau titled ''Impact of U.S. Population Trends on National Guard Force Structure'', an assessment of—

(A) challenges to recruiting members of the National Guard;

(B) allocating mission sets to other geographic regions;

(C) the ability to track and respond to domestic migration trends in order to establish a baseline for force structure requirements;

(D) the availability of training ranges for Federal missions;

(E) the availability of transportation and other support infrastructure; and

(F) the cost of operation in each State.

(5) In light of the limited authority of the President under section 104(c) of title 32, United States Code, an assessment of whether the number of members of the National Guard is sufficient to reapportion force structure to meet the requirements of domestic responses and shifting populations.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study under subsection (a).

(c) STATE DEFINED.—In this section, the term ''State'' includes the various States and Territories, the Commonwealth of Puerto Rico, and the District of Columbia.

SEC. 519. BRIEFING ON JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

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 briefing on the status of the Junior Reserve Officers' Training Corps programs of each Armed Force. The briefing shall include—

(1) an assessment of the current usage of the program, including the number of individuals enrolled in the program, the demographic information of individuals enrolled in the program, and the number of units established under the program;

(2) a description of the efforts of the Armed Forces to meet current enrollment targets for the program;

(3) an explanation of the reasons such enrollment targets have not been met, if applicable;

(4) a description of any obstacles preventing the Armed Forces from meeting such enrollment targets;

(5) a comparison of the potential benefits and drawbacks of expanding the program; and

(6) a description of program-wide diversity and inclusion recruitment and retention efforts.

Subtitle C—General Service Authorities and Military Records

SEC. 521. REDUCTION IN SERVICE COMMITMENT REQUIRED FOR PARTICIPATION IN CAREER INTERMISSION PROGRAM OF A MILITARY DEPARTMENT.

Section 710(c)(3) of title 10, United States Code, is amended by striking ''two months'' and inserting ''one month''.

SEC. 522. IMPROVEMENTS TO MILITARY ACCESSIONS IN ARMED FORCES UNDER THE JURISDICTION OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall take the following steps regarding military accessions in each Armed Force under the jurisdiction of the Secretary of a military department:

(1) Assess the prescribed medical standards for appointment as an officer, or enlistment as a member, in such Armed Force.

(2) Determine how to update the medical screening processes for appointment or enlistment.

(3) Determine how to standardize operations across the military entrance processing stations.

(4) Determine how to improve aptitude testing methods and standardized testing requirements.

(5) Determine how to improve the waiver process for individuals who do not meet medical standards for accession.

(6) Determine, by reviewing data from calendar years 2017 through 2021, whether military accessions (including such accessions pursuant to waivers) vary, by geographic region.

(7) Determine, by reviewing data from calendar years 2017 through 2021, whether access to military health records has suppressed the number of such military accessions, authorized Secretaries of the military departments, by—

(A) children of members of such Armed Forces;

(B) retired members of such Armed Forces; or

(C) recently separated members of such Armed Forces.

(8) Implement improvements determined under paragraphs (1) through (7).

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall brief the Committees on Armed Services of the Senate and House of Representatives on the results of carrying out this section and recommendations regarding legislation the Secretary determines necessary to improve such military accessions.

SEC. 523. NOTICE PROGRAM RELATING TO OPTIONS FOR NATURALIZATION.

(a) UPON ENLISTMENT.—The Secretary of each military department shall prescribe regulations that ensure that a military recruit, who is not a citizen of the United States, receives proper notice of options for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) Such notice shall inform the recruit of existing programs or services that may aid in the naturalization process of such recruit.

(b) UPON SEPARATION.—The Secretary of Homeland Security, acting through the Director of U.S. Citizenship and Immigration Services, and in coordination with the Secretary of Defense, shall provide to a member of the Armed Forces who is not a citizen of the United States, upon separation of such member, notice of options for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et

seq.) Such notice shall inform the member of existing programs or services that may aid in the naturalization process of such member.

SEC. 524. APPEALS TO PHYSICAL EVALUATION BOARD DETERMINATIONS OF FITNESS FOR DUTY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall incorporate a formal appeals process (including timelines established by the Secretary of Defense) into the policies and procedures applicable to the implementation of the Integrated Disability Evaluation System of the Department of Defense. The appeals process shall include the following:

(1) The Secretary concerned shall ensure that a member of the Armed Forces may submit a formal appeal made with respect to determinations of fitness for duty to a Physical Evaluation Board of such Secretary.

(2) The appeals process shall include, at the request of such member, an impartial hearing on a fitness for duty determination to be conducted by the Secretary concerned.

(3) Such member shall have the option to be represented at a hearing by legal counsel.

SEC. 525. COMMAND OVERSIGHT OF MILITARY PRIVATIZED HOUSING AS ELEMENT OF PERFORMANCE EVALUATIONS.

(a) EVALUATIONS IN GENERAL.—Each Secretary of a military department shall ensure that the performance evaluations of any individual described in subsection (b) under the jurisdiction of such Secretary provides for an assessment of the extent to which such individual has or has not exercised effective oversight and leadership in the following:

(1) Improving conditions of privatized housing under subchapter IV of chapter 169 of title 10, United States Code.

(2) Addressing concerns with respect to such housing of members of the Armed Forces and their families who reside in such housing on an installation of the military department concerned.

(b) COVERED INDIVIDUALS.—The individuals described in this subsection are as follows:

(1) The commander of an installation of a military department at which on-installation housing is managed by a landlord of privatized housing under subchapter IV of chapter 169 of title 10, United States Code.

(2) Each officer or senior enlisted member of the Armed Forces at an installation described in paragraph (1) whose duties include facilities or housing management at such installation.

(3) Any other officer or enlisted member of the Armed Forces (whether or not at an installation described in paragraph (1)) as specified by the Secretary of the military department concerned for purposes of this section.

SEC. 526. FEASIBILITY STUDY ON ESTABLISHMENT OF HOUSING HISTORY FOR MEMBERS OF THE ARMED FORCES WHO RESIDE IN HOUSING PROVIDED BY THE UNITED STATES.

(a) STUDY; REPORT.—Not later than September 30, 2022, the Secretary of Defense shall—

(1) conduct a feasibility study regarding the establishment of a standard record of housing history for members of the Armed Forces who reside in covered housing; and

(2) submit to the appropriate congressional committees a report on the results of such study.

(b) CONTENTS.—A record described in subsection (a) includes, with regards to each period during which the member concerned resided in covered housing, the following:

(1) The assessment of the commander of the military installation in which such housing is located, of the condition of such covered housing—

(A) prior to the beginning of such period; and

(B) in which the member concerned left such covered housing upon vacating such covered housing.

(2) Contact information a housing provider may use to inquire about such a record.

(c) ONLINE ACCESS.—A record described in subsection (a) would be accessible through a website, maintained by the Secretary of the military department concerned, through which a member of the Armed Forces under the jurisdiction of such Secretary may access such record of such member.

(d) ISSUANCE.—The Secretary concerned would issue a copy of a described in subsection (a) to the member concerned upon the separation, retirement, discharge, or dismissal of such member from the Armed Forces, with the DD Form 214 for such member.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means the following:

(A) The Committee on Armed Services of the House of Representatives.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on Transportation and Infrastructure of the House of Representatives.

(D) The Committee on Commerce, Science, and Transportation of the Senate.

(2) The term ''covered housing'' means housing provided by the United States to a member of the Armed Forces.

SEC. 527. ENHANCEMENTS TO NATIONAL MOBILIZATION EXERCISES.

(a) INCLUSION OF PROCESSES OF SELECTIVE SERVICE SYSTEM.—Section 10208 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Secretary shall, beginning in the first fiscal year that begins after the date of the enactment of this subsection, and every five years thereafter, as part of the major mobilization exercise under subsection (a), include the processes of the Selective Service System in preparation for induction of personnel into the armed forces under the Military Selective Service Act (50 U.S.C. 3801 et seq.), and submit to Congress a report on the results of this exercise and evaluation. The report may be submitted in classified form.

''(2) The exercise under this subsection—

''(A) shall include a review of national mobilization strategic and operational concepts; and

''(B) shall include a simulation of a mobilization of all armed forces and reserve units, with plans and processes for incorporating Selective Service System inductees.''.

(b) BRIEFING; REPORT.—

(1) BRIEFING.—Not later than 180 days after the date on which the Secretary of Defense conducts the first mobilization exercise under section 10208 of title 10, United States Code, after the date of the enactment of this Act, the Secretary shall provide to the Committees of Armed Services of the Senate and House of Representatives a briefing on—

(A) the status of the review and assessments conducted pursuant to subsection (c) of such section, as added by subsection (a); and

(B) any interim recommendations of the Secretary.

(2) REPORT.—Not later than two years after the date on which the Secretary conducts the first mobilization exercise as described in paragraph (1), the Secretary shall submit to the Committees of Armed Services of the Senate and House of Representatives a report that contains the following:

(A) A review of national mobilization strategic and operational concepts.

(B) A simulation of a mobilization of all Armed Forces and reserve units, with plans and processes for incorporating Selective Service System inductees.

(C) An assessment of the Selective Service system in the current organizational form.

(D) An assessment of the Selective Service System as a peace-time registration system.

(E) Recommendations with respect to the challenges, opportunities, cost, and timelines regarding the assessments described in subparagraphs (C) and (D).

SEC. 528. TEMPORARY EXEMPTION FROM END STRENGTH GRADE RESTRICTIONS FOR THE SPACE FORCE.

(a) EXEMPTION.—Sections 517 and 523 of title 10, United States Code, shall not apply to the Space Force until January 1, 2023.

(b) SUBMITTAL.—Not later than April 1, 2022, the Secretary of the Air Force shall establish and submit to the Committees on Armed Services for the Senate and House of Representatives for inclusion in the National Defense Authorization Act for fiscal year 2023, the number of officers who—

(1) may be serving on active duty in each of the grades of major, lieutenant colonel, and colonel; and

(2) may not, as of the end of such fiscal year, exceed a number determined in accordance with section 523(a)(1) of such title.

SEC. 529. REPORT ON EXEMPTIONS AND DEFERMENTS FOR A POSSIBLE MILITARY DRAFT.

Not later than 120 days after the date of the enactment of this Act, the Director of the Selective Service System, in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall submit to Congress a report providing a review of exemptions and deferments from registration, training, and service under the Military Selective Service Act (50 U.S.C. 3801 et seq.).

SEC. 529A. REPORT ON PROCESSES AND PROCEDURES FOR APPEAL OF DENIAL OF STATUS OR BENEFITS FOR FAILURE TO REGISTER FOR SELECTIVE SERVICE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the Selective Service System shall submit to the appropriate committees of Congress a report setting forth the results of a review of the processes and procedures employed by agencies across the Federal Government for the appeal by individuals of a denial of status or benefits under Federal law for failure to register for selective service under the Military Selective Service Act (50 U.S.C. 3801 et seq.).

(b) CONSULTATION.—The Director of the Selective Service System shall carry out this section in consultation with the Secretary of Homeland Security, the Secretary of Education, the Director of the Office of Personnel Management, and the heads of other appropriate Federal agencies.

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

(1) A description and assessment of the various appeals processes and procedures described in subsection (a), including—

(A) a description of such processes and procedures; and

(B) an assessment of—

(i) the adequacy of notice provided for appeals under such processes and procedures;

(ii) the fairness of each such process and procedure;

(iii) the ease of use of each such process and procedure;

(iv) consistency in the application of such processes and procedures across the Federal Government; and

(v) the applicability of an appeal granted by one Federal agency under such processes and procedures to the actions and decisions of another Federal agency on a similar appeal.

(2) Information on the number of waivers requested, and the number of waivers granted, during the 15-year period ending on the date of the enactment of this Act in connection with denial of status or benefits for failure to register for selective service.

(3) An analysis and assessment of the recommendations of the National Commission on Military, National, and Public Service for reforming the rules and policies concerning failure to register for selective service.

(4) Such recommendations for legislative or administrative action as the Director of the Selective Service System, and the consulting officers pursuant to subsection (b), consider appropriate in light of the review conducted pursuant to subsection (a).

(5) Such other matters in connection with the review conducted pursuant to subsection (a) as the Director considers appropriate.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committee 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 Oversight and Reform of the House of Representatives.

SEC. 529B. STUDY AND REPORT ON ADMINISTRATIVE SEPARATION BOARDS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the use of administrative separation boards within the Armed Forces.

(b) ELEMENTS.—The study under subsection (a) shall evaluate—

(1) the process each Armed Force uses to convene administrative separation boards, including the process used to select the board president, the recorder, the legal advisor, and board members; and

(2) the effectiveness of the operations of such boards.

(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 results of the study conducted under subsection (a).

Subtitle D—Military Justice Reform

PART 1—SPECIAL TRIAL COUNSEL

SEC. 531. SPECIAL TRIAL COUNSEL.

(a) IN GENERAL.—Subchapter V of chapter 47 of title 10, United States Code, is amended by inserting after section 824 (article 24 of the Uniform Code of Military Justice) the following new section:

''§ 824a. Art 24a. Special trial counsel

''(a) DETAIL OF SPECIAL TRIAL COUNSEL.—Each Secretary concerned shall promulgate regulations for the detail of commissioned officers to serve as special trial counsel.

''(b) QUALIFICATIONS.—A special trial counsel shall be a commissioned officer who—

''(1)(A) is a member of the bar of a Federal court or a member of the bar of the highest court of a State; and

''(B) is certified to be qualified, by reason of education, training, experience, and temperament, for duty as a special trial counsel by—

''(i) the Judge Advocate General of the armed force of which the officer is a member; or

''(ii) in the case of the Marine Corps, the Staff Judge Advocate to the Commandant of the Marine Corps; and

''(2) in the case of a lead special trial counsel appointed pursuant to section 1044f(a)(2) of this title, is in a grade no lower than O–7.

''(c) DUTIES AND AUTHORITIES.—

''(1) IN GENERAL.—Special trial counsel shall carry out the duties described in this chapter and any other duties prescribed by the Secretary concerned, by regulation.

''(2) DETERMINATION OF COVERED OFFENSE; RELATED CHARGES.—

''(A) AUTHORITY.—A special trial counsel shall have exclusive authority to determine if a reported offense is a covered offense and shall exercise authority over any such offense in accordance with this chapter. Any determination to prefer or refer charges shall not act to disqualify the special trial counsel as an accuser.

''(B) KNOWN AND RELATED OFFENSES.—If a special trial counsel determines that a reported offense is a covered offense, the special trial counsel may also exercise authority over any offense that the special trial counsel determines to be related to the covered offense and any other offense alleged to have been committed by a person alleged to have committed the covered offense.

''(3) DISMISSAL; REFERRAL; PLEA BARGAINS.—Subject to paragraph (4), with respect to charges and specifications alleging any offense over which a special trial counsel exercises authority, a special trial counsel shall have exclusive authority to, in accordance with this chapter—

''(A) on behalf of the Government, withdraw or dismiss the charges and specifications or make a motion to withdraw or dismiss the charges and specifications;

''(B) refer the charges and specifications for trial by a special or general court-martial;

''(C) enter into a plea agreement; and

''(D) determine if an ordered rehearing is impracticable.

''(4) BINDING DETERMINATION.—The determination of a special trial counsel to refer charges and specifications to a court-martial for trial shall be binding on any applicable convening authority for the referral of such charges and specifications.

''(5) DEFERRAL TO COMMANDER OR CONVENING AUTHORITY.—If a special trial counsel exercises authority over an offense and elects not to prefer charges and specifications for such offense or, with respect to charges and specifications for such offense preferred by a person other than a special trial counsel, elects not to refer such charges and specifications, a commander or convening authority may exercise any of the authorities of such commander or convening authority under this chapter with respect to such offense, except that such commander or convening authority may not refer charges and specifications for a covered offense for trial by special or general court-martial.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating to section 824 (article 24) the following new item:

''824a. Art 24a. Special trial counsel.''.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan of the Secretary for detailing officers to serve as special trial counsel pursuant to section 824a of title 10, United States Code (article 24a of the Uniform Code of Military Justice) (as added by subsection (a) of this section).

(2) ELEMENTS.—Each report under paragraph (1) shall include the following—

(A) The plan of the Secretary concerned—

(i) for staffing billets for—

(I) special trial counsel who meet the requirements set forth in section 824a of title 10, United States Code (article 24a of the Uniform Code of Military Justice) (as added by subsection (a) of this section); and

(II) defense counsel for cases involving covered offenses; and

(ii) for supporting and ensuring the continuing professional development of military justice practitioners.

(B) An estimate of the resources needed to implement such section 824a (article 24a).

(C) An explanation of other staffing required to implement such section 824a (article 24a), including staffing levels required for military judges, military magistrates, military defense attorneys, and paralegals and other support staff.

(D) A description of how the use of special trial counsel will affect the military justice system as a whole.

(E) A description of how the Secretary concerned plans to place appropriate emphasis and value on litigation experience for judge advocates in order to ensure judge advocates are experienced, prepared, and qualified to handle covered offenses, both as special trial counsel and as defense counsel. Such a description shall address promotion considerations and explain how the Secretary concerned plans to instruct promotion boards to value litigation experience.

(F) Any additional resources, authorities, or information that each Secretary concerned deems relevant or important to the implementation of the requirements of this title.

(3) DEFINITIONS.—In this subsection—

(A) The term ''Secretary concerned'' has the meaning given that term in section 101(a) of title 10, United States Code.

(B) The term ''covered offense'' has the meaning given that term in section 801(17) of title 10, United States Code (as added by section 533 of this part).

SEC. 532. POLICIES WITH RESPECT TO SPECIAL TRIAL COUNSEL.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044e the following new section:

''§ 1044f. Policies with respect to special trial counsel

''(a) POLICIES REQUIRED.—The Secretary of Defense shall establish policies with respect to the appropriate mechanisms and procedures that the Secretaries of the military departments shall establish relating to the activities of special trial counsel, including expected milestones for such Secretaries to fully implement such mechanisms and procedures. The policies shall—

''(1) provide for the establishment of a dedicated office within each military service from which office the activities of the special trial counsel of the military service concerned shall be supervised and overseen;

''(2) provide for the appointment of one lead special trial counsel, who shall—

''(A) be a judge advocate of that service in a grade no lower than O–7, with significant experience in military justice;

''(B) be responsible for the overall supervision and oversight of the activities of the special trial counsel of that service; and

''(C) report directly to the Secretary concerned, without intervening authority;

''(3) ensure that within each office created pursuant to paragraph (1), the special trial counsel and other personnel assigned or detailed to the office—

''(A) are independent of the military chains of command of both the victims and those accused of covered offenses and any other offenses over which a special trial counsel at any time exercises authority in accordance with section 824a of this title (article 24a); and

''(B) conduct assigned activities free from unlawful or unauthorized influence or coercion;

''(4) provide that special trial counsel shall be well-trained, experienced, highly skilled, and competent in handling cases involving covered offenses; and

''(5) provide that commanders of the victim and the accused in a case involving a covered offense shall have the opportunity to provide input to the special trial counsel regarding case disposition, but that the input is not binding on the special trial counsel.

''(b) UNIFORMITY.—The Secretary of Defense shall ensure that any lack of uniformity in the implementation of policies, mechanisms, and procedures established under subsection (a) does not render unconstitutional any such policy, mechanism, or procedure.

''(c) MILITARY SERVICE DEFINED.—In this section, the term 'military service' means the Army, Navy, Air Force, Marine Corps, and Space Force.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by inserting after the item relating to section 1044e the following new item:

''1044f. Policies with respect to special trial counsel.''.

(c) QUARTERLY BRIEFING.—Beginning not later than 180 days after the date of the enactment of this Act, and at the beginning of each fiscal quarter thereafter until the policies established pursuant to section 1044f(a) of title 10, United States Code (as added by subsection (a)) and the mechanisms and procedures to which they apply are fully implemented and operational, the Secretary of Defense and the Secretaries of the military departments shall jointly provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing detailing the actions taken and progress made by the Office of the Secretary of Defense and each of the military departments in meeting the milestones established as required by such section.

SEC. 533. DEFINITION OF MILITARY MAGISTRATE, COVERED OFFENSE, AND SPECIAL TRIAL COUNSEL.

Section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), is amended—

(1) by inserting after paragraph (10) the following new paragraph:

''(11) The term 'military magistrate' means a commissioned officer certified for duty as a military magistrate in accordance with section 826a of this title (article 26a).''; and

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

''(17) The term 'covered offense' means—

''(A) an offense under section 917a (article 117a), section 918 (article 118), section 919 (article 119), section 920 (article 120), section 920b (article 120b), section 920c (article 120c), section 925 (article 125), section 928b (article 128b), section 930 (article 130), section 932 (article 132), or the standalone offense of child pornography punishable under section 934 (article 134) of this title;

''(B) a conspiracy to commit an offense specified in subparagraph (A) as punishable under section 881 of this title (article 81);

''(C) a solicitation to commit an offense specified in subparagraph (A) as punishable under section 882 of this title (article 82); or

''(D) an attempt to commit an offense specified in subparagraph (A), (B), or (C) as punishable under section 880 of this title (article 80).

''(18) The term 'special trial counsel' means a judge advocate detailed as a special trial counsel in accordance with section 824a of this title (article 24a) and includes a judge advocate appointed as a lead special trial counsel pursuant to section 1044f(a)(2) of this title.''.

SEC. 534. CLARIFICATION RELATING TO WHO MAY CONVENE COURTS-MARTIAL.

(a) GENERAL COURTS-MARTIAL.—Section 822(b) of title 10, United States Code (article 22(b) of the Uniform Code of Military Justice), is amended—

(1) by striking ''If any'' and inserting ''(1) If any''; and

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

''(2) A commanding officer shall not be considered an accuser solely due to the role of the commanding officer in convening a general court-martial to which charges and specifications were referred by a special trial counsel in accordance with this chapter.''.

(b) SPECIAL COURTS-MARTIAL.—Section 823(b) of title 10, United States Code (article 23(b) of the Uniform Code of Military Justice), is amended—

(1) by striking ''If any'' and inserting ''(1) If any''; and

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

''(2) A commanding officer shall not be considered an accuser solely due to the role of the commanding officer in convening a special court-martial to which charges and specifications were referred by a special trial counsel in accordance with this chapter.''.

SEC. 535. DETAIL OF TRIAL COUNSEL.

Section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(e) For each general and special court-martial for which charges and specifications were referred by a special trial counsel—

''(1) a special trial counsel shall be detailed as trial counsel; and

''(2) a special trial counsel may detail other trial counsel as necessary who are judge advocates.''.

SEC. 536. PRELIMINARY HEARING.

(a) DETAIL OF HEARING OFFICER; WAIVER.—Subsection (a)(1) of section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), is amended—

(1) in subparagraph (A), by striking ''hearing officer'' and all that follows through the period at the end and inserting ''hearing officer detailed in accordance with subparagraph (C).'';

(2) in subparagraph (B), by striking ''written waiver'' and all that follows through the period at the end and inserting the following: ''written waiver to—

''(i) except as provided in clause (ii), the convening authority and the convening authority determines that a hearing is not required; and

''(ii) with respect to charges and specifications over which the special trial counsel is exercising authority in accordance with section 824a of this title (article 24a), the special trial counsel and the special trial counsel determines that a hearing is not required.''; and

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

''(C)(i) Except as provided in clause (ii), the convening authority shall detail a hearing officer.

''(ii) If a special trial counsel is exercising authority over the charges and specifications subject to a preliminary hearing under this section (article), the special trial counsel shall request a hearing officer and a hearing officer shall be provided by the convening authority, in accordance with regulations prescribed by the President.''.

(b) REPORT OF PRELIMINARY HEARING OFFICER.—Subsection (c) of such section is amended—

(1) in the heading, by inserting ''OR SPECIAL TRIAL COUNSEL'' after ''CONVENING AUTHORITY''; and

(2) in the matter preceding paragraph (1) by striking ''to the convening authority'' and inserting ''to the convening authority or, in the case of a preliminary hearing in which the hearing officer is provided at the request of a special trial counsel to the special trial counsel,''.

SEC. 537. ADVICE TO CONVENING AUTHORITY BEFORE REFERRAL FOR TRIAL.

Section 834 of title 10, United States Code (article 34 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(1), by striking ''Before referral'' and inserting ''Subject to subsection (c), before referral''

(2) in subsection (b), by striking ''Before referral'' and inserting ''Subject to subsection (c), before referral'';

(3) by redesignating subsections (c) and (d) as subsections (d) and (e) respectively;

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

''(c) COVERED OFFENSES.—A referral to a general or special court-martial for trial of charges and specifications over which a special trial counsel exercises authority may only be made—

''(1) by a special trial counsel, subject to a special trial counsel's written determination accompanying the referral that—

''(A) each specification under a charge alleges an offense under this chapter;

''(B) there is probable cause to believe that the accused committed the offense charged; and

''(C) a court-martial would have jurisdiction over the accused and the offense; or

''(2) in the case of charges and specifications that do not allege a covered offense and as to which a special trial counsel declines to prefer or, in the case of charges and specifications preferred by a person other than a special trial counsel, refer charges, by the convening authority in accordance with this section.''; and

(5) in subsection (e), as so redesignated, by inserting ''or, with respect to charges and specifications over which a special trial counsel exercises authority in accordance with section 824a of this title (article 24a), a special trial counsel,'' after ''convening authority''.

SEC. 538. FORMER JEOPARDY.

Section 844(c) of title 10, United States Code (article 44(c) of the Uniform Code of Military Justice), is amended by inserting ''or the special trial counsel'' after ''the convening authority'' each place it appears.

SEC. 539. PLEA AGREEMENTS.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—Subsection (a) of section 853a of title 10, United States Code (article 53a of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1), by striking ''At any time'' and inserting ''Subject to paragraph (3), at any time''; and

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

''(3) With respect to charges and specifications over which a special trial counsel exercises authority pursuant to section 824a of this title (article 24a), a plea agreement under this section may only be entered into between a special trial counsel and the accused. Such agreement shall be subject to the same limitations and conditions applicable to other plea agreements under this section (article).''.

(b) BINDING EFFECT.—Subsection (d) of such section (article) is amended by inserting after ''parties'' the following: ''(including the convening authority and the special trial counsel in the case of a plea agreement entered into under subsection (a)(3))''.

SEC. 539A. DETERMINATIONS OF IMPRACTICABILITY OF REHEARING.

(a) TRANSMITTAL AND REVIEW OF RECORDS.—Section 865(e)(3)(B) of title 10, United States Code (article 65(e)(3)(B) of the Uniform Code of Military Justice), is amended—

(1) by striking ''IMPRACTICAL.—If the Judge Advocate General'' and inserting the following: ''IMPRACTICABLE.—''

''(i) IN GENERAL.—Subject to clause (ii), if the Judge Advocate General'';

(2) by striking ''impractical'' and inserting ''impracticable''; and

(3) by adding at the end the following new clause:

''(ii) CASES REFERRED BY SPECIAL TRIAL COUNSEL .—If a case was referred to trial by a special trial counsel, a special trial counsel shall determine if a rehearing is impracticable and shall dismiss the charges if the special trial counsel so determines.''.

(b) COURTS OF CRIMINAL APPEALS.—Section 866(f)(1)(C) of title 10, United States Code (article 66(f)(1)(C) of the Uniform Code of Military Justice), is amended—

(1) by striking ''IMPRACTICABLE.—If the Court of Criminal Appeals'' and inserting the following: ''IMPRACTICABLE.—

''(i) IN GENERAL.—Subject to clause (ii), if the Court of Criminal Appeals''; and

(2) by adding at the end the following new clause:

''(ii) CASES REFERRED BY SPECIAL TRIAL COUNSEL.—If a case was referred to trial by a special trial counsel, a special trial counsel shall determine if a rehearing is impracticable and shall dismiss the charges if the special trial counsel so determines.''.

(c) REVIEW BY THE COURT OF APPEALS FOR THE ARMED FORCES.—Section 867(e) of title 10, United States Code (article 67(e) of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, if a case

was referred to trial by a special trial counsel, a special trial counsel shall determine if a rehearing is impracticable and shall dismiss the charges if the special trial counsel so determines.''.

(d) REVIEW BY JUDGE ADVOCATE GENERAL.—Section 869(c)(1)(D) of title 10, Untied States Code (article 69(c)(1)(D) of the Uniform Code of Military Justice), is amended—

(1) by striking ''If the Judge Advocate General'' and inserting ''(i) Subject to clause (ii), if the Judge Advocate General'';

(2) by striking ''impractical'' and inserting ''impracticable''; and

(3) by adding at the end the following new clause:

''(ii) If a case was referred to trial by a special trial counsel, a special trial counsel shall determine if a rehearing is impracticable and shall dismiss the charges if the special trial counsel so determines.''.

SEC. 539B. APPLICABILITY TO THE UNITED STATES COAST GUARD.

The Secretary of Defense shall consult and enter into an agreement with the Secretary of Homeland Security to apply the provisions of this part and the amendments made by this part, and the policies, mechanisms, and processes established pursuant to such provisions, to the United States Coast Guard when it is operating as a service in the Department of Homeland Security.

SEC. 539C. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this part shall take effect on the date that is two years after the date of the enactment of this Act and shall apply with respect to offenses that occur after that date.

(b) REGULATIONS.—

(1) REQUIREMENT.—The President shall prescribe regulations to carry out this part not later than two years after the date of the enactment of this Act.

(2) IMPACT OF DELAY OF ISSUANCE.—If the President does not prescribe the regulations necessary to carry out this part before the date that is two years after the date of the enactment of this Act, the amendments made by this part shall take effect on the date on which such regulations are prescribed and shall apply with respect to offenses that occur on or after that date.

PART 2—SEXUAL HARASSMENT; SENTENCING REFORM

SEC. 539D. INCLUSION OF SEXUAL HARASSMENT AS GENERAL PUNITIVE ARTICLE.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall—

(1) prescribe regulations establishing sexual harassment, as described in this section, as an offense punishable under section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice); and

(2) revise the Manual for Courts-Martial to include such offense.

(b) ELEMENTS OF OFFENSE.—The regulations and the revisions to the Manual for Courts-Martial required under subsection (a) shall provide that the required elements constituting the offense of sexual harassment are—

(1) that the accused knowingly made sexual advances, demands or requests for sexual favors, or knowingly engaged in other conduct of a sexual nature;

(2) that such conduct was unwelcome;

(3) that, under the circumstances, such conduct—

(A) would cause a reasonable person to believe, and a certain person did believe, that submission to such conduct would be made, either explicitly or implicitly, a term or condition of that person's job, pay, career, benefits, or entitlements;

(B) would cause a reasonable person to believe, and a certain person did believe, that submission to, or rejection of, such conduct would be used as a basis for decisions affecting that person's job, pay, career, benefits, or entitlements; or

(C) was so severe, repetitive, or pervasive that a reasonable person would perceive, and a certain person did perceive, an intimidating, hostile, or offensive working environment; and

(4) that, under the circumstances, the conduct of the accused was—

(A) to the prejudice of good order and discipline in the armed forces;

(B) of a nature to bring discredit upon the armed forces; or

(C) to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.

SEC. 539E. SENTENCING REFORM.

(a) ARTICLE 53; FINDINGS AND SENTENCING.—Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b), by amending paragraph (1) to read as follows:

''(1) GENERAL AND SPECIAL COURTS-MARTIAL.—Except as provided in subsection (c) for capital offenses, if the accused is convicted of an offense in a trial by general or special court-martial, the military judge shall sentence the accused. The sentence determined by the military judge constitutes the sentence of the court-martial.''; and

(2) in subsection (c)—

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

''(1) IN GENERAL.—In a capital case, if the accused is convicted of an offense for which the court-martial may sentence the accused to death—

''(A) the members shall determine—

''(i) whether the sentence for that offense shall be death or life in prison without eligibility for parole; or

''(ii) whether the matter shall be returned to the military judge for determination of a lesser punishment; and

''(B) the military judge shall sentence the accused for that offense in accordance with the determination of the members under subparagraph (A).''; and

(B) in paragraph (2), by striking ''the court-martial'' and inserting ''the military judge''.

(b) ARTICLE 53A; PLEA AGREEMENTS.—Section 853a of title 10, United States Code (article 53a of the Uniform Code of Military Justice), as amended by section 539 of this Act, is further amended—

(1) by redesignating subsections (b), (c), and (d), as subsections (c), (d), and (e), respectively; and

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

''(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject to subsection (c), the military judge of a general or special court-martial shall accept a plea agreement submitted by the parties, except that—

''(1) in the case of an offense with a sentencing parameter set forth in regulations prescribed by the President pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, the military judge may reject a plea agreement that proposes a sentence that is outside the sentencing parameter if the military judge determines that the proposed sentence is plainly unreasonable; and

''(2) in the case of an offense for which the President has not established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, the military judge may reject a plea agreement that proposes a sentence if the military judge determines that the proposed sentence is plainly unreasonable.''.

(c) ARTICLE 56; SENTENCING.—Section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (C)(vii), by striking ''and'' at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

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

''(E) the applicable sentencing parameters or sentencing criteria set forth in regulations prescribed by the President pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022.''; and

(B) by striking paragraphs (2) through (4) and inserting the following new paragraphs:

''(2) APPLICATION OF SENTENCING PARAMETERS IN GENERAL AND SPECIAL COURTS-MARTIAL.—

''(A) REQUIREMENT TO SENTENCE WITHIN PARAMETERS.—Except as provided in subparagraph (B), in a general or special court-martial in which the accused is convicted of an offense for which the President has established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, the military judge shall sentence the accused for that offense within the applicable parameter.

''(B) EXCEPTION.—The military judge may impose a sentence outside a sentencing parameter upon finding specific facts that warrant such a sentence. If the military judge imposes a sentence outside a sentencing parameter under this subparagraph, the military judge shall include in the record a written statement of the factual basis for the sentence.

''(3) USE OF SENTENCING CRITERIA IN GENERAL AND SPECIAL COURTS-MARTIAL.—In a general or special court-martial in which the accused is convicted of an offense for which the President has established sentencing criteria pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, the military judge shall consider the applicable sentencing criteria in determining the sentence for that offense.

''(4) OFFENSE-BASED SENTENCING IN GENERAL AND SPECIAL COURTS-MARTIAL.—In announcing the sentence under section 853 of this title (article 53) in a general or special court-martial, the military judge shall, with respect to each offense of which the accused is found guilty, specify the term of confinement, if any, and the amount of the fine, if any. If the accused is sentenced to confinement for more than one offense, the military judge shall specify whether the terms of confinement are to run consecutively or concurrently.

''(5) INAPPLICABILITY TO DEATH PENALTY.—Sentencing parameters and sentencing criteria shall not apply to a determination of whether an offense should be punished by death.

''(6) SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.—

''(A) IN GENERAL.—If an offense is subject to a sentence of confinement for life, a court-martial may impose a sentence of confinement for life without eligibility for parole.

''(B) TERM OF CONFINEMENT.—An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused's life unless—

''(i) the sentence is set aside or otherwise modified as a result of—

''(I) action taken by the convening authority or the Secretary concerned; or

''(II) any other action taken during post-trial procedure or review under any other provision of subchapter IX of this chapter;

''(ii) the sentence is set aside or otherwise modified as a result of action taken by a court of competent jurisdiction; or

''(iii) the accused receives a pardon or another form of Executive clemency.''; and

(4) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) in the case of a sentence for an offense for which the President has established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, the sentence is a result of an incorrect application of the parameter; or''; and

(D) in subparagraph (C), as redesignated by subparagraph (B) of this paragraph, by striking '', as determined in accordance with standards and procedures prescribed by the President''.

(d) ARTICLE 66; COURTS OF CRIMINAL APPEALS.—Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), as amended by section 539A of this Act, is further amended—

(1) in subsection (d)(1)(A), by striking the third sentence; and

(2) by amending subsection (e) to read as follows:

''(e) CONSIDERATION OF SENTENCE.—

''(1) IN GENERAL.—In considering a sentence on appeal, other than as provided in section 856(d) of this title (article 56(d)), the Court of Criminal Appeals may consider—

''(A) whether the sentence violates the law;

''(B) whether the sentence is inappropriately severe—

''(i) if the sentence is for an offense for which the President has not established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022; or

''(ii) in the case of an offense for which the President has established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, if the sentence is above the upper range of such sentencing parameter;

''(C) in the case of a sentence for an offense for which the President has established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, whether the sentence is a result of an incorrect application of the parameter;

''(D) whether the sentence is plainly unreasonable; and

''(E) in review of a sentence to death or to life in prison without eligibility for parole determined by the members in a capital case under section 853(c) of this title (article 53(c)), whether the sentence is otherwise appropriate, under rules prescribed by the President.

''(2) RECORD ON APPEAL.—In an appeal under this subsection or section 856(d) of this title (article 56(d)), other than review under subsection (b)(2) of this section, the record on appeal shall consist of—

''(A) any portion of the record in the case that is designated as pertinent by any party;

''(B) the information submitted during the sentencing proceeding; and

''(C) any information required by rule or order of the Court of Criminal Appeals.''.

(e) ESTABLISHMENT OF SENTENCING PARAMETERS AND SENTENCING CRITERIA.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the President shall prescribe regulations establishing sentencing parameters and sentencing criteria related to offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), in accordance with this subsection. Such parameters and criteria—

(A) shall cover sentences of confinement; and

(B) may cover lesser punishments, as the President determines appropriate.

(2) SENTENCING PARAMETERS.—Sentencing parameters established under paragraph (1) shall—

(A) identify a delineated sentencing range for an offense that is appropriate for a typical violation of the offense, taking into consideration—

(i) the severity of the offense;

(ii) the guideline or offense category that would apply to the offense if the offense were tried in a United States district court;

(iii) any military-specific sentencing factors;

(iv) the need for the sentencing parameter to be sufficiently broad to allow for individualized consideration of the offense and the accused; and

(v) any other relevant sentencing guideline.

(B) include no fewer than 5 and no more than 12 offense categories;

(C) assign such offense under this chapter to an offense category unless the offense is identified as unsuitable for sentencing parameters under paragraph (4)(F)(ii); and

(D) delineate the confinement range for each offense category by setting an upper confinement limit and a lower confinement limit.

(3) SENTENCING CRITERIA.—Sentencing criteria established under paragraph (1) shall identify offense-specific factors the military judge should consider and any collateral effects of available punishments that may aid the military judge in determining an appropriate sentence when there is no applicable sentencing parameter for a specific offense.

(4) MILITARY SENTENCING PARAMETERS AND CRITERIA BOARD.—

(A) IN GENERAL.—There is established within the Department of Defense a board, to be known as the ''Military Sentencing Parameters and Criteria Board'' (referred to in this subsection as the ''Board'').

(B) VOTING MEMBERS.—The Board shall have 5 voting members, as follows:

(i) The 4 chief trial judges designated under section 826(g) of title 10, United States Code (article 26(g) of the Uniform Code of Military Justice), except that, if the chief trial judge of the Coast Guard is not available, the Judge Advocate General of the Coast Guard may designate as a voting member a judge advocate of the Coast Guard with substantial military justice experience.

(ii) A trial judge of the Navy, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of title 10, United States Code (article 26(g) of the Uniform Code of Military Justice), do not include a trial judge of the Navy.

(iii) A trial judge of the Marine Corps, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of title 10, United States Code (article 26(g) of the Uniform Code of Military Justice), do not include a trial judge of the Marine Corps.

(C) NONVOTING MEMBERS.—The Chief Judge of the Court of Appeals for the Armed Forces, the Chairman of the Joint Chiefs of Staff, and the General Counsel of the Department of Defense shall each designate one nonvoting member of the Board. The Secretary of Defense may appoint one additional nonvoting member of the Board at the Secretary's discretion.

(D) CHAIR AND VICE-CHAIR.—The Secretary of Defense shall designate one voting member as chair of the Board and one voting member as vice-chair.

(E) VOTING REQUIREMENT.—An affirmative vote of at least three members is required for any action of the Board under this subsection.

(F) DUTIES OF BOARD.—The Board shall have the following duties:

(i) As directed by the Secretary of Defense, the Board shall submit to the President for approval—

(I) sentencing parameters for all offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) (other than offenses that the Board identifies as unsuitable for sentencing parameters in accordance with clause (ii)); and

(II) sentencing criteria to be used by military judges in determining appropriate sentences for offenses that are identified as unsuitable for sentencing parameters in accordance with clause (ii).

(ii) Identify each offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that is unsuitable for sentencing parameters. The Board shall identify an offense as unsuitable for sentencing parameters if—

(I) the nature of the offense is indeterminate and unsuitable for categorization; and

(II) there is no similar criminal offense under the laws of the United States or the laws of the District of Columbia.

(iii) In developing sentencing parameters and criteria, the Board shall consider the sentencing data collected by the Military Justice Review Panel pursuant to section 946(f)(2) of title 10, United States Code (article 146(f)(2) of the Uniform Code of Military Justice).

(iv) In addition to establishing parameters for sentences of confinement under clause (i)(I), the Board shall consider the appropriateness of establishing sentencing parameters for punitive discharges, fines, reductions, forfeitures, and other lesser punishments authorized under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(v) The Board shall regularly—

(I) review, and propose revision to, in consideration of comments and data coming to the Board's attention, the sentencing parameters and sentencing criteria prescribed under paragraph (1); and

(II) submit to the President, through the Secretary of Defense, proposed amendments to the sentencing parameters and sentencing criteria, together with statements explaining the basis for the proposed amendments.

(vi) The Board shall develop means of measuring the degree to which applicable sentencing, penal, and correctional practices are effective with respect to the sentencing factors and policies set forth in this section.

(vii) In fulfilling its duties and in exercising its powers, the Board shall consult authorities on, and individual and institutional representatives of, various aspects of the military criminal justice system. The Board may establish separate advisory groups consisting of individuals with current or recent experience in command and in senior enlisted positions, individuals with experience in the trial of courts-martial, and such other groups as the Board deems appropriate.

(viii) The Board shall submit to the President, through the Secretary of Defense, proposed amendments to the rules for courts-martial with respect to sentencing proceedings and maximum punishments, together with statements explaining the basis for the proposed amendments.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is two years after the date of the enactment of this Act and shall apply to sentences adjudged in cases in which all findings of guilty are for offenses that occurred after the date that is two years after the date of the enactment of this Act.

(g) REPEAL OF SECRETARIAL GUIDELINES ON SENTENCES FOR OFFENSES COMMITTED UNDER THE UNIFORM CODE OF MILITARY JUSTICE.—Section 537 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1363; 10 U.S.C. 856 note) is repealed.

PART 3—REPORTS AND OTHER MATTERS

SEC. 539F. BRIEFING AND REPORT ON RESOURCING REQUIRED FOR IMPLEMENTATION.

(a) BRIEFING AND REPORT REQUIRED.—

(1) BRIEFING.—Not later than March 1, 2022, each Secretary concerned shall provide to the appropriate congressional committees a briefing that details the resourcing necessary to implement this subtitle and the amendments made by this subtitle.

(2) REPORT.—On a date occurring after the briefing under paragraph (1), but not later than one year after the date of the enactment of this Act, each Secretary concerned shall submit to the appropriate congressional committees a report that details the resourcing necessary to implement this subtitle and the amendments made by this subtitle.

(3) FORM OF BRIEFING AND REPORT.—Each Secretary concerned may provide the briefing and report required under paragraphs (1) and (2) jointly, or separately, as determined appropriate by such Secretaries

(b) ELEMENTS.—The briefing and report required under subsection (a) shall address the following:

(1) The number of additional personnel and personnel authorizations (military and civilian) required by the Armed Forces to implement and execute the provisions of this subtitle and the amendments made by this subtitle by the effective date specified in section 539C.

(2) The basis for the number provided pursuant to paragraph (1), including the following:

(A) A description of the organizational structure in which such personnel or groups of personnel are or will be aligned.

(B) The nature of the duties and functions to be performed by any such personnel or groups of personnel across the domains of policy-making, execution, assessment, and oversight.

(C) The optimum caseload goal assigned to the following categories of personnel who are or will participate in the military justice process: criminal investigators of different levels and expertise, laboratory personnel, defense counsel, special trial counsel, military defense counsel, military judges, and military magistrates.

(D) Any required increase in the number of personnel currently authorized in law to be assigned to the Armed Force concerned.

(3) The nature and scope of any contract required by the Armed Force concerned to implement and execute the provisions of this subtitle and the amendments made by this subtitle by the effective date specified in section 539C.

(4) The amount and types of additional funding required by the Armed Force concerned to implement the provisions of this subtitle and the amendments made by this subtitle by the effective date specified in section 539C.

(5) Any additional authorities required to implement the provisions of this subtitle and the amendments made by this subtitle by the effective date specified in section 539C.

(6) Any additional information the Secretary concerned determines is necessary to ensure the manning, equipping, and resourcing of the Armed Forces to implement and execute the provisions of this subtitle and the amendments made by this subtitle.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 539G. BRIEFING ON IMPLEMENTATION OF CERTAIN RECOMMENDATIONS OF THE INDEPENDENT REVIEW COMMISSION ON SEXUAL ASSAULT IN THE MILITARY.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of the implementation of the recommendations set forth in the report of the Independent Review Commission on Sexual Assault in the Military titled ''Hard Truths and the Duty to Change: Recommendations from the Independent Review Commission on Sexual Assault in the Military'', and dated July 2, 2021.

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

(1) The status of the implementation of each recommendation, including—

(A) whether, how, and to what extent the recommendation has been implemented; and

(B) any rules, regulations, policies, or other guidance that have been issued, revised, changed, or cancelled as a result of the implementation of the recommendation.

(2) For each recommendation that has not been fully implemented or superseded by statute as of the date of the briefing, a description of any plan for the implementation of the recommendation, including identification of—

(A) intermediate actions, milestone dates, and any expected completion date for implementation of the recommendation; and

(B) any rules, regulations, policies, or other guidance that are expected to be issued, revised, changed, or cancelled as a result of the implementation of the recommendation.

Subtitle E—Other Military Justice and Legal Matters

SEC. 541. RIGHTS OF THE VICTIM OF AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

Section 806b(a) of title 10, United States Code (article 6b(a) of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following new paragraph:

''(8) The right to be informed in a timely manner of any plea agreement, separation-in-lieu-of-trial agreement, or non-prosecution agreement relating to the offense, unless providing such information would jeopardize a law enforcement proceeding or would violate the privacy concerns of an individual other than the accused.''.

SEC. 542. CONDUCT UNBECOMING AN OFFICER.

(a) IN GENERAL.—Section 933 of title 10, United States Code (article 133 of the Uniform Code of Military Justice) is amended—

(1) in the section heading, by striking ''**and a gentleman**''; and

(2) by striking ''and a gentleman''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of such title is amended by striking the item relating to section 933 (article 133) and inserting the following new item:

''933. 133. Conduct unbecoming an officer.''.

SEC. 543. INDEPENDENT INVESTIGATION OF COMPLAINTS OF SEXUAL HARASSMENT.

(a) IN GENERAL.—Section 1561 of title 10, United States Code, is amended to read as follows:

''§ 1561. Complaints of sexual harassment: independent investigation

''(a) ACTION ON COMPLAINTS ALLEGING SEXUAL HARASSMENT.—A commanding officer or officer in charge of a unit, vessel, facility, or area of the Army, Navy, Air Force, Marine Corps, or Space Force who receives from a member of the command or a civilian employee under the supervision of the officer a formal complaint alleging a claim of sexual harassment by a member of the armed forces or a civilian employee of the Department of Defense shall, to the extent practicable, direct that an independent investigation of the matter be carried out in accordance with this section.

''(b) COMMENCEMENT OF INVESTIGATION.—To the extent practicable, a commanding officer or officer in charge receiving such a formal complaint shall forward such complaint to an independent investigator within 72 hours after receipt of the complaint, and shall further—

''(1) forward the formal complaint or a detailed description of the allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial; and

''(2) advise the complainant of the commencement of the investigation.

''(c) DURATION OF INVESTIGATION.—To the extent practicable, a commanding officer or officer in charge shall ensure that an independent investigator receiving a formal complaint of sexual harassment under this section completes the investigation of the complaint not later than 14 days after the date on which the investigation is commenced, and that the findings of the investigation are forwarded to the commanding officer or officer in charge specified in subsection (a) for action as appropriate.

''(d) REPORT ON INVESTIGATION.—To the extent practicable, a commanding officer or officer in charge shall—

''(1) submit a final report on the results of the independent investigation, including any action taken as a result of the investigation, to the next superior officer referred to in subsection (b)(1) within 20 days after the date on which the investigation is commenced; or

''(2) submit a report on the progress made in completing the investigation to the next superior officer referred to in subsection (b)(1) within 20 days after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed and, upon completion of the investigation, then submit a final report on the results of the investigation, including any action taken as a result of the investigation, to that next superior officer.

''(e) SEXUAL HARASSMENT DEFINED.—In this section, the term 'sexual harassment' means conduct that constitutes the offense of sexual harassment as punishable under section 934 of this title (article 134) pursuant to the regulations prescribed by the Secretary of Defense for purposes of such section (article).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of title 10, United States Code, is amended by striking the item relating to section 1561 and inserting the following new item:

''1561. Complaints of sexual harassment: independent investigation.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall—

(1) take effect on the date that is two years after the date of the enactment of this Act; and

(2) apply to any investigation of a formal complaint of sexual harassment (as defined in section 1561 of title 10, United States Code, as amended by subsection (a)) made on or after that date.

(d) REGULATIONS.—Not later than 18 months after the date of the enactment of this Act the Secretary of Defense shall prescribe regulations providing for the implementation of section 1561 of title 10, United States Code, as amended by subsection (a).

(e) REPORT ON IMPLEMENTATION.—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 preparation of the Secretary to implement section 1561 of title 10, United States Code, as amended by subsection (a).

SEC. 544. DEPARTMENT OF DEFENSE TRACKING OF ALLEGATIONS OF RETALIATION BY VICTIMS OF SEXUAL ASSAULT OR SEXUAL HARASSMENT AND RELATED PERSONS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1562 the following new section:

''§ 1562a. Complaints of retaliation by victims of sexual assault or sexual harassment and related persons: tracking by Department of Defense

''(a) DESIGNATION OF RESPONSIBLE COMPONENT.—The Secretary of Defense shall designate a component of the Office of the Secretary of Defense to be responsible for documenting and tracking all covered allegations of retaliation and shall ensure that the Secretaries concerned and the Inspector General of the Department of Defense provide to such component the information required to be documented and tracked as described in subsection (b).

''(b) TRACKING OF ALLEGATIONS.—The head of the component designated by the Secretary

under subsection (a) shall document and track each covered allegation of retaliation, including—

''(1) that such an allegation has been reported and by whom;

''(2) the date of the report;

''(3) the nature of the allegation and the name of the person or persons alleged to have engaged in such retaliation;

''(4) the Department of Defense component or other entity responsible for the investigation of or inquiry into the allegation;

''(5) the entry of findings;

''(6) referral of such findings to a decision-maker for review and action, as appropriate;

''(7) the outcome of final action; and

''(8) any other element of information pertaining to the allegation determined appropriate by the Secretary or the head of the component designated by the Secretary.

''(c) COVERED ALLEGATION OF RETALIATION DEFINED.—In this section, the term 'covered allegation of retaliation' means an allegation of retaliation—

''(1) made by—

''(A) an alleged victim of sexual assault or sexual harassment;

''(B) an individual charged with providing services or support to an alleged victim of sexual assault or sexual harassment;

''(C) a witness or bystander to an alleged sexual assault or sexual harassment; or

''(D) any other person associated with an alleged victim of a sexual assault or sexual harassment; and

''(2) without regard to whether the allegation is reported to or investigated or inquired into by—

''(A) the Department of Defense Inspector General or any other inspector general;

''(B) a military criminal investigative organization;

''(C) a commander or other person at the direction of the commander;

''(D) another military or civilian law enforcement organization; or

''(E) any other organization, officer, or employee of the Department of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of title 10, United States Code, is amended by inserting after the item relating to section 1562 the following new item:

''1562a. Complaints of retaliation by victims of sexual assault or sexual harassment and related persons: tracking by Department of Defense.''.

SEC. 545. MODIFICATION OF NOTICE TO VICTIMS OF PENDENCY OF FURTHER ADMINISTRATIVE ACTION FOLLOWING A DETERMINATION NOT TO REFER TO TRIAL BY COURT-MARTIAL.

Section 549 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 806b note) is amended—

(1) in the section heading, by striking ''**ALLEGED SEXUAL ASSAULT**'' and inserting ''**ALLEGED SEX-RELATED OFFENSE**'';

(2) by striking ''Under regulations'' and inserting ''Notwithstanding section 552a of title 5, United States Code, and under regulations'';

(3) by striking ''alleged sexual assault'' and inserting ''an alleged sex-related offense (as defined in section 1044e(h) of title 10, United States Code)''; and

(4) by adding at the end the following new sentence: ''Upon such final determination, the commander shall notify the victim of the type of action taken on such case, the outcome of the action (including any punishments assigned or characterization of service, as applicable), and such other information as the commander determines to be relevant.''

SEC. 546. CIVILIAN POSITIONS TO SUPPORT SPECIAL VICTIMS' COUNSEL.

(a) CIVILIAN SUPPORT POSITIONS.—Each Secretary of a military department may establish one or more civilian positions within each office of the Special Victims' Counsel under the jurisdiction of such Secretary.

(b) DUTIES.—The duties of each position under subsection (a) shall be—

(1) to provide support to Special Victims' Counsel, including legal, paralegal, and administrative support; and

(2) to ensure the continuity of legal services and the preservation of institutional knowledge in the provision of victim legal services notwithstanding transitions in the military personnel assigned to offices of the Special Victims' Counsel.

(c) SPECIAL VICTIMS' COUNSEL DEFINED.—In this section, the term ''Special Victims' Counsel'' means Special Victims' Counsel described in section 1044e of title 10, United States Code, and in the case of the Navy and Marine Corps, includes counsel designated as ''Victims' Legal Counsel''.

SEC. 547. PLANS FOR UNIFORM DOCUMENT MANAGEMENT SYSTEM, TRACKING PRETRIAL INFORMATION, AND ASSESSING CHANGES IN LAW.

(a) PLAN FOR DOCUMENT MANAGEMENT SYSTEM.—

(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 Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy), the Secretaries of the military departments, and the Judge Advocates specified in subsection (e), shall publish a plan pursuant to which the Secretary of Defense shall establish a single document management system for use by each Armed Force to collect and present information on matters within the military justice system, including information collected and maintained for purposes of section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice).

(2) ELEMENTS.—The plan under subsection (a) shall meet the following criteria:

(A) CONSISTENCY OF DATA FIELDS.—The plan shall ensure that each Armed Force uses consistent data collection fields, definitions, and other criteria for the document management system described in subsection (a).

(B) BEST PRACTICES.—The plan shall include a strategy for incorporating into the document management system the features of the case management and electronic case filing system of the Federal courts to the greatest extent possible.

(C) PROSPECTIVE APPLICATION.—The plan shall require the document management system to be used for the collection and presentation of information about matters occurring after the date of the implementation of the system. The plan shall not require the collection and presentation of historical data about matters occurring before the implementation date of the system.

(D) RESOURCES.—The plan shall include an estimate of the resources (including costs, staffing, and other resources) required to implement the document management system.

(E) AUTHORITIES.—The plan shall include an analysis of any legislative actions, including any changes to law, that may be required to implement the document management system for each Armed Force.

(b) PLAN FOR TRACKING PRETRIAL INFORMATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy), the Secretaries of the military departments, and the Judge Advocates specified in subsection (e), shall publish a plan addressing how the Armed Forces will collect, track, and maintain pretrial records, data, and other information regarding the reporting, investigation, and processing of all offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), arising in any Armed Force in a manner such that each Armed Force uses consistent data collection fields, definitions, and criteria.

(c) PLAN FOR ASSESSING EFFECTS OF CHANGES IN LAW.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy), the Secretaries of the military departments, and the Judge Advocates specified in subsection (e), shall publish a plan addressing the manner in which the Department of Defense will analyze the effects of the changes in law and policy required under subtitle D and the amendments made by such subtitle with respect to the disposition of offenses over which a special trial counsel at any time exercises authority in accordance with section 824a of title 10, United States Code (article 24a of the Uniform Code of Military Justice) (as added by section 531 of this Act).

(d) INTERIM BRIEFINGS.—

(1) IN GENERAL.—Not less frequently than once every 90 days during the covered period, the Secretary of Defense, in consultation with the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy), the Secretaries of the military departments, and the Judge Advocates specified in subsection (e), shall provide to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the status of the development of the plans required under subsections (a) through (c).

(2) COVERED PERIOD.—In this subsection, the term ''covered period'' means the period beginning on the date of the enactment of this Act and ending on the date that is one year after the date of the enactment of this Act.

(e) JUDGE ADVOCATES SPECIFIED.—The Judge Advocates specified in this subsection are the following:

(1) The Judge Advocate General of the Army.

(2) The Judge Advocate General of the Navy.

(3) The Judge Advocate General of the Air Force.

(4) The Staff Judge Advocate to the Commandant of the Marine Corps.

(5) The Judge Advocate General of the Coast Guard.

SEC. 548. DETERMINATION AND REPORTING OF MEMBERS MISSING, ABSENT UNKNOWN, ABSENT WITHOUT LEAVE, AND DUTY STATUS-WHEREABOUTS UNKNOWN.

(a) COMPREHENSIVE REVIEW OF MISSING PERSONS REPORTING.—The Secretary of Defense shall instruct each Secretary of a military department to perform a comprehensive review of the policies and procedures of the military department concerned to determine and report a member of an Armed Force under the jurisdiction of such Secretary of a military department as missing, absent unknown, absent without leave, or duty status-whereabouts unknown.

(b) REVIEW OF INSTALLATION-LEVEL PROCEDURES.—In addition to such other requirements as may be set forth by the Secretary of Defense pursuant to subsection (a), each Secretary of a military department shall, with regard to the military department concerned—

(1) direct each commander of a military installation, including any tenant command or activity present on such military installation, to review policies and procedures for carrying out the determination and reporting activities described in subsection (a); and

(2) update such installation-level policies and procedures, including any tenant command or activity policies and procedures, to improve force protection, enhance security for members living on the military installation, and promote reporting at the earliest practicable time to local law enforcement (at all levels) and Federal law

enforcement field offices with overlapping jurisdiction with that installation, when a member is determined to be missing, absent unknown, absent without leave, or duty status-whereabouts unknown.

(c) INSTALLATION-SPECIFIC REPORTING PROTOCOLS.—

(1) IN GENERAL.—Each commander of a military installation shall establish a protocol applicable to all persons and organizations present on the military installation, including tenant commands and activities, for sharing information with local and Federal law enforcement agencies about members who are missing, absent-unknown, absent without leave, or duty status-whereabouts unknown. The protocol shall provide for the immediate entry regarding the member concerned in the Missing Persons File of the National Crimes Information Center data and for the commander to immediately notify all local law enforcement agencies with jurisdictions in the immediate area of the military installation, when the status of a member assigned to such installation has been determined to be missing, absent unknown, absent without leave, or duty status-whereabouts unknown.

(2) REPORTING TO MILITARY INSTALLATION COMMAND.—Each commander of a military installation shall submit the protocol established pursuant to paragraph (1) to the Secretary of the military department concerned.

(d) REPORT REGARDING NATIONAL GUARD.—Not later than June 1, 2022, the Secretary of Defense shall submit, to the Committees on Armed Services of the Senate and House of Representatives, a report on the feasibility of implementing subsections (a), (b), and (c), with regards to facilities of the National Guard. Such report shall include recommendations of the Secretary, including a proposed timeline for implementing the provisions of such subsections that the Secretary determines feasible.

SEC. 549. ACTIVITIES TO IMPROVE FAMILY VIOLENCE PREVENTION AND RESPONSE.

(a) DELEGATION OF AUTHORITY TO AUTHORIZE EXCEPTIONAL ELIGIBILITY FOR CERTAIN BENEFITS.—Paragraph (4) of section 1059(m) of title 10, United States Code, is amended to read as follows:

''(4)(A) Except as provided in subparagraph (B), the authority of the Secretary concerned under paragraph (1) may not be delegated.

''(B) During the two year period following the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the authority of the Secretary concerned under paragraph (1) may be delegated to an official at the Assistant Secretary-level or above. Any exercise of such delegated authority shall be reported to the Secretary concerned on a quarterly basis.''.

(b) EXTENSION OF REQUIREMENT FOR ANNUAL FAMILY ADVOCACY PROGRAM REPORT REGARDING CHILD ABUSE AND DOMESTIC VIOLENCE.—Section 574(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2141) is amended by striking ''April 30, 2021'' and inserting ''April 30, 2026''.

(c) IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS.—

(1) IN GENERAL.—Consistent with the recommendations set forth in the report of the Comptroller General of the United States titled ''Domestic Abuse: Actions Needed to Enhance DOD's Prevention, Response, and Oversight'' (GAO–21–289), the Secretary of Defense, in consultation with the Secretaries of the military departments, shall carry out the activities specified in subparagraphs (A) through (K).

(A) DOMESTIC ABUSE DATA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall carry out each of the following:

(i) Issue guidance to the Secretaries of the military departments to clarify and standardize the process for collecting and reporting data on domestic abuse in the Armed Forces, including—

(I) data on the numbers and types of domestic abuse incidents involving members of the Armed Forces; and

(II) data for inclusion in the reports required to be submitted under section 574 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2141).

(ii) Develop a quality control process to ensure the accurate and complete reporting of data on allegations of abuse involving a member of the Armed Forces, including allegations of abuse that do not meet the Department of Defense definition of domestic abuse.

(iii) Expand the scope of any reporting to Congress that includes data on domestic abuse in the Armed Forces to include data on and analysis of the types of allegations of domestic abuse.

(B) DOMESTIC VIOLENCE AND COMMAND ACTION DATA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall—

(i) evaluate the organizations and elements of the Department of Defense that are responsible for tracking domestic violence incidents and the command actions taken in response to such incidents to determine if there are actions that may be carried out to—

(I) eliminate gaps and redundancies in the activities of such organizations;

(II) ensure consistency in the approaches of such organizations to the tracking of such incidents and actions; and

(III) otherwise improve the tracking of such incidents and actions across the Department;

(ii) based on the evaluation under clause (i), clarify or adjust—

(I) the duties of such organizations and elements; and

(II) the manner in which such organizations and elements coordinate their activities; and

(iii) issue guidance to the Secretaries of the military departments to clarify and standardize the information required to be collected and reported to the database on domestic violence incidents under section 1562 of title 10, United States Code.

(C) REGULATIONS FOR VIOLATION OF CIVILIAN ORDERS OF PROTECTION.—The Secretary of Defense shall revise or issue regulations (as applicable) to ensure that each Secretary of a military department provides, to any member of the Armed Forces under the jurisdiction of such Secretary who is subject to a civilian order of protection, notice that the violation of such order may be punishable under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(D) AGREEMENTS WITH CIVILIAN VICTIM SERVICE ORGANIZATIONS.—

(i) GUIDANCE REQUIRED.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall issue guidance pursuant to which personnel of a Family Advocacy Program at a military installation may enter into memoranda of understanding with qualified civilian victim service organizations for purposes of providing services to victims of domestic abuse in accordance with clause (ii).

(ii) CONTENTS OF AGREEMENT.—A memorandum of understanding entered into under clause (i) shall provide that personnel of a Family Advocacy Program at a military installation may refer a victim of domestic abuse to a qualified civilian victim service organization if such personnel determine that—

(I) the services offered at the installation are insufficient to meet the victim's needs; or

(II) such a referral would otherwise benefit the victim.

(E) SCREENING AND REPORTING OF INITIAL ALLEGATIONS.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a standardized process—

(i) to ensure consistency in the manner in which allegations of domestic abuse are screened and documented at military installations, including by ensuring that allegations of domestic abuse are documented regardless of the severity of the incident; and

(ii) to ensure consistency in the form and manner in which such allegations are presented to Incident Determination Committees.

(F) IMPLEMENTATION AND OVERSIGHT OF INCIDENT DETERMINATION COMMITTEES.—

(i) IMPLEMENTATION.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall ensure that Incident Determination Committees are fully implemented within each Armed Force.

(ii) OVERSIGHT AND MONITORING.—The Secretary of Defense shall—

(I) direct the Under Secretary of Defense for Personnel and Readiness to conduct oversight of the activities of the Incident Determination Committees of the Armed Forces on an ongoing basis; and

(II) establish a formal process through which the Under Secretary will monitor Incident Determination Committees to ensure that the activities of such Committees are conducted in an consistent manner in accordance with the applicable policies of the Department of Defense and the Armed Forces.

(G) REASONABLE SUSPICION STANDARD FOR INCIDENT REPORTING.—Not later than 90 days after the date of the enactment of the Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall issue regulations—

(i) under which the personnel of a Family Advocacy Program shall be required to report an allegation of domestic abuse to an Incident Determination Committee if there is reasonable suspicion that the abuse occurred; and

(ii) that fully define and establish standardized criteria for determining whether an allegation of abuse meets the reasonable suspicion standard referred to in clause (i).

(H) GUIDANCE FOR VICTIM RISK ASSESSMENT.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall issue guidance that—

(i) identifies the risk assessment tools that must be used by Family Advocacy Program personnel to assess reports of domestic abuse; and

(ii) establishes minimum qualifications for the personnel responsible for using such tools.

(I) IMPROVING FAMILY ADVOCACY PROGRAM AWARENESS CAMPAIGNS.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement—

(i) a communications strategy to support the Armed Forces in increasing awareness of the options and resources available for reporting incidents of domestic abuse; and

(ii) metrics to evaluate the effectiveness of domestic abuse awareness campaigns within the Department of Defense and the Armed Forces, including by identifying a target audience and defining measurable objectives for such campaigns.

(J) ASSESSMENT OF THE DISPOSITION MODEL FOR DOMESTIC VIOLENCE.—As part of the independent analysis required by section 549C of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) the Secretary of Defense shall include an assessment of—

(i) the risks and consequences of the disposition model for domestic violence in effect as of the date of the enactment of this Act, including the risks and consequences of such model with respect to—

(I) the eligibility of victims for transitional compensation and other benefits; and

(II) the eligibility of perpetrators of domestic violence to possess firearms and any related effects on the military service of such individuals; and

(ii) the feasibility and advisability of establishing alternative disposition models for domestic violence, including an assessment of the advantages and disadvantages of each proposed model.

(K) FAMILY ADVOCACY PROGRAM TRAINING.—

(i) TRAINING FOR COMMANDERS AND SENIOR ENLISTED ADVISORS.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall—

(I) ensure that the Family Advocacy Program training provided to installation-level commanders and senior enlisted advisors of the Armed Forces meets the applicable requirements of the Department of Defense; and

(II) shall provide such additional guidance and sample training materials as may be necessary to improve the consistency of such training.

(ii) TRAINING FOR CHAPLAINS.—The Secretary of Defense shall—

(I) require that chaplains of the Armed Forces receive Family Advocacy Program training;

(II) establish content requirements and learning objectives for such training; and

(III) provide such additional guidance and sample training materials as may be necessary to effectively implement such training.

(iii) TRAINING COMPLETION DATA.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a process to ensure the quality and completeness of data indicating whether members of the Armed Forces who are required to complete Family Advocacy Program training, including installation-level commanders and senior enlisted advisors, have completed such training.

(2) GENERAL IMPLEMENTATION DATE.—Except as otherwise provided in paragraph (1), the Secretary of Defense shall complete the implementation of the activities specified in such paragraph by not later than one year after the date of the enactment of this Act.

(3) QUARTERLY STATUS BRIEFING.—Not later than 90 days after the date of the enactment of this Act and on a quarterly basis thereafter until the date on which all of the activities specified in paragraph (1) have been implemented, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the status of the implementation of such activities.

(d) INFORMATION ON SERVICES FOR MILITARY FAMILIES.—Each Secretary of a military department shall ensure that a military family member who reports an incident of domestic abuse or child abuse and neglect to a Family Advocacy Program under the jurisdiction of such Secretary receives comprehensive information, in a clear and easily understandable format, on the services available to such family member in connection with such incident. Such information shall include a complete guide to the following:

(1) The Family Advocacy Program of the Armed Force or military department concerned.

(2) Military law enforcement services, including an explanation of the process that follows a report of an incident of domestic abuse or child abuse or neglect.

(3) Other applicable victim services.

(e) REPORTS ON STAFFING LEVELS FOR FAMILY ADVOCACY PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date on which the staffing tool described in paragraph (2) becomes operational, and on an annual basis thereafter for the following five years, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth the following:

(A) Military, civilian, and contract support staffing levels for the Family Advocacy Programs of the Armed Forces at each military installation so staffed as of the date of the report.

(B) Recommendations for ideal staffing levels for the Family Advocacy Programs, as identified by the staffing tool.

(2) STAFFING TOOL DESCRIBED.—The staffing tool described in this paragraph is a tool that will be used to assist the Department in determining adequate staffing levels for Family Advocacy Programs.

(3) COMPTROLLER GENERAL REVIEW.—

(A) IN GENERAL.—Following the submission of the first annual report required under paragraph (1), the Comptroller General of the United States shall conduct a review of the staffing of the Family Advocacy Programs of the Armed Forces.

(B) ELEMENTS.—The review conducted under subparagraph (A) shall include an assessment of each of the following:

(i) The extent to which the Armed Forces have filled authorized billets for Family Advocacy program manager, clinician, and victim advocate positions.

(ii) The extent to which the Armed Forces have experienced challenges filling authorized Family Advocacy Program positions, and how such challenges, if any, have affected the provision of services.

(iii) The extent to which the Department of Defense and Armed Forces have ensured that Family Advocacy Program clinicians and victim advocates meet qualification and training requirements.

(iv) The extent to which the Department of Defense has established metrics to evaluate the effectiveness of the staffing tool described in paragraph (2).

(C) BRIEFING AND REPORT.—

(i) BRIEFING.—Not later than one year following the submission of the first annual report required under paragraph (1), the Comptroller General shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the preliminary observations made by the Comptroller General as part of the review required under subparagraph (A).

(ii) REPORT.—Not later than 90 days after the date of the briefing under clause (i), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the review conducted under subparagraph (A).

(f) STUDY AND BRIEFING ON INITIAL ENTRY POINTS.—

(1) STUDY.—The Secretary of Defense shall conduct a study to identify initial entry points (including anonymous entry points) through which military family members may seek information or support relating to domestic abuse or child abuse and neglect. Such study shall include an assessment of—

(A) points at which military families interact with the Armed Forces or the Department of Defense through which such information or support may be provided to family members, including points such as enrollment in the Defense Enrollment Eligibility Reporting System, and the issuance of identification cards; and

(B) other existing and potential routes through which such family members may seek information or support from the Armed Forces or the Department, including online chat rooms, text-based support capabilities, and software applications for smartphones.

(2) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing setting forth the results of the study conducted under paragraph (1).

(g) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means the Committees on Armed Services of the Senate and the House of Representatives.

(2) The term ''civilian order of protection'' has the meaning given that term in section 1561a of title 10, United States Code.

(3) The term ''disposition model for domestic violence'' means the process to determine—

(A) the disposition of charges of an offense of domestic violence under section 928b of title 10, United States Code (article 128b of the Uniform Code of Military Justice); and

(B) consequences of such disposition for members of the Armed Forces determined to have committed such offense and the victims of such offense.

(4) The term ''Incident Determination Committee'' means a committee established at a military installation that is responsible for reviewing reported incidents of domestic abuse and determining whether such incidents constitute harm to the victims of such abuse according to the applicable criteria of the Department of Defense.

(5) The term ''qualified civilian victim service organization'' means an organization outside the Department of Defense that—

(A) is approved by the Secretary of Defense for the purpose of providing legal or other services to victims of domestic abuse; and

(B) is located in a community surrounding a military installation.

(6) The term ''risk assessment tool'' means a process or technology that may be used to evaluate a report of an incident of domestic abuse to determine the likelihood that the abuse will escalate or recur.

SEC. 549A. ANNUAL PRIMARY PREVENTION RESEARCH AGENDA.

(a) IN GENERAL.—Beginning on October 1, 2022, and annually on the first day of each fiscal year thereafter, the Secretary of Defense shall publish a Department of Defense research agenda for that fiscal year, focused on the primary prevention of interpersonal and self-directed violence, including sexual assault, sexual harassment, domestic violence, child abuse and maltreatment, problematic juvenile sexual behavior, suicide, workplace violence, and substance misuse.

(b) ELEMENTS.—Each annual primary prevention research agenda published under subsection (a) shall—

(1) identify research priorities for that fiscal year;

(2) assign research projects and tasks to the military departments and other components of the Department of Defense, as the Secretary of Defense determines appropriate;

(3) allocate or direct the allocation of appropriate resourcing for each such project and task; and

(4) be directive in nature and enforceable across all components of the Department of Defense, including with regard to—

(A) providing for timely access to records, data and information maintained by any component of the Department of Defense that may be required in furtherance of an assigned research project or task;

(B) ensuring the sharing across all components of the Department of Defense of the findings and the outcomes of any research project or task; and

(C) any other matter determined by the Secretary of Defense.

(c) GUIDING PRINCIPLES.—The primary prevention research agenda should, as determined by the Secretary of Defense—

(1) reflect a preference for research projects and tasks with the potential to yield or contribute to the development and implementation of actionable primary prevention strategies in the Department of Defense;

(2) be integrated, so as to discover or test cross-cutting interventions across the spectrum of interpersonal and self-directed violence;

(3) incorporate collaboration with other Federal departments and agencies, State governments, academia, industry, federally funded research and development centers, non-profit organizations, and other organizations outside of the Department of Defense; and

(4) minimize unnecessary duplication of effort.

(d) BUDGETING.—The Secretary of Defense shall create a unique Program Element for and shall prioritize recurring funding to ensure the continuity of research pursuant to the annual primary prevention research agenda.

SEC. 549B. PRIMARY PREVENTION WORKFORCE.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Primary Prevention Workforce to provide a comprehensive and integrated program across the Department of Defense enterprise for the primary prevention of

interpersonal and self-directed violence, including sexual assault, sexual harassment, domestic violence, child abuse and maltreatment, problematic juvenile sexual behavior, suicide, workplace violence, and substance misuse.

(b) PRIMARY PREVENTION WORKFORCE MODEL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth a holistic model for a dedicated and capable Primary Prevention Workforce in the Department of Defense.

(2) ELEMENTS.—The model required under paragraph (1) shall include the following elements:

(A) A description of Primary Prevention Workforce roles, responsibilities, and capabilities, including—

(i) the conduct of research and analysis;

(ii) advising all levels of military commanders and leaders;

(iii) designing and writing strategic and operational primary prevention policies and programs;

(iv) integrating and analyzing data; and

(v) implementing, evaluating, and adapting primary prevention programs and activities, to include developing evidence-based training and education programs for Department personnel that is appropriately tailored by rank, occupation, and environment.

(B) The design and structure of the Primary Prevention Workforce, including—

(i) consideration of military, civilian, and hybrid manpower options;

(ii) the comprehensive integration of the workforce from strategic to tactical levels of the Department of Defense and its components; and

(iii) mechanisms for individuals in workforce roles to report to and align with installation-level and headquarters personnel.

(C) Strategies, plans, and systematic approaches for recruiting, credentialing, promoting, and sustaining the diversity of work force roles comprising a professional workforce dedicated to primary prevention.

(D) The creation of a professional, primary prevention credential that standardizes a common base of education and experience across the prevention workforce, coupled with knowledge development and skill building requirements built into the career cycle of prevention practitioners such that competencies and expertise increase over time.

(E) Any other matter the Secretary of Defense determines necessary and appropriate to presenting an accurate and complete model of the Primary Prevention Workforce.

(c) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretaries of the military departments and the Chief of the National Guard Bureau each shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report detailing how the military services and the National Guard, as applicable, will adapt and implement the primary prevention workforce model set forth in the report required under subsection (b).

(2) ELEMENTS.—Each report submitted under subsection (a) shall include a description of—

(A) expected milestones to implement the prevention workforce in the component at issue;

(B) challenges associated with implementation of the workforce and the strategies for addressing such challenges; and

(C) additional authorities that may be required to optimize implementation and operation of the workforce.

(d) OPERATING CAPABILITY DEADLINE.—The Primary Prevention Workforce authorized under this section shall attain initial operating capability in each military department and military service and in the National Guard by not later than the effective date specified in section 539C.

SEC. 549C. REFORM AND IMPROVEMENT OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.

(a) EVALUATION AND PLAN FOR REFORM.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall—

(1) complete an evaluation of the effectiveness of the military criminal investigative organization under the jurisdiction of such Secretary: and

(2) submit to the appropriate congressional committees a report that includes—

(A) the results of the evaluation conducted under paragraph (1); and

(B) based on such results, if the Secretary determines that reform to the military criminal investigative organization under the jurisdiction of such Secretary is advisable, a proposal for reforming such organization to ensure that the organization effectively meets the demand for complex investigations and other emerging mission requirements.

(b) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, each Secretary concerned shall submit to the appropriate congressional committees a plan to implement, to the extent determined appropriate by such Secretary, the reforms to the military criminal investigative organization proposed by such Secretary under subsection (a) to ensure that such organization is capable of professionally investigating criminal misconduct under its jurisdiction.

(2) ELEMENTS.—Each plan under paragraph (1) shall include, with respect to the military criminal investigative organization under the jurisdiction of the Secretary concerned, the following:

(A) The requirements that such military criminal investigative organization must meet to effectively carry out criminal investigative and other law enforcement missions in 2022 and subsequent years.

(B) The resources that will be needed to ensure that each such military criminal investigative organization can achieve its mission.

(C) An analysis of factors affecting the performance of such military criminal investigate organization, including—

(i) whether appropriate technological investigative tools are available and accessible to such organization; and

(ii) whether the functions of such organization would be better supported by civilian rather than military leadership.

(D) For each such military criminal investigative organization—

(i) the number of military personnel assigned to the organization;

(ii) the number of civilian personnel assigned to the organization; and

(iii) the functions of such military and civilian personnel.

(E) A description of any plans of the Secretary concerned to develop a more professional workforce of military and civilian investigators.

(F) A proposed timeline for the reform of such military investigative organization.

(G) An explanation of the potential benefits of such reforms, including a description of—

(i) specific improvements that are expected to result from the reforms; and

(ii) whether the reforms will improve information sharing across military criminal investigative organizations.

(H) With respect to the military criminal investigative organization of the Army, an explanation of how the plan will—

(i) address the findings of the report of the Fort Hood Independent Review Committee, dated November 6, 2020; and

(ii) coordinate with any other internal reform efforts of the Army.

(c) LIMITATION ON THE CHANGES TO TRAINING LOCATIONS.—In carrying out this section, the Secretary concerned may not change the locations at which military criminal investigative training is provided to members of the military criminal investigative organization under the jurisdiction of such Secretary until—

(1) the implementation plan under subsection (b) is submitted to the appropriate congressional committees; and

(2) a period of 60 days has elapsed following the date on which the Secretary notifies the appropriate congressional committees of the Secretary's intent to move such training to a different location.

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The term ''military criminal investigative organization'' means each organization or element of the Department of Defense or the Armed Forces that is responsible for conducting criminal investigations, including—

(A) the Army Criminal Investigation Command;

(B) the Naval Criminal Investigative Service;

(C) the Air Force Office of Special Investigations;

(D) the Coast Guard Investigative Service; and

(E) the Defense Criminal Investigative Service.

(3) The term ''Secretary concerned'' means—

(A) the Secretary of the Army, with respect to the Army Criminal Investigation Command;

(B) the Secretary of the Navy, with respect to the Naval Criminal Investigative Service;

(C) the Secretary of the Air Force, with respect to the Air Force Office of Special Investigations;

(D) the Secretary of Homeland Security, with respect to the Coast Guard Investigative Service; and

(E) the Secretary of Defense, with respect to the Defense Criminal Investigative Service.

SEC. 549D. MILITARY DEFENSE COUNSEL.

Each Secretary of a military department shall—

(1) ensure that military defense counsel have timely and reliable access to and funding for defense investigators, expert witnesses, trial support, pre-trial and post-trial support, paralegal support, counsel travel, and other necessary resources;

(2) ensure that military defense counsel detailed to represent a member of the Armed Forces accused of a covered offense (as defined in section 801(17) of title 10, United States Code (article 1(17) of the Uniform Code of Military Justice), as added by section 533 of this Act) are well-trained and experienced, highly skilled, and competent in the defense of cases involving covered offenses; and

(3) take or direct such other actions regarding military defense counsel as may be warranted in the interest of the fair administration of justice.

SEC. 549E. FULL FUNCTIONALITY OF MILITARY JUSTICE REVIEW PANEL.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish or reconstitute, maintain, and ensure the full functionality of the Military Justice Review Panel established pursuant to section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice)).

SEC. 549F. MILITARY SERVICE INDEPENDENT RACIAL DISPARITY REVIEW.

(a) REVIEW REQUIRED.—Each Secretary of a military department shall conduct an assessment of racial disparity in military justice and discipline processes and military personnel policies, as they pertain to minority populations.

(b) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act,

each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the Comptroller General of the United States a report detailing the results of the assessment required by subsection (a), together with recommendations for statutory or regulatory changes as the Secretary concerned determines appropriate.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after receiving the reports submitted under subsection (b), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report comparing the military service assessments on racial disparity conducted under subsection (a) to existing reports assessing racial disparity in civilian criminal justice systems in the United States.

(d) DEFINITIONS.—In this section:

(1) MILITARY JUSTICE; DISCIPLINE PROCESSES.—The terms ''military justice'' and ''discipline processes'' refer to all facets of the military justice system, including investigation, the use of administrative separations and other administrative sanctions, non-judicial punishment, panel selection, pre-trial confinement, the use of solitary confinement, dispositions of courts-martial, sentencing, and post-trial processes.

(2) MILITARY PERSONNEL POLICIES.—The term ''military personnel policies'' includes accession rates and policies, retention rates and policies, promotion rates, assignments, professional military education selection and policies, and career opportunity for minority members of the Armed Forces.

(3) MINORITY POPULATIONS.—The term ''minority populations'' includes Black, Hispanic, Asian/Pacific Islander, American Indian, and Alaska Native populations.

SEC. 549G. INCLUSION OF RACE AND ETHNICITY IN ANNUAL REPORTS ON SEXUAL ASSAULTS; REPORTING ON RACIAL AND ETHNIC DEMOGRAPHICS IN THE MILITARY JUSTICE SYSTEM.

(a) ANNUAL REPORTS ON RACIAL AND ETHNIC DEMOGRAPHICS IN THE MILITARY JUSTICE SYSTEM.—

(1) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by inserting after section 485 the following new section:

''§ 486. Annual reports on racial and ethnic demographics in the military justice system

''(a) IN GENERAL.—Not later than March 1 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on racial, ethnic, and sex demographics in the military justice system during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps. In the case of the Secretary of the Air Force, separate reports shall be prepared for the Air Force and for the Space Force.

''(b) CONTENTS.—The report of a Secretary of a military department for an armed force under subsection (a) shall contain, to the extent possible, statistics on offenses under chapter 47 of this title (the Uniform Code of Military Justice), during the year covered by the report, including—

''(1) the number of offenses in the armed force that were reported to military officials, disaggregated by—

''(A) statistical category as related to the victim; and

''(B) statistical category as related to the principal;

''(2) the number of offenses in the armed forces that were investigated, disaggregated by statistical category as related to the principal;

''(3) the number of offenses in which administrative action was imposed, disaggregated by statistical category as related to the principal and each type of administrative action imposed;

''(4) the number of offenses in which non judicial punishment was imposed under section 815 of this title (article 15 of the Uniform Code of Military Justice), disaggregated by statistical category as related to the principal;

''(5) the number of offenses in which charges were preferred, disaggregated by statistical category as related to the principal;

''(6) the number of offenses in which charges were referred to court-martial, disaggregated by statistical category as related to the principal and type of court-martial;

''(7) the number of offenses which resulted in conviction at court-martial, disaggregated by statistical category as related to the principal and type of court-martial; and

''(8) the number of offenses which resulted in acquittal at court-martial, disaggregated by statistical category as related to the principal and type of court-martial.

''(c) SUBMISSION TO CONGRESS.—Not later than April 30 of each year in which the Secretary of Defense receives reports under subsection (a), the Secretary of Defense shall forward the reports to the Committees on Armed Services of the Senate and the House of Representatives.

''(e) DEFINITIONS.—In this section:

''(1) The term 'statistical category' means each of the following categories:

''(A) race;

''(B) sex;

''(C) ethnicity;

''(D) rank; and

''(E) offense enumerated under chapter 47 of this title (the Uniform Code of Military Justice).

''(2) The term 'principal' has the meaning given that term in section 877 of this title (article 77 of the Uniform Code of Military Justice).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by inserting after the item relating to section 485 the following new item:

''486. Annual reports on racial and ethnic demographics in the military justice system.''.

(b) POLICY REQUIRED.—

(1) REQUIREMENT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall prescribe a policy requiring information on the race and ethnicity of accused individuals to be included to the maximum extent practicable in the annual report required under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note).

(2) EXCLUSION.—The policy prescribed under paragraph (1) may provide for the exclusion of such information based on privacy concerns, impacts on accountability efforts, or other matters of importance as determined and identified in such policy by the Secretary.

(3) PUBLICLY AVAILABLE.—The Secretary of Defense shall make publicly available the information described in paragraph (1), subject to the exclusion of such information pursuant to paragraph (2).

(4) SUNSET.—The requirements of this subsection shall terminate on May 1, 2028.

SEC. 549H. DOD SAFE HELPLINE AUTHORIZATION TO PERFORM INTAKE OF OFFICIAL RESTRICTED AND UNRESTRICTED REPORTS FOR ELIGIBLE ADULT SEXUAL ASSAULT VICTIMS.

Section 584 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 1561 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

''(d) AUTHORIZATIONS FOR DOD SAFE HELPLINE.—

''(1) PROVIDING SUPPORT AND RECEIVING OFFICIAL REPORTS.—DoD Safe Helpline (or any successor service to DoD Safe Helpline, if any, as identified by the Secretary of Defense) is authorized to provide crisis intervention and support and to perform the intake of official reports of sexual assault from eligible adult sexual assault victims who contact the DoD Safe Helpline or other reports as directed by the Secretary of Defense.

''(2) TRAINING AND OVERSIGHT.—DoD Safe Helpline staff shall have specialized training and appropriate certification to support eligible adult sexual assault victims.

''(3) ELIGIBILITY AND PROCEDURES.—The Secretary of Defense shall prescribe regulations regarding eligibility for DoD Safe Helpline services, procedures for providing crisis intervention and support, and accepting reports.

''(4) ELECTRONIC RECEIPT OF OFFICIAL REPORTS OF ADULT SEXUAL ASSAULTS.—DoD Safe Helpline shall provide the ability to receive reports of adult sexual assaults through the DoD Safe Helpline website and mobile phone applications, in a secure manner consistent with appropriate protection of victim privacy, and may offer other methods of receiving electronic submission of adult sexual assault reports, as appropriate, in a manner that appropriately protects victim privacy.

''(5) TYPES OF REPORTS.—Reports of sexual assault from eligible adult sexual assault victims received by DoD Safe Helpline (or a successor as determined by the Secretary of Defense) shall include unrestricted and restricted reports, or other reports as directed by the Secretary of Defense.

''(6) OPTION FOR ENTRY INTO THE CATCH A SERIAL OFFENDER SYSTEM.—An individual making a restricted report (or a relevant successor type of report or other type of appropriate report, as determined by the Secretary of Defense) to the DoD Safe Helpline (or a successor as determined by the Secretary of Defense) shall have the option to submit information related to their report to the Catch a Serial Offender system (or its successor or similar system as determined by the Secretary of Defense).''.

SEC. 549I. EXTENSION OF ANNUAL REPORT REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

Section 1631(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by striking ''through March 1, 2021'' and inserting ''through March 1, 2026''.

SEC. 549J. STUDY AND REPORT ON SEXUAL ASSAULT RESPONSE COORDINATOR MILITARY OCCUPATIONAL SPECIALTY.

(a) STUDY.—Beginning not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall initiate a personnel study to determine—

(1) the feasibility and advisability of creating a military occupational speciality for Sexual Assault Response Coordinators; and

(2) if determined to be feasible and advisable, the optimal approach to establishing and maintaining such a military occupational speciality.

(b) REPORT AND BRIEFING.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act the Secretary of Defense shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

(2) BRIEFING.—Not later than 30 days after the date on which the report is submitted under paragraph (1), the Secretary of Defense shall provide to the congressional defense committees a briefing on the results of the study conducted under subsection (a).

(c) ELEMENTS.—The report and briefing under subsection (b) shall include the following:

(1) The determination of the Secretary of Defense as to whether creating a military occupational speciality for Sexual Assault Response Coordinators is feasible and advisable.

(2) If the Secretary determines that the creation of such a specialty is feasible and advisable—

(A) a recommendation on the rank and level of experience required for a military occupational speciality for Sexual Assault Response Coordinators;

(B) recommendations for strengthening recruitment and retention of members of the Armed Forces of the required rank and experience identified under subparagraph (A), including recommendations with respect to—

(i) designating Sexual Assault Response Coordinators as a secondary military occupational speciality instead of a primary military occupational speciality;

(ii) providing initial or recurrent bonuses or duty stations of choice to members who qualify for the military occupational speciality for Sexual Assault Response Coordinators;

(iii) limiting the amount of time that a member who has qualified for such military occupational speciality can serve as a Sexual Assault Response Coordinator in a given period; or

(iv) requiring evaluations, completed by an officer in the rank of O–6 or higher, for members who have qualified for such military occupational speciality and are serving as a Sexual Assault Response Coordinator;

(C) recommendations for standardizing training and education for members of the Armed Forces seeking a military occupational speciality for Sexual Assault Response Coordinators or those serving as a Sexual Assault Response Coordinator, including by establishing dedicated educational programs for such members within each Armed Force;

(D) an analysis of the impact of a military occupational speciality for Sexual Assault Response Coordinators on the personnel management of the existing Sexual Assault Response Coordinator program, including recruitment and retention;

(E) an analysis of the requirements for a Sexual Assault Response Coordinator-specific chain of command;

(F) analysis of the costs of establishing and maintaining a military occupational speciality for Sexual Assault Response Coordinators;

(G) analysis of the potential impacts of a military occupational specialty for Sexual Assault Response Coordinators on the mental health of personnel within the specialty; and

(H) any other matters the Secretary of Defense determines relevant for inclusion.

SEC. 549K. AMENDMENTS TO ADDITIONAL DEPUTY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 554(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

*(1) in the section heading, by striking ''***DEPUTY***'' and inserting ''***ASSISTANT***'';*

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''Secretary of Defense'' and inserting ''Inspector General of the Department of Defense''; and

(ii) by striking ''Deputy'' and inserting ''Assistant'';

(B) in subparagraph (A), by striking ''of the Department''; and

(C) in subparagraph (B), by striking ''report directly to and serve'' and inserting ''be'';

(3) in paragraph (2)—

(A) in the matter preceding clause (i) of subparagraph (A)—

(i) by striking ''Conducting and supervising'' and inserting ''Developing and carrying out a plan for the conduct of comprehensive oversight, including through the conduct and supervision of''; and

(ii) by striking ''evaluations'' and inserting ''inspections,'';

(B) in clause (ii) of subparagraph (A), by striking '', including the duties of the Inspector General under subsection (b)''; and

(C) in subparagraph (B), by striking ''Secretary or'';

(4) in paragraph (3)(A) in the matter preceding subparagraph (A), by striking ''Deputy'' and inserting ''Assistant'';

(5) in paragraph (4)—

(A) in subparagraph (A), by striking ''Deputy'' each place it appears and inserting ''Assistant'';

(B) in subparagraph (B)—

(i) by striking ''Deputy'' the first place it appears;

(ii) by striking ''and the Inspector General'';

(iii) by striking ''Deputy'' the second place it appears and inserting ''Assistant''; and

(iv) by inserting before the period at the end the following: '', for inclusion in the next semiannual report of the Inspector General under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).'';

(C) in subparagraph (C)—

(i) by striking ''Deputy''; and

(ii) by striking ''and Inspector General'';

(D) in subparagraph (D)—

(i) by striking ''Deputy'';

(ii) by striking ''and the Inspector General'';

(iii) by striking ''Secretary or''; and

(iv) by striking ''direct'' and inserting ''determine''; and

(E) in subparagraph (E)—

(i) by striking ''Deputy''; and

(ii) by striking ''of the Department'' and all that follows through ''Representatives'' and inserting ''consistent with the requirements of the Inspector General Act of 1978 (5 U.S.C. App.).''.

SEC. 549L. IMPROVED DEPARTMENT OF DEFENSE PREVENTION OF, AND RESPONSE TO, BULLYING IN THE ARMED FORCES.

Section 549 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is amended—

*(1) in the section heading, by inserting ''***AND BULLYING***'' after ''***HAZING***'';*

(2) in subsection (a)—

(A) in the heading, by inserting ''and anti-bullying'' after ''Anti-hazing''; and

(B) by inserting ''or bullying'' after ''hazing'' both places it appears;

(3) in subsection (b), by inserting ''and bullying'' after ''hazing''; and

(4) in subsection (c)—

(A) in the heading, by inserting ''and bullying'' after ''hazing'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''January 31 of each year through January 31, 2021'' and inserting ''May 31, 2023, and annually thereafter for five years,''; and

(II) by striking ''each Secretary of a military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary,'' and inserting ''the Secretary of Defense'';

(ii) in subparagraph (A), by inserting ''or bullying'' after ''hazing''; and

(iii) in subparagraph (C), by inserting ''and anti-bullying'' after ''anti-hazing''; and

(C) in amending paragraph (2) to read as follows:

''(2) ADDITIONAL ELEMENTS.—Each report required by this subsection shall include the following:

''(A) A description of comprehensive data-collection systems of each Armed Force described in subsection (b) and the Office of the Secretary of Defense for collecting hazing or bullying reports involving a member of the Armed Forces.

''(B) A description of processes of each Armed Force described in subsection (b) to identify, document, and report alleged instances of hazing or bullying. Such description shall include the methodology each such Armed Force uses to categorize and count potential instances of hazing or bullying.

''(C) An assessment by each Secretary of a military department of the quality and need for training on recognizing and preventing hazing and bullying provided to members under the jurisdiction of such Secretary.

''(D) An assessment by the Office of the Secretary of Defense of—

''(i) the effectiveness of each Armed Force described in subsection (b) in tracking and reporting instances of hazing or bullying;

''(ii) whether the performance of each such Armed Force was satisfactory or unsatisfactory in the preceding fiscal year.

''(E) Recommendations of the Secretary to improve—

''(i) elements described in subparagraphs (A) through (D).

''(ii) the Uniform Code of Military Justice or the Manual for Courts-Martial to improve the prosecution of persons alleged to have committed hazing or bullying in the Armed Forces.

''(F) The status of efforts of the Secretary to evaluate the prevalence of hazing and bullying in the Armed Forces.

''(G) Data on allegations of hazing and bullying in the Armed Forces, including final disposition of investigations.

''(H) Plans of the Secretary to improve hazing and bullying prevention and response during the next reporting year.''.

SEC. 549M. RECOMMENDATIONS ON SEPARATE PUNITIVE ARTICLE IN THE UNIFORM CODE OF MILITARY JUSTICE ON VIOLENT EXTREMISM.

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 containing such recommendations as the Secretary considers appropriate with respect to the establishment of a separate punitive article in chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), on violent extremism.

SEC. 549N. COMBATING FOREIGN MALIGN INFLUENCE.

Section 589E of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by striking subsections (d) and (e); and

(2) by inserting after subsection (c) the following new subsections:

''(d) ESTABLISHMENT OF WORKING GROUP.—(1) Not later than one year after the date of the enactment of this subsection, the Secretary of Defense shall establish a working group to assist the official designated under subsection (b), as follows:

''(A) In the identification of mediums used by covered foreign countries to identify, access, and endeavor to influence servicemembers and Department of Defense civilian employees through foreign malign influence campaigns and the themes conveyed through such mediums.

''(B) In coordinating and integrating the training program under this subsection in order to enhance and strengthen servicemember and Department of Defense civilian employee awareness of and defenses against foreign malign influence, including by bolstering information literacy.

''(C) In such other tasks deemed appropriate by the Secretary of Defense or the official designated under subsection (b).

''(2) The official designed under subsection (b) and the working group established under this subsection shall consult with the Foreign Malign Influence Response Center established pursuant to section 3059 of title 50, United States Code.

''(e) REPORT REQUIRED.—Not later than 18 months after the establishment of the working group, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the working group, its activities, the effectiveness of the counter foreign malign influence activities carried out under this section, the metrics applied to determined effectiveness, and the actual costs associated with actions undertaken pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) FOREIGN MALIGN INFLUENCE.—The term 'foreign malign influence' has the meaning given that term in section 119C of the National Security Act of 1947 (50 U.S.C. 3059).

''(2) COVERED FOREIGN COUNTRY.—The term 'covered foreign country' has the meaning given that term in section 119C of the National Security Act of 1947 (50 U.S.C. 3059)

''(3) INFORMATION LITERACY.—The term 'information literacy' means the set of skills needed to find, retrieve, understand, evaluate, analyze, and effectively use information (which encompasses spoken and broadcast words and videos, printed materials, and digital content, data, and images).''.

Subtitle F—Member Education, Training, and Transition

SEC. 551. TROOPS-TO-TEACHERS PROGRAM.

(a) REQUIREMENT TO CARRY OUT PROGRAM.—Section 1154(b) of title 10, United States Code, is amended by striking ''may'' and inserting ''shall''.

(b) REPORTING REQUIREMENT.—Section 1154 of title 10, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

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

''(i) ANNUAL REPORT.—(1) Not later than December 1, 2022, and annually thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the Program.

''(2) The report required under paragraph (1) shall include the following elements:

''(A) The total cost of the Program for the most recent fiscal year.

''(B) The total number of teachers placed during such fiscal year and the locations of such placements.

''(C) An assessment of the STEM backgrounds of the teachers placed, the number of placements in high-need schools, and any other metric or information the Secretary considers appropriate to illustrate the cost and benefits of the program to members of the armed forces, veterans, and local educational agencies.

''(3) In this subsection, the term 'appropriate congressional committees' means—

''(A) the Committee on Armed Services and the Committee on Help, Education, Labor, and Pensions of the Senate; and

''(B) the Committee on Armed Services and the Committee on Education and Labor of the House of Representatives.''.

(c) SUNSET.—Section 1154 of title 10, United States Code, as amended by subsection (b), is further amended by adding at the end the following new subsection:

''(k) SUNSET.—The Program shall terminate on July 1, 2025, with respect to the selection of new participants for the program. Participants in the Program as of that date may complete their program, and remain eligible for benefits under this section.''.

SEC. 552. CODIFICATION OF HUMAN RELATIONS TRAINING FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting before section 2002 the following new section:

''§ 2001. Human relations training

''(a) HUMAN RELATIONS TRAINING.—(1)(A) The Secretary of Defense shall ensure that the Secretary of each military department conducts ongoing programs for human relations training for all members of the armed forces under the jurisdiction of the Secretary.

''(B) Matters covered by such training include race relations, equal opportunity, opposition to gender discrimination, and sensitivity to hate group activity.

''(C) Such training shall be provided during basic training (or other initial military training) and on a regular basis thereafter.

''(2) The Secretary of Defense shall ensure that a unit commander is aware of the responsibility to ensure that impermissible activity, based upon discriminatory motives, does not occur in a unit under the command of such commander.

''(b) INFORMATION PROVIDED TO PROSPECTIVE RECRUITS.—The Secretary of Defense shall ensure that—

''(1) each individual preparing to enter an officer accession program or to execute an original enlistment agreement is provided information concerning the meaning of the oath of office or oath of enlistment for service in the armed forces in terms of the equal protection and civil liberties guarantees of the Constitution; and

''(2) each such individual is informed that if supporting such guarantees is not possible personally for that individual, then that individual should decline to enter the armed forces.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2002 the following new item:

''2001. Human relations training.''.

(2) CONFORMING AMENDMENT.—Section 571 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 113 note) is repealed.

(c) BRIEFING.—Not later than 180 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 House of Representatives regarding—

(1) implementation of section 2001 of such title, as added by subsection (a); and

(2) legislation the Secretary determines necessary to complete such implementation.

SEC. 553. ALLOCATION OF AUTHORITY FOR NOMINATIONS TO THE MILITARY SERVICE ACADEMIES IN THE EVENT OF THE DEATH, RESIGNATION, OR EXPULSION FROM OFFICE OF A MEMBER OF CONGRESS.

(a) UNITED STATES MILITARY ACADEMY.—

(1) IN GENERAL.—Chapter 753 of title 10, United States Code, is amended by inserting after section 7442 the following new section:

''§ 7442a. Cadets: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate

''(a) SENATORS.—In the event a Senator does not submit all nominations for cadets allocated to such Senator for an academic year in accordance with section 7442(a)(3) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets for such academic year, otherwise authorized to be made by the Senator pursuant to such section, may be made instead by the other Senator from the State of such Representative.

''(b) REPRESENTATIVES.—In the event a Representative does not submit all nominations for cadets allocated to such Representative for an academic year in accordance with section 7442(a)(4) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets for such academic year, otherwise authorized to be made by the Representative pursuant to such section, may be made instead by the Senators from the State of such Representative, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

''(c) RULE OF CONSTRUCTION.—The nomination of a cadet by a Member of Congress pursuant to this section shall not be construed to permanently reallocate nominations under section 7442 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 753 of such title is amended by inserting after the item relating to section 7442 the following new item:

''7442a. Cadets: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate.''.

(b) UNITED STATES NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 853 of title 10, United States Code, is amended by inserting after section 8454 the following new section:

''§ 8454a. Midshipmen: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate

''(a) SENATORS.—In the event a Senator does not submit all nominations for midshipmen allocated to such Senator for an academic year in accordance with section 8454(a)(3) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for midshipmen for the academic year, the nominations for midshipmen for such academic year, otherwise authorized to be made by the Senator pursuant to such section, may be made instead by the other Senator from the State of such Representative.

''(b) REPRESENTATIVES.—In the event a Representative does not submit all nominations for midshipmen allocated to such Representative for an academic year in accordance with section 8454(a)(4) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for midshipmen for the academic year, the nominations for midshipmen for such academic year, otherwise authorized to be made by the Representative pursuant to such section, may be made instead by the Senators from the State of such Representative, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

''(c) RULE OF CONSTRUCTION.—The nomination of a midshipman by a Member of Congress pursuant to this section shall not be construed to permanently reallocate nominations under section 8454 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 853 of such title is amended by inserting after the item relating to section 8454 the following new item:

''8454a. Midshipmen: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate.''.

(c) AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 953 of title 10, United States Code, is amended by inserting after section 9442 the following new section:

''§ 9442a. Cadets: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate

''(a) SENATORS.—In the event a Senator does not submit all nominations for cadets allocated to such Senator for an academic year in accordance with section 9442(a)(3) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets for such academic year, otherwise authorized to be made by the Senator pursuant to such section, may be made instead by the other Senator from the State of such Representative.

''(b) REPRESENTATIVES.—In the event a Representative does not submit all nominations for

cadets allocated to such Representative for an academic year in accordance with section 9442(a)(4) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets for such academic year, otherwise authorized to be made by the Representative pursuant to such section, may be made instead by the Senators from the State of such Representative, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

''(c) RULE OF CONSTRUCTION.—The nomination of a cadet by a Member of Congress pursuant to this section shall not be construed to permanently reallocate nominations under section 9442 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 953 of such title is amended by inserting after the item relating to section 9442 the following new item:

''9442a. Cadets: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate.''.

(d) REPORT.—Not later than September 30, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report regarding implementation of the amendments under this section, including—

(1) the estimate of the Secretary regarding the frequency with which the authorities under such amendments will be used each year; and

(2) the number of times a Member of Congress has failed to submit nominations to the military academies due to death, resignation from office, or expulsion from office.

SEC. 554. AUTHORITY OF PRESIDENT TO APPOINT SUCCESSORS TO MEMBERS OF BOARD OF VISITORS OF MILITARY ACADEMIES WHOSE TERMS HAVE EXPIRED.

(a) UNITED STATES MILITARY ACADEMY.—Section 7455(b) of title 10, United States Code, is amended by striking ''is appointed'' and inserting ''is appointed by the President''.

(b) UNITED STATES NAVAL ACADEMY.—Section 8468(b) of title 10, United States Code, is amended by striking ''is appointed'' and inserting ''is appointed by the President''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9455(b)(1) of title 10, United States Code, is amended by striking ''is designated'' and inserting ''is designated by the President''.

(d) UNITED STATES COAST GUARD ACADEMY.—Section 1903(b)(2)(B) of title 14, United States Code, is amended by striking ''is appointed'' and inserting ''is appointed by the President''.

SEC. 555. MEETINGS OF THE BOARD OF VISITORS OF A MILITARY SERVICE ACADEMY: VOTES REQUIRED TO CALL; HELD IN PERSON OR REMOTELY.

(a) UNITED STATES MILITARY ACADEMY.—Section 7455 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i)(1) A majority of the members of the Board may call an official meeting of the Board once per year.

''(2) A member may attend such meeting—

''(A) in person, at the Academy; or

''(B) remotely, at the election of such member.''.

(b) UNITED STATES NAVAL ACADEMY.—Section 8468 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i)(1) A majority of the members of the Board may call an official meeting of the Board once per year.

''(2) A member may attend such meeting—

''(A) in person, at the Academy; or

''(B) remotely, at the election of such member.''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9455 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i)(1) A majority of the members of the Board may call an official meeting of the Board once per year.

''(2) A member may attend such meeting—

''(A) in person, at the Academy; or

''(B) remotely, at the election of such member.''.

SEC. 556. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER.

(a) AUTHORITY TO AWARD BACHELOR'S DEGREES.—Section 2168 of title 10, United States Code, is amended—

*(1) in the section heading, by striking ''**Associate**'' and inserting ''**Associate or Bachelor**''; and*

(2) by amending subsection (a) to read as follows:

''(a) Subject to subsection (b), the Commandant of the Defense Language Institute may confer—

''(1) an Associate of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree; or

''(2) a Bachelor of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of title 10, United States Code, is amended by striking the item relating to section 2168 and inserting the following new item:

''2168. Defense Language Institute Foreign Language Center: degree of Associate or Bachelor of Arts in foreign language.''.

SEC. 557. UNITED STATES NAVAL COMMUNITY COLLEGE.

(a) ESTABLISHMENT.—Chapter 859 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8595. United States Naval Community College: establishment and degree granting authority

''(a) ESTABLISHMENT AND FUNCTION.—There is a United States Naval Community College. The primary function of such College shall be to provide—

''(1) programs of academic instruction and professional and technical education for individuals described in subsection (b) in—

''(A) academic and technical fields of the liberal arts and sciences which are relevant to the current and future needs of the Navy and Marine Corps, including in designated fields of national and economic importance such as cybersecurity, artificial intelligence, machine learning, data science, and software engineering; and

''(B) their practical duties;

''(2) remedial, developmental, or continuing education programs, as prescribed by the Secretary of the Navy, which are necessary to support, maintain, or extend programs under paragraph (1);

''(3) support and advisement services for individuals pursuing such programs; and

''(4) continuous monitoring of the progress of such individuals.

''(b) INDIVIDUALS ELIGIBLE FOR PROGRAMS.—Subject to such other eligibility requirements as the Secretary of the Navy may prescribe, the following individuals are eligible to participate in programs and services under subsection (a):

''(1) Enlisted members of the Navy and Marine Corps.

''(2) Officers of the Navy and Marine Corps who hold a commission but have not completed a postsecondary degree.

''(3) Civilian employees of the Department of the Navy.

''(4) Other individuals, as determined by the Secretary of the Navy, so long as access to programs and services under subsection (a) by such individuals is—

''(A) in alignment with the mission of the United States Naval Community College; and

''(B) determined to support the mission or needs of the Department of the Navy.

''(c) DEGREE AND CREDENTIAL GRANTING AUTHORITY.—

''(1) IN GENERAL.—Under regulations prescribed by the Secretary of the Navy, the head of the United States Naval Community College may, upon the recommendation of the directors and faculty of the College, confer appropriate degrees or academic credentials upon graduates who meet the degree or credential requirements.

''(2) LIMITATION.—A degree or credential may not be conferred under this subsection unless—

''(A) the Secretary of Education has recommended approval of the degree or credential in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(B) the United States Naval Community College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree or credential, as determined by the Secretary of Education.

''(3) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—

''(A) When seeking to establish degree or credential granting authority under this subsection, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(i) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(ii) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree or credential granting authority.

''(B) Upon any modification or redesignation of existing degree or credential granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

''(C) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the United States Naval Community College to award any new or existing degree or credential.

''(d) CIVILIAN FACULTY MEMBERS.—

''(1) AUTHORITY OF SECRETARY.—The Secretary of the Navy may employ as many civilians as professors, instructors, and lecturers at the United States Naval Community College as the Secretary considers necessary.

''(2) COMPENSATION.—The compensation of persons employed under this subsection shall be prescribed by the Secretary of the Navy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 859 of title 10, United States Code, is amended by adding at the end the following new item:

''8595. United States Naval Community College: establishment and degree granting authority.''.

SEC. 558. CODIFICATION OF ESTABLISHMENT OF UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) IN GENERAL.—Chapter 951 of title 10, United States Code, is amended by inserting before section 9414 the following new section:

''§ 9413. United States Air Force Institute of Technology: establishment

''There is in the Department of the Air Force a United States Air Force Institute of Technology, the purposes of which are to perform research and to provide, to members of the Air Force and Space Force (including the reserve components) and civilian employees of such Department, advanced instruction and technical education regarding their duties.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting, before the item relating to section 9414, the following new item:

''9413. United States Air Force Institute of Technology: establishment.''.

SEC. 559. CONCURRENT USE OF DEPARTMENT OF DEFENSE TUITION ASSISTANCE AND MONTGOMERY GI BILL-SELECTED RESERVE BENEFITS.

(a) IN GENERAL.—Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k)(1) In the case of an individual entitled to educational assistance under this chapter who is pursuing education or training described in subsection (a) or (c) of section 2007 of this title on a half-time or more basis, the Secretary concerned shall, at the election of the individual, pay the individual educational assistance allowance under this chapter for pursuit of such education or training as if the individual were not also eligible to receive or in receipt of educational assistance under section 2007 for pursuit of such education or training.

''(2) Concurrent receipt of educational assistance under section 2007 of this title and educational assistance under this chapter shall not be considered a duplication of benefits if the individual is enrolled in a program of education on a half-time or more basis.''.

(b) CONFORMING AMENDMENTS.—Section 2007(d) of such title is amended—

(1) in paragraph (1), by inserting ''or chapter 1606 of this title'' after ''of title 38''; and

(2) in paragraph (2), by inserting '', in the case of educational assistance under chapter 30 of such title, and section 16131(k), in the case of educational assistance under chapter 1606 of this title'' before the period at the end.

SEC. 559A. REGULATIONS ON CERTAIN PARENTAL GUARDIANSHIP RIGHTS OF CADETS AND MIDSHIPMEN.

(a) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, after consultation with the Secretaries of the military departments and the Superintendent of each military service academy, shall prescribe regulations that include the option to preserve parental guardianship rights of a cadet or midshipman who becomes pregnant or fathers a child while attending a military service academy, consistent with the individual and academic responsibilities of such cadet or midshipman.

(b) BRIEFINGS; REPORT.—

(1) INTERIM BRIEFING.—Not later than May 1, 2022, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives an interim briefing on the development of the regulations prescribed under subsection (a).

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any legislation the Secretary determines necessary to implement the regulations prescribed under subsection (a).

(3) FINAL BRIEFING.—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 House of Representatives a final briefing on the regulations prescribed under subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to change, or require a change to, any admission requirement at a military service academy.

(d) MILITARY SERVICE ACADEMY DEFINED.—In this section, the term ''military service academy'' means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

SEC. 559B. DEFENSE LANGUAGE CONTINUING EDUCATION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall establish policies and procedures to provide, to linguists of the covered Armed Forces who have made the transition from formal training programs to operational and staff assignments, continuing language education to maintain their respective language proficiencies.

(b) REIMBURSEMENT AUTHORITY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Under Secretary, in coordination with the chief of each covered Armed Force, shall establish a procedure by which the covered Armed Force concerned may reimburse an organization of the Department of Defense that provides, to members of such covered Armed Force, continuing language education, described in subsection (a), for the costs of such education.

(2) SUNSET.—The authority under this subsection shall expire on September 30, 2025.

(c) BRIEFING.—Not later than July 1, 2022, the Under Secretary shall brief the Committees on Armed Services of the Senate and House of Representatives on implementation of this section and plans regarding continuing language education described in subsection (a).

(d) COVERED ARMED FORCE DEFINED.—In this section, the term ''covered Armed Force'' means the Army, Navy, Air Force, Marine Corps, or Space Force.

SEC. 559C. PROHIBITION ON IMPLEMENTATION BY UNITED STATES AIR FORCE ACADEMY OF CIVILIAN FACULTY TENURE SYSTEM.

The Secretary of Defense may not implement a civilian faculty tenure system for the United States Air Force Academy (in this section referred to as the ''Academy'') until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the following:

(1) How a civilian faculty tenure system would promote the mission of the Academy.

(2) How a civilian faculty tenure system would affect the current curricular governance process of the Academy.

(3) How the Academy will determine the number of civilian faculty at the Academy who would be granted tenure.

(4) How a tenure system would be structured for Federal employees at the Academy, including exact details of specific protections and limitations.

(5) The budget implications of implementing a tenure system for the Academy.

(6) The faculty qualifications that would be required to earn and maintain tenure.

(7) The reasons for termination of tenure that will be implemented and how a tenure termination effort would be conducted.

SEC. 559D. PROFESSIONAL MILITARY EDUCATION: REPORT; DEFINITION.

(a) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2022, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, 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 of the definition of professional military education in the Department of Defense and the military departments as specified in subsection (c).

(2) ELEMENTS.—The report under this subsection shall include the following elements:

(A) A consolidated summary of all definitions of the term ''professional military education'' used in the Department of Defense and the military departments.

(B) A description of how such term is used in the Department of Defense in educational institutions, associated schools, programs, think tanks, research centers, and support activities.

(C) An analysis of how such term—

(i) applies to tactical, operational, and strategic settings; and

(ii) is linked to mission requirements.

(D) An analysis of how professional military education has been applied and linked through all levels of Department of Defense education and training.

(E) The applicability of professional military education to the domains of warfare, including land, air, sea, space, and cyber.

(F) With regards to online and virtual learning in professional military education—

(i) an analysis of the use of such learning; and

(ii) student satisfaction in comparison to traditional classroom learning.

(b) DEFINITION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments, using the report under subsection (a), shall standardize the definition of ''professional military education'' across the military departments and the Department of Defense.

SEC. 559E. REPORT ON TRAINING AND EDUCATION OF MEMBERS OF THE ARMED FORCES REGARDING SOCIAL REFORM AND UNHEALTHY BEHAVIORS.

(a) REPORT REQUIRED.—Not later than June 1, 2022, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on training and courses of education offered to covered members regarding—

(1) sexual assault;

(2) sexual harassment;

(3) extremism;

(4) domestic violence;

(5) diversity, equity, and inclusion;

(6) military equal opportunity;

(7) suicide prevention; and

(8) substance abuse.

(b) ELEMENTS.—The report under subsection (a) shall identify, with regard to each training or course of education, the following:

(1) Sponsor.

(2) Location.

(3) Method.

(4) Frequency.

(5) Number of covered members who have participated.

(6) Legislation, regulation, instruction, or guidance that requires such training or course (if applicable).

(7) Metrics of—

(A) performance;

(B) effectiveness; and

(C) data collection.

(8) Responsibilities of the Secretary of Defense or Secretary of a military department to—

(A) communicate with non-departmental entities;

(B) process feedback from trainers, trainees, and such entities;

(C) connect such training or course to tactical, operational, and strategic goals; and

(D) connect such training or course to other training regarding social reform and unhealthy behavior.

(9) Analyses of—

(A) whether the metrics described in paragraph (7) are standardized across the military departments;

(B) mechanisms used to engage non-departmental entities to assist in the development of such training or courses;

(C) incentives used to ensure the effectiveness of such training or courses;

(D) how each training or courses is intended to change behavior; and

(E) costs of such training and courses.

(10) Recommendations of the Secretary of Defense to improve such training or courses, including the estimated costs to implement such improvements.

(11) Any other information the Secretary of Defense determines relevant.

(c) COVERED MEMBER DEFINED.—In this section, the term ''covered member'' means a member of an Armed Force under the jurisdiction of the Secretary of a military department.

SEC. 559F. REPORT ON STATUS OF ARMY TUITION ASSISTANCE PROGRAM ARMY IGNITED PROGRAM.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the status of the Army IgnitED program of the Army's Tuition Assistance Program.

(b) ELEMENTS.—The report required under subsection (a) shall describe—

(1) the estimated date when the Army IgnitED program will be fully functional;

(2) the estimated date when service members will be reimbursed for out of pocket expenses caused by processing delays and errors under the Army IgnitED program; and

(3) the estimated date when institutions of higher education will be fully reimbursed for all costs typically provided through the Tuition Assistance Program but delayed due to processing delays and errors under the Army IgnitED program.

SEC. 559G. BRIEFING ON CADETS AND MIDSHIPMEN WITH SPEECH DISORDERS.

Not later than 180 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 House of Representatives regarding nominees, who have speech disorders, to each military service academy. Such briefing shall include the following:

(1) The number of such nominees were offered admission to the military service academy concerned.

(2) The number of nominees described in paragraph (1) who were denied admission on the basis of such disorder.

(3) Whether the admission process to a military service academy includes testing for speech disorders.

(4) The current medical standards of each military service academy regarding speech disorders.

(5) Whether the Superintendent of each military service academy provides speech therapy to mitigate speech disorders—

(A) of nominees to such military service academy to facilitate admission of such nominees; and

(B) of the cadets or midshipman at such military service academy.

Subtitle G—Military Family Readiness and Dependents' Education

SEC. 561. EXPANSION OF SUPPORT PROGRAMS FOR SPECIAL OPERATIONS FORCES PERSONNEL AND IMMEDIATE FAMILY MEMBERS.

Section 1788a(e) of title 10, United States Code, is amended—

(1) in paragraph (4), by striking ''covered personnel'' and inserting ''covered individuals''; and

(2) in paragraph (5)—

(A) by striking ''covered personnel'' and inserting ''covered individuals'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

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

''(D) immediate family members of individuals described in subparagraphs (A) or (B) in a case in which such individual died—

''(i) as a direct result of armed conflict;

''(ii) while engaged in hazardous service;

''(iii) in the performance of duty under conditions simulating war; or

''(iv) through an instrumentality of war.''.

SEC. 562. IMPROVEMENTS TO THE EXCEPTIONAL FAMILY MEMBER PROGRAM.

(a) EXPANSION OF ADVISORY PANEL ON COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—Section 563(d)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 1781c note) is amended—

(1) by striking ''seven'' and inserting ''nine'';

(2) by inserting '', appointed by the Secretary of Defense,'' after ''individuals'';

(3) by inserting ''each'' before ''a member'';

(4) by striking the second sentence and inserting ''In appointing individuals to the panel, the Secretary shall ensure that—''; and

(5) by adding at the end the following:

''(A) one individual is the spouse of an enlisted member;

''(B) one individual is the spouse of an officer in a grade below O-6;

''(C) one individual is a junior enlisted member;

''(D) one individual is a junior officer;

''(E) individuals reside in different geographic regions;

''(F) one individual is a member serving at a remote installation or is a member of the family of such a member; and

''(G) at least two individuals are members serving on active duty, each with a dependent who—

''(i) is enrolled in the Exceptional Family Member Program; and

''(ii) has an individualized education program.''.

(b) RELOCATION.—The Secretary of the military department concerned may, if such Secretary determines it feasible, permit a covered member who receives permanent change of station orders to elect, not later than 14 days after such receipt, from at least two locations that provide support for the dependent of such covered member with a special need.

(c) FAMILY MEMBER MEDICAL SUMMARY.—The Secretary of a military department, in coordination with the Director of the Defense Health Agency, shall require that a family member medical summary, completed by a licensed and credentialed medical provider, is accessible in the electronic health record of the Department of Defense for subsequent review by a licensed medical provider.

(d) COVERED MEMBER DEFINED.—In this section, the term ''covered member'' means a member of an Armed Force—

(1) under the jurisdiction of the Secretary of a military department; and

(2) with a dependent with a special need.

SEC. 563. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MILITARY AND CIVILIAN PERSONNEL.

(a) CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.—

(1) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2022 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).

(2) LOCAL EDUCATIONAL AGENCY DEFINED.—In this subsection, 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)).

(b) IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2022 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).

(2) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated for fiscal year 2022 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.

(3) REPORT.—Not later than March 31, 2022, 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. 564. PILOT PROGRAM TO ESTABLISH EMPLOYMENT FELLOWSHIP OPPORTUNITIES FOR MILITARY SPOUSES.

(a) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense may establish a three-year pilot program to provide employment support to the spouses of members of the Armed Forces through a paid fellowship with employers across a variety of industries. In carrying out the pilot program, the Secretary shall take the following steps:

(1) Enter into a contract or other agreement to conduct a career fellowship pilot program for military spouses.

(2) Determine the appropriate capacity for the pilot program based on annual funding availability.

(3) Establish evaluation criteria to determine measures of effectiveness and cost-benefit analysis of the pilot program in supporting military spouse employment.

(b) LIMITATION ON TOTAL AMOUNT OF ASSISTANCE.—The total amount of the pilot program may not exceed $5,000,000 over the life of the pilot.

(c) REPORTS.—Not later than two years after the Secretary establishes the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report that includes the following elements:

(1) The number of spouses who participated in the pilot program annually.

(2) The amount of funding spent through the pilot program annually.

(3) A recommendation of the Secretary regarding whether to discontinue, expand, or make the pilot program permanent.

(d) FINAL REPORT.—Not later than 180 days after the pilot program ends, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report that includes the following elements:

(1) The number of spouses who participated in the pilot program.

(2) The amount of funding spent through the pilot program.

(3) An evaluation of outcomes.

(4) A recommendation of the Secretary regarding whether to make the pilot program permanent.

(e) TERMINATION.—The pilot program shall terminate three years after the date on which the Secretary establishes the pilot program.

SEC. 565. POLICY REGARDING REMOTE MILITARY INSTALLATIONS.

(a) POLICY.—Not later than December 1, 2022, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a uniform policy for how to—

(1) identify remote military installations; and

(2) assess and manage challenges associated with remote military installations and military personnel assigned to remote locations.

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

(1) Activities and facilities for the morale, welfare, and recreation of members of the Armed Forces.

(2) Availability of housing, located on and off remote military installations.

(3) Educational services for dependents of members of the Armed Forces, located on and off remote military installations.

(4) Availability of health care.

(5) Employment opportunities for military spouses.

(6) Risks associated with having insufficient support services for members of the Armed Forces and their dependents.

(c) REPORT.—Not later than March 1, 2023, 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 policy under this section.

(d) MILITARY INSTALLATION DEFINED.—In this section, the term ''military installation'' has the meaning given that term in section 2801 of title 10, United States Code.

SEC. 566. IMPLEMENTATION OF GAO RECOMMENDATION ON IMPROVED COMMUNICATION OF BEST PRACTICES TO ENGAGE MILITARY SPOUSES WITH CAREER ASSISTANCE RESOURCES.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop a plan to implement the recommendation of the Comptroller General of the United States, to address strategies for sharing information on outreach to military spouses regarding career assistance resources, in the report of the Government Accountability Office titled ''Military Spouse Employment: DOD Should Continue Assessing State Licensing Practices and Increase Awareness of Resources'' (GAO–21–193). The plan shall include the following elements:

(1) A summary of actions that have been taken to implement the recommendation.

(2) A summary of actions that will be taken to implement the recommendation, including how the Secretary plans to—

(A) engage military services and installations, members of the Spouse Ambassador Network, and other local stakeholders to obtain information on the outreach approaches and best practices used by military installations and stakeholders;

(B) overcome factors that may limit use of best practices;

(C) disseminate best practices to relevant stakeholders; and

(D) identify ways to and better coordinate with the Secretaries of Veterans Affairs, Labor, and Housing and Urban Development; and

(E) a schedule, with specific milestones, for completing implementation of the recommendation.

(b) IMPLEMENTATION; DEADLINE.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall carry out activities to implement the plan developed under subsection (a).

SEC. 567. STUDY ON EMPLOYMENT OF MILITARY SPOUSES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study to identify employment barriers affecting military spouses.

(2) ELEMENTS.—The study conducted under paragraph (1) shall determine the following:

(A) The rate or prevalence of military spouses who are currently employed and whether such military spouses have children.

(B) The rate or prevalence of military spouses who are underemployed.

(C) In connection with subparagraph (B), whether a military spouse would have taken a different position of employment if the military spouse were not impacted by the spouse who is a member of the Armed Forces.

(D) The rate or prevalence of military spouses who, due to military affiliation, have experienced discrimination by civilian employers, including loss of employment, denial of a promotion, and difficulty in being hired.

(E) Any other barriers of entry into the local workforce for military spouses, including—

(i) state licensure requirements;

(ii) availability of childcare;

(iii) access to broadband;

(iv) job availability in military communities; and

(v) access to housing.

(b) REPORT.—Not later than one year after the date of the enactment of this section, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under this section, including any policy recommendations to address employment barriers identified by the study.

(c) DEFINITIONS.—In this section:

(1) MILITARY SPOUSE.—The term ''military spouse'' means the spouse of a member of the Armed Forces serving on active duty.

(2) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 568. BRIEFING ON EFFORTS OF COMMANDERS OF MILITARY INSTALLATIONS TO CONNECT MILITARY FAMILIES WITH LOCAL ENTITIES THAT PROVIDE SERVICES TO MILITARY FAMILIES.

Not later than 180 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 House of Representatives on how and the extent to which commanders of military installations connect military families with local nonprofit and government entities that provide services to military families, including assistance with housing.

SEC. 569. BRIEFING ON PROCESS TO CERTIFY REPORTING OF ELIGIBLE FEDERALLY CONNECTED CHILDREN FOR PURPOSES OF FEDERAL IMPACT AID PROGRAMS.

(a) BRIEFING.—Not later April 1, 2022, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and House of Representatives on the following:

(1) The feasibility of developing a written process whereby an installation commander can certify the information contained in impact aid source check forms received by such installation commander from local educational agencies.

(2) Benefits of working with local educational agencies to certify impact aid source check forms are submitted in the appropriate manner.

(3) An estimated timeline to implement such a certification process.

(b) DEFINITIONS.—In this section:

(1) The term ''impact aid source check form'' means a form submitted to a military installation by a local educational agency to confirm the number and identity of children eligible to be counted for purposes of the Federal impact aid program under section 7003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)).

(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).

SEC. 569A. BRIEFING ON LEGAL SERVICES FOR FAMILIES ENROLLED IN THE EXCEPTIONAL FAMILY MEMBER PROGRAM.

(a) BRIEFING REQUIRED.—Not later than 180 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 House of Representatives on the provision of legal services, under section 582(b)(7) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), to families enrolled in EFMP.

(b) ELEMENTS.—The briefing shall include the following elements:

(1) Training, provided by civilian attorneys or judge advocates general, regarding special education.

(2) Casework, relating to special education, of such civilian attorneys and judge advocates general.

(3) Information on how such legal services tie in to broader EFMP support under the Individuals with Disabilities Education Act (Public Law 91–230), including the geographic support model.

(4) Other matters regarding such legal services that the Secretary of Defense determines appropriate.

(5) Costs of such elements described in paragraphs (1) through (4).

(c) DEFINITIONS.—In this section:

(1) The term ''EFMP'' means the Exceptional Family Member Program.

(2) The terms ''child with a disability'', ''free appropriate public education'', and ''special education'' have the meanings given those terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

SEC. 569B. GAO REVIEW OF PRESERVATION OF THE FORCE AND FAMILY PROGRAM OF UNITED STATES SPECIAL OPERATIONS COMMAND: BRIEFING; REPORT.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of POTFF. Such review shall include the following:

(1) With regards to current programs and activities of POTFF, an assessment of the sufficiency of the following domains:

(A) Human performance.

(B) Psychological and behavioral health.

(C) Social and family readiness.

(D) Spiritual.

(2) A description of efforts of the Commander of United States Special Operations Command to assess the unique needs of members of special operations forces, including women and minorities.

(3) A description of plans of the Commander to improve POTFF to better address the unique needs of members of special operations forces.

(4) Changes in costs to the United States to operate POTFF since implementation.

(5) Rates of participation in POTFF, including—

(A) the number of individuals who participate;

(B) frequency of use by such individuals; and

(C) geographic locations where such individuals participate.

(6) Methods by which data on POTFF is collected and analyzed.

(7) Outcomes used to determine the effects of POTFF on members of special operations forces and their immediate family members, including a description of the effectiveness of POTFF in addressing unique needs of such individuals.

(8) Any other matter the Comptroller General determines appropriate.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall brief the appropriate committees on the preliminary findings of the Comptroller General under such review.

(c) REPORT.—The Comptroller General shall submit to the appropriate committees a final report on such review at a date mutually agreed upon by the Comptroller General and the appropriate committees.

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees'' means the Committees on Armed Services of the Senate and House of Representatives.

(2) The term ''POTFF'' means the Preservation of the Force and Family Program of United States Special Operations Command under section 1788a of title 10, United States Code.

(3) The term ''special operations forces'' means the forces described in section 167(j) of title 10, United States Code.

Subtitle H—Diversity and Inclusion

SEC. 571. REDUCTION OF GENDER-RELATED INEQUITIES IN COSTS OF UNIFORMS TO MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT OF CRITERIA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and in coordination with the Secretaries of the military departments, shall establish criteria, consistent across the Armed Forces, for determining which uniform or clothing items across the Armed Forces are considered uniquely military for purposes of calculating the standard cash clothing replacement allowances, in part to reduce differences in out-of pocket costs incurred by enlisted members of the Armed Forces across the military services and by gender within an Armed Force.

(b) REVIEWS.—

(1) QUINQUENNIAL REVIEW.—The Under Secretary shall review the criteria established under subsection (a) every five years after such establishment and recommend to the Secretaries of the military departments adjustments to clothing allowances for enlisted members if such allowances are insufficient to pay for uniquely military items determined pursuant to such criteria.

(2) PERIODIC REVIEWS.—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, and in coordination with the Secretaries of the military departments, shall periodically review—

(A) all uniform clothing plans of each Armed Force under the jurisdiction of the Secretary of a military department to identify data needed to facilitate cost discussions and make recommendations described in paragraph (1);

(B) not less than once every five years, calculations of each Armed Force for standard clothing replacement allowances for enlisted members, in order to develop a standard by which to identify differences described in subsection (a);

(C) not less than once every 10 years, initial clothing allowances for officers, in order to identify data necessary to facilitate cost discussions and make recommendations described in paragraph (1); and

(D) all plans of each Armed Force under the jurisdiction of the Secretary of a military department for changing uniform items to determine if such planned changes will result in differences described in subsection (a).

(c) REGULATIONS.—Not later than September 30, 2022, each Secretary of a military department shall prescribe regulations that ensure the following:

(1) The out-of-pocket cost to an officer or enlisted member of an Armed Force for a mandatory uniform item (or part of such uniform) may not exceed such cost to another officer or enlisted member of that Armed Force for such uniform (or part, or equivalent part, of such uniform) solely based on gender.

(2) If a change to a uniform of an Armed Force affects only enlisted members of one gender, an enlisted member of such gender in such Armed Force shall be entitled to an allowance equal to the out-of-pocket cost to the officer or enlisted member relating to such change.

(3) An individual who has separated or retired, or been discharged or dismissed, from the Armed Forces, shall not entitled to an allowance under paragraph (2).

(d) REPORT.—Not later than December 31, 2022, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on—

(1) the estimated production costs and average retail prices of military clothing items for members (including officers and enlisted members) of each Armed Force; and

(2) a comparison of costs for male and female military clothing items for members of each Armed Force.

SEC. 572. STUDY ON NUMBER OF MEMBERS OF THE ARMED FORCES WHO IDENTIFY AS HISPANIC OR LATINO.

The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center to conduct a study of the following:

(1) The number of members of the regular components of the Armed Forces (including cadets and midshipmen at the military service academies) who identify as Hispanic or Latino, separated by rank.

(2) A comparison of the percentage of the members described in paragraph (1) with the percentage of the population of the United States who are eligible to enlist or commission in the Armed Forces who identify as Hispanic or Latino.

(3) A comparison of how each of the Armed Forces recruits individuals who identify as Hispanic or Latino.

(4) A comparison of how each of the Armed Forces retains both officer and enlisted members who identify as Hispanic or Latino.

(5) A comparison of how each of the Armed Forces promotes both officer and enlisted members who identify as Hispanic or Latino.

SEC. 573. INCLUSION OF MILITARY SERVICE ACADEMIES, OFFICER CANDIDATE AND TRAINING SCHOOLS, AND THE SENIOR RESERVE OFFICERS' TRAINING CORPS DATA IN DIVERSITY AND INCLUSION REPORTING.

Section 113 of title 10, United States Code, is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: '', including the status of diversity and inclusion in the military service academies, the Officer Candidate and Training Schools, and the Senior Reserve Officers' Training Corps programs of such department''; and

(2) in subsection (m)—

(A) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(B) by inserting after paragraph (4) the following new paragraph:

''(5) The number of graduates of the Senior Reserve Officers' Training Corps during the fiscal year covered by the report, disaggregated by gender, race, and ethnicity, for each military department.''.

SEC. 574. EXTENSION OF DEADLINE FOR GAO REPORT ON EQUAL OPPORTUNITY AT THE MILITARY SERVICE ACADEMIES.

Section 558 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended, in the matter preceding paragraph (1), by striking ''one year after the date of the enactment of this Act'' and inserting ''May 31, 2022''.

Subtitle I—Decorations and Awards, Miscellaneous Reports, and Other Matters

SEC. 581. MODIFIED DEADLINE FOR ESTABLISHMENT OF SPECIAL PURPOSE ADJUNCT TO ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST.

Section 594 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking ''Not later than one year after the date of the enactment of this Act'' and inserting ''Not later than October 1, 2024''.

SEC. 582. AUTHORIZATIONS FOR CERTAIN AWARDS.

(a) MEDAL OF HONOR TO CHARLES R. JOHNSON FOR ACTS OF VALOR DURING THE KOREAN WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Charles R. Johnson for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Charles R. Johnson on June 11 and 12, 1953, as a member of the Army serving in Korea, for which he was awarded the Silver Star.

(b) MEDAL OF HONOR TO WATARU NAKAMURA FOR ACTS OF VALOR DURING THE KOREAN WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Wataru Nakamura for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Wataru Nakamura on May 18, 1951, as a member of the Army serving in Korea, for which he was awarded the Distinguished-Service Cross.

(c) MEDAL OF HONOR TO BRUNO R. ORIG FOR ACTS OF VALOR DURING THE KOREAN WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Bruno R. Orig for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Bruno R. Orig on Februray 15, 1951, as a member of the Army serving in Korea, for which he was awarded the Distinguished-Service Cross.

(d) MEDAL OF HONOR TO DENNIS M. FUJII FOR ACTS OF VALOR DURING THE VIETNAM WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Dennis M. Fujii for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Dennis M. Fujii on February 18 through 22, 1971, as a member of the Army serving in the Republic of Vietnam, for which he was awarded the Distinguished-Service Cross.

(e) MEDAL OF HONOR TO EDWARD N. KANESHIRO, FOR ACTS OF VALOR DURING THE VIETNAM WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Edward N. Kaneshiro for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Edward N. Kaneshiro on December 1, 1966, as a member of the Army serving in Vietnam, for which he was awarded the Distinguished-Service Cross.

(f) DISTINGUISHED-SERVICE CROSS TO EARL R. FILLMORE, JR. FOR ACTS OF VALOR IN SOMALIA.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title

10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Distinguished-Service Cross under section 7272 of such title to Earl R. Fillmore, Jr. for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Earl R. Fillmore, Jr. on October 3, 1993, as a member of the Army serving in Somalia, for which he was awarded the Silver Star.

(g) DISTINGUISHED-SERVICE CROSS TO ROBERT L. MABRY FOR ACTS OF VALOR IN SOMALIA.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Distinguished-Service Cross under section 7272 of such title to Robert L. Mabry for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Robert L. Mabry on October 3 and 4, 1993, as a member of the Army serving in Somalia, for which he was awarded the Silver Star.

(h) DISTINGUISHED-SERVICE CROSS TO JOHN G. MACEJUNAS FOR ACTS OF VALOR IN SOMALIA.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Distinguished-Service Cross under section 7272 of such title to John G. Macejunas for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of John G. Macejunas on October 3 and 4, 1993, as a member of the Army serving in Somalia, for which he was awarded the Silver Star.

(i) DISTINGUISHED-SERVICE CROSS TO WILLIAM F. THETFORD FOR ACTS OF VALOR IN SOMALIA.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Distinguished-Service Cross under section 7272 of such title to William F. Thetford for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of William F. Thetford on October 3 and 4, 1993, as a member of the Army serving in Somalia, for which he was awarded the Silver Star.

SEC. 583. ESTABLISHMENT OF THE ATOMIC VETERANS COMMEMORATIVE SERVICE MEDAL.

(a) SERVICE MEDAL REQUIRED.—The Secretary of Defense shall design and produce a commemorative military service medal, to be known as the ''Atomic Veterans Commemorative Service Medal'', to commemorate the service and sacrifice of veterans who were instrumental in the development of our nations atomic and nuclear weapons programs.

(b) ELIGIBILITY REQUIREMENTS.—(1) The Secretary of Defense shall, within 180 days after the date of enactment of this Act, determine eligibility requirements for this medal.

(2) Sixty days prior to publishing the eligibility requirements for this medal, the Secretary of Defense shall submit proposed eligibility criteria under paragraph (1) to the Committees on Armed Services of the Senate and House of Representatives for comment.

(3) The Secretary of Defense may require persons to submit supporting documentation for the medal authorized in subsection (a) to determine eligibility under paragraph (1).

(c) DISTRIBUTION OF MEDAL.—

(1) ISSUANCE TO RETIRED AND FORMER MEMBERS.—At the request of an eligible veteran, the Secretary of Defense shall issue the Atomic Veterans Commemorative Service Medal to the eligible veteran.

(2) ISSUANCE TO NEXT-OF-KIN.—In the case of a veteran who is deceased, the Secretary may provide for issuance of the Atomic Veterans Commemorative Service Medal to the next-of-kin of the persons. If applications for a medal are filed by more than one next of kin of a person eligible to receive a medal under this section, the Secretary of Defense shall determine which next-of-kin will receive the medal.

(3) APPLICATION.—The Secretary shall prepare and disseminate as appropriate an application by which veterans and their next-of-kin may apply to receive the Atomic Veterans Service Medal.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sum as may be necessary to carry out this section.

SEC. 584. UPDATES AND PRESERVATION OF MEMORIALS TO CHAPLAINS AT ARLINGTON NATIONAL CEMETERY.

(a) UPDATES AND PRESERVATION OF MEMORIALS.—

(1) PROTESTANT CHAPLAINS MEMORIAL.—The Secretary of the Army may permit NCMAF—

(A) to modify the memorial to Protestant chaplains located on Chaplains Hill to include a granite, marble, or other stone base for the bronze plaque of the memorial;

(B) to provide an updated bronze plaque, described in subparagraph (A), including the name of each chaplain, verified as described in subsection (b), who died while serving on active duty in the Armed Forces after the date on which the original memorial was placed; and

(C) to make such other updates and corrections to the memorial that the Secretary determines necessary.

(2) CATHOLIC AND JEWISH CHAPLAIN MEMORIALS.—The Secretary of the Army may permit NCMAF to update and make corrections to the Catholic and Jewish chaplain memorials located on Chaplains Hill that the Secretary determines necessary.

(3) NO COST TO FEDERAL GOVERNMENT.—The activities of NCMAF authorized by this subsection shall be carried out at no cost to the Federal Government.

(b) VERIFICATION OF NAMES.—NCMAF may not include the name of a chaplain on a memorial on Chaplains Hill under subsection (a) unless that name has been verified by the Chief of Chaplains of the Army, Navy, or Air Force or the Chaplain of the United States Marine Corps, depending on the branch of the Armed Forces in which the chaplain served.

(c) PROHIBITION ON EXPANSION OF MEMORIALS.—Except as provided in subsection (a)(1)(A), this section may not be construed as authorizing the expansion of any memorial that is located on Chaplains Hill as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term ''Chaplains Hill'' means the area in Arlington National Cemetery that, as of the date of the enactment of this Act, is generally identified and recognized as Chaplains Hill.

(2) The term ''NCMAF'' means the National Conference on Ministry to the Armed Forces or any successor organization recognized in law for purposes of the operation of this section.

SEC. 585. REPORTS ON SECURITY FORCE PERSONNEL PERFORMING PROTECTION LEVEL ONE DUTIES.

(a) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report on the status of security force personnel performing protection level one (PL–1) duties—

(1) not later than 90 days after the date of the enactment of this Act; and

(2) concurrent with the submission to Congress of the budget of the President for each of fiscal years 2023 through 2027 pursuant to section 1105(a) of title 31, United States Code.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) The number of Air Force personnel performing, and the number of unfilled billets designated for performance of, PL–1 duties on a full-time basis during the most recent fiscal year that ended before submission of the report.

(2) The number of such personnel disaggregated by mission assignment during that fiscal year.

(3) The number of such personnel and unfilled billets at each major PL–1 installation during that fiscal year and a description of the rank structure of such personnel.

(4) A statement of the time, by rank structure, such personnel were typically assigned to perform PL–1 duties at each major PL–1 installation during that fiscal year.

(5) The retention rate for security personnel performing such duties during that fiscal year.

(6) The number of Air Force PL–1 security force members deployed to support another Air Force mission or a joint mission with another military department during that fiscal year.

(7) A description of the type of training for security personnel performing PL–1 duties during that fiscal year.

(8) An assessment of the status of replacing the existing fleet of high mobility multipurpose wheeled vehicles (HMMWV) and BearCat armored vehicles, by PL–1 installation.

(9) Such other matters as the Secretary considers appropriate relating to security force personnel performing PL–1 duties during the period of five fiscal years after submission of the report.

SEC. 586. GAO STUDY ON TATTOO POLICIES OF THE ARMED FORCES.

(a) STUDY.—The Comptroller General of the United States shall evaluate the tattoo policies of each Armed Force, including—

(1) the effects of such policies on recruitment, retention, reenlistment of members of the Armed Forces; and

(2) processes for waivers to such policies to recruit, retain, or reenlist members who have unauthorized tattoos.

(b) BRIEFING.—Not later than March 31, 2022, the Comptroller General shall brief the Committees on Armed Services of the Senate and House of Representatives on preliminary findings of such evaluation.

(c) REPORT.—Not later than July 1, 2022, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the final results of such evaluation.

SEC. 587. BRIEFING REGARDING BEST PRACTICES FOR COMMUNITY ENGAGEMENT IN HAWAII.

(a) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of Defense and the Secretaries of the military departments shall jointly submit to Congress a briefing on best practices for coordinating relations with State and local governmental entities in the State of Hawaii.

(b) BEST PRACTICES.—The best practices referred to in subsection (a) shall address each of the following issues:

(1) Identify comparable locations with joint base military installations or of other densely populated metropolitan areas with multiple military installations and summarize lessons learns from any similar efforts to engage with the community and public officials.

(2) Identify all the major community engagement efforts by the services, commands, installations and other military organizations in the State of Hawaii.

(3) Evaluate the current community outreach efforts to identify any outreach gaps or coordination challenges that undermine the military engagement with the local community and elected official in the State of Hawaii.

(4) Propose options available to create an enhanced, coordinated community engagement effort in the State of Hawaii based on the department's evaluation.

(5) Resources to support the coordination described in this subsection, including the creation

of joint liaison offices that are easily accessible to public officials to facilitate coordinating relations with State and local governmental agencies.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Subtitle B—Bonus and Incentive Pays

Subtitle C—Family and Survivor Benefits

Subtitle D—Defense Resale Matters

Subtitle E—Miscellaneous Rights and Benefits

Subtitle A—Pay and Allowances

SEC. 601. BASIC NEEDS ALLOWANCE FOR MEMBERS ON ACTIVE SERVICE IN THE ARMED FORCES.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 402a the following new section:

''§ 402b. Basic needs allowance for members on active service in the Armed Forces

''(a) ALLOWANCE REQUIRED.—The Secretary concerned shall pay to each member who is eligible under subsection (b) a basic needs allowance in the amount determined for such member under subsection (c).

''(b) ELIGIBLE MEMBERS.—A member on active service in the armed forces is eligible for the allowance under subsection (a) if—

''(1) the member has completed initial entry training;

''(2) the gross household income of the member during the most recent calendar year did not exceed an amount equal to 130 percent of the Federal poverty guidelines of the Department of Health and Human Services for the location of the member and the number of individuals in the household of the member for such year; and

''(3) the member—

''(A) is not ineligible for the allowance under subsection (d); and

''(B) does not elect under subsection (g) not to receive the allowance.

''(c) AMOUNT OF ALLOWANCE.—The amount of the monthly allowance payable to a member under subsection (a) shall be the amount equal to—

''(1)(A) 130 percent of the Federal poverty guidelines of the Department of Health and Human Services for the calendar year during which the allowance is paid based on the location of the member and the number of individuals in the household of the member during the month for which the allowance is paid; minus

''(B) the gross household income of the member during the preceding calendar year; divided by

''(2) 12.

''(d) BASES OF INELIGIBILITY.—

''(1) IN GENERAL.—The following members are ineligible for the allowance under subsection (a):

''(A) A member who does not have any dependents.

''(B) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, a midshipman at the United States Naval Academy, or a cadet or midshipman serving elsewhere in the armed forces.

''(2) HOUSEHOLD WITH MORE THAN ONE ELIGIBLE MEMBER.—In the event a household contains two or more members determined under subsection (f) to be eligible to receive the allowance under subsection (a), only one allowance may be paid to a member among such members as such members shall jointly elect.

''(3) AUTOMATIC INELIGIBILITY OF MEMBERS RECEIVING CERTAIN PAY INCREASES.—A member determined to be eligible under subsection (f) for the allowance under subsection (a) whose monthly gross household income increases as a result of a promotion or other permanent increase to pay or allowances under this title to an amount that, on an annualized basis, would exceed the amount described in subsection (b)(2) is ineligible for the allowance. If such member is receiving the allowance, payment of the allowance shall automatically terminate within a reasonable time, as determined by the Secretary of Defense in regulations prescribed under subsection (j).

''(4) INELIGIBILITY OF CERTAIN CHANGES IN INCOME.—A member whose gross household income for the preceding year decreases because of a fine, forfeiture, or reduction in rank imposed as a part of disciplinary action or an action under chapter 47 of title 10 (the Uniform Code of Military Justice) is not eligible for the allowance under subsection (a) solely as a result of the fine, forfeiture, or reduction in rank.

''(e) APPLICATION BY MEMBERS SEEKING ALLOWANCE.—

''(1) IN GENERAL.—A member who seeks to receive the allowance under subsection (a) shall submit to the Secretary concerned an application for the allowance that includes such information as the Secretary may require in order to determine whether or not the member is eligible to receive the allowance.

''(2) TIMING OF SUBMISSION.—A member who receives the allowance under subsection (a) and seeks to continue to receive the allowance shall submit to the Secretary concerned an updated application under paragraph (1) at such times as the Secretary may require, but not less frequently than annually.

''(3) VOLUNTARY SUBMISSION.—The submission of an application under paragraph (1) is voluntary.

''(4) SCREENING OF MEMBERS FOR ELIGIBILITY.—The Secretary of Defense shall—

''(A) ensure that all members of the armed forces are screened during initial entry training and regularly thereafter for eligibility for the allowance under subsection (a); and

''(B) notify any member so screened who may be eligible that the member may apply for the allowance by submitting an application under paragraph (1).

''(f) DETERMINATIONS OF ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary concerned shall—

''(A) determine which members of the armed forces are eligible under subsection (b); and

''(B) notify each such member, in writing, of that determination.

''(2) INFORMATION INCLUDED IN NOTICE.—The notice under paragraph (1) shall include information regarding financial management and assistance programs for which the member may be eligible.

''(g) ELECTION NOT TO RECEIVE ALLOWANCE.—

''(1) IN GENERAL.—A member determined under subsection (f) to be eligible for the allowance under subsection (a) may elect, in writing, not to receive the allowance.

''(2) DEEMED INELIGIBLE.—A member who does not submit an application under subsection (e) within a reasonable time (as determined by the Secretary concerned) shall be deemed ineligible for the allowance under subsection (a).

''(h) SPECIAL RULE FOR MEMBERS STATIONED OUTSIDE UNITED STATES.—In the case of a member assigned to a duty location outside the United States, the Secretary concerned shall make the calculations described in subsections (b)(2) and (c)(1) using the Federal poverty guidelines of the Department of Health and Human Services for the continental United States.

''(i) REGULATIONS.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense shall prescribe regulations for the administration of this section.

''(j) EFFECTIVE PERIOD.—

''(1) IMPLEMENTATION PERIOD.—The allowance under subsection (a) is payable for months beginning on or after the date that is one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022.

''(2) TERMINATION.—The allowance under subsection (a) may not be paid for any month beginning after December 31, 2027.

''(k) DEFINITIONS.—In this section:

''(1) GROSS HOUSEHOLD INCOME.—The term 'gross household income', with respect to a member of the armed forces, includes—

''(A) all household income, derived from any source; minus

''(B) in the case of a member whom the Secretary concerned determines resides in an area with a high cost of living, any portion of the basic allowance for housing under section 403 of this title that the Secretary concerned elects to exclude.

''(2) HOUSEHOLD.—The term 'household' means a member of the armed forces and any dependents of the member enrolled in the Defense Enrollment Eligibility Reporting System, regardless of the location of those dependents.''.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on food insecurity in the Armed Forces. Results of such study shall include the following elements:

(A) An analysis of food deserts that affect members of the Armed Forces, and their families, who live in areas with high costs of living.

(B) A comparison of—

(i) the current method employed by the Secretary of Defense to determine areas with high costs of living;

(ii) local level indicators used by the Bureau of Labor Statistics that indicate buying power and consumer spending in specific geographic areas;

(iii) indicators used by the Department of Agriculture in market basket analyses and other measures of local and regional food costs.

(C) The feasibility of implementing a web portal for a member of any Armed Force to apply for the allowance under section 402b of title 37,

United States Code, added by subsection (a), including—

(i) cost;

(ii) ease of use;

(iii) access;

(iv) privacy; and

(v) any other factor the Secretary determines appropriate.

(D) The development of a process to determine an appropriate allowance to supplement the income of members who suffer food insecurity.

(E) Outcomes of forums with beneficiaries, military service organizations, and advocacy groups to elicit information regarding the effects of food insecurity on members and their dependents. The Secretary of Defense and each Secretary of a military department shall conduct at least one such forum, only one of which may be conducted in the National Capital Region.

(F) An estimate of costs to implement each recommendation of the Secretary developed pursuant to this paragraph.

(G) Any other information the Secretary determines appropriate.

(2) BRIEFING.—Not later than April 1, 2022, the Secretary shall brief the Committees on Armed Services of the Senate and House of Representatives on initial findings of the study.

(3) REPORT.—Not later than October 1, 2022, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the final results of the study.

(4) DEFINITIONS.—In this subsection:

(A) The term ''food desert'' means an area, determined by the Secretary of Defense, where it is difficult to obtain affordable or high-quality fresh food.

(B) The term ''National Capital Region'' has the meaning given such term in section 2674 of title 10, United States Code.

(c) REPORTS ON EFFECTS OF ALLOWANCE ON FOOD INSECURITY.—Not later than December 31, 2025, and June 1, 2028, the Secretary of Defense shall submit to the congressional defense committees a report regarding the effect of the allowance under section 402b of title 37, United States Code, added by subsection (a), on food insecurity among members of the Armed Forces.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 402a the following new item:

''402b. Basic needs allowance for members on active service in the Armed Forces.''.

SEC. 602. EQUAL INCENTIVE PAY FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 357. Incentive pay authorities for members of the reserve components of the armed forces

''Notwithstanding section 1004 of this title, the Secretary concerned shall pay a member of the reserve component of an armed force incentive pay in the same monthly amount as that paid to a member in the regular component of such armed force performing comparable work requiring comparable skills.''.

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 356 the following:

''357. Incentive pay authorities for members of the reserve components of the armed forces.''.

(c) REPORT.—Not later than September 30, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) the plan of the Secretary to implement section 357 of such title, as added by subsection (a);

(2) an estimate of the costs of such implementation;

(3) the number of members described in such section; and

(4) any other matter the Secretary determines relevant.

(d) IMPLEMENTATION DATE.—The Secretary may not implement section 357 of such title, as added by subsection (a) until after—

(1) submission of the report under subsection (b); and

(2) the Secretary determines and certifies in writing to the Committees on Armed Services of the Senate and House of Representatives that such implementation shall not have a detrimental effect on the force structure of an Armed Force concerned, including with regard to recruiting or retention of members in the regular component of such Armed Force.

SEC. 603. EXPANSIONS OF CERTAIN TRAVEL AND TRANSPORTATION AUTHORITIES.

(a) LODGING IN KIND FOR RESERVE COMPONENT MEMBERS PERFORMING TRAINING.—

(1) IN GENERAL.—Section 12604 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) LODGING IN KIND.—(1) In the case of a member of a reserve component performing active duty for training or inactive-duty training who is not otherwise entitled to travel and transportation allowances in connection with such duty, the Secretary concerned may reimburse the member for housing service charge expenses incurred by the member in occupying transient government housing during the performance of such duty. If transient government housing is unavailable or inadequate, the Secretary concerned may provide the member with lodging in kind.

''(2) Any payment or other benefit under this subsection shall be provided in accordance with regulations prescribed by the Secretary concerned.

''(3) The Secretary may pay service charge expenses under paragraph (1) and expenses of providing lodging in kind under such paragraph out of funds appropriated for operation and maintenance for the reserve component concerned. Use of a Government charge card is authorized for payment of these expenses.

''(4) Decisions regarding the availability or adequacy of government housing at a military installation under paragraph (1) shall be made by the installation commander.''.

(2) CONFORMING AMENDMENT.—Section 474 of title 37, United States Code, is amended by striking subsection (i).

(b) MANDATORY PET QUARANTINE FEES FOR HOUSEHOLD PETS.—Section 451(b)(8) of title 37, United States Code, is amended by adding at the end the following: ''Such costs include pet quarantine expenses.''.

(c) STUDENT DEPENDENT TRANSPORTATION.—

(1) IN GENERAL.—Section 452(b) of title 37, United States Code, is amended by adding at the end the following new paragraphs:

''(18) Travel by a dependent child to the United States to obtain formal secondary, undergraduate, graduate, or vocational education, if the permanent duty assignment location of the member of the uniformed services is outside the continental United States (other than in Alaska or Hawaii).

''(19) Travel by a dependent child within the United States to obtain formal secondary, undergraduate, graduate, or vocational education, if the permanent duty assignment location of the member of the uniformed services is in Alaska or Hawaii and the school is located in a State outside of the permanent duty assignment location.''.

(2) DEFINITIONS.—Section 451 of title 37, United States Code, as amended by subsection (b) of this section, is amended—

(A) in subsection (a)(2)(H), by adding at the end the following new clauses:

''(vii) Transportation of a dependent child of a member of the uniformed services to the United States to obtain formal secondary, undergraduate, graduate, or vocational education, if the permanent duty assignment location of the member is outside the continental United States (other than in Alaska or Hawaii).

''(viii) Transportation of a dependent child of a member of the uniformed services within the United States to obtain formal secondary, undergraduate, graduate, or vocational education, if the permanent duty assignment location of the member is in Alaska or Hawaii and the school is located in a State outside of the permanent duty assignment location.''; and

(B) in subsection (b), by adding at the end the following new paragraph:

''(10)(A) The term 'permanent duty assignment location' means—

''(i) the official station of a member of the uniformed services; or

''(ii) the residence of a dependent of a member of the uniformed services.

''(B) As used in subparagraph (A)(ii), the residence of a dependent who is a student not living with the member while at school is the permanent duty assignment location of the dependent student.''.

(d) DEPENDENT TRANSPORTATION INCIDENT TO SHIP CONSTRUCTION, INACTIVATION, AND OVERHAULING.—

(1) IN GENERAL.—Section 452 of title 37, United States Code, as amended by subsection (c) of this section, is further amended—

(A) in subsection (b), by adding at the end the following new paragraph:

''(20) Subject to subsection (i), travel by a dependent to a location where a member of the uniformed services is on permanent duty aboard a ship that is overhauling, inactivating, or under construction.''; and

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

''(i) DEPENDENT TRANSPORTATION INCIDENT TO SHIP CONSTRUCTION, INACTIVATION, AND OVERHAULING.—The authority under subsection (a) for travel in connection with circumstances described in subsection (b)(20) shall be subject to the following terms and conditions:

''(1) The member of the uniformed services must be permanently assigned to the ship for 31 or more consecutive days to be eligible for allowances, and the transportation allowances accrue on the 31st day and every 60 days thereafter.

''(2) Transportation in kind, reimbursement for personally procured transportation, or a monetary allowance for mileage in place of the cost of transportation may be provided, in lieu of the member's entitlement to transportation, for the member's dependents from the location that was the home port of the ship before commencement of overhaul or inactivation to the port of overhaul or inactivation.

''(3) The total reimbursement for transportation for the member's dependents may not exceed the cost of one Government-procured commercial round-trip travel.''.

(2) DEFINITIONS.—Section 451(a)(2)(H) of title 37, United States Code, as amended by subsection (c) of this section, is further amended by adding at the end the following new clause:

''(ix) Transportation of a dependent to a location where a member of the uniformed services is on permanent duty aboard a ship that is overhauling, inactivating, or under construction.''.

(e) TECHNICAL CORRECTION.—Section 2784a(a)(3) of title 10, United States Code, is amended by striking ''section 474'' and inserting ''section 452''.

SEC. 604. REPEAL OF EXPIRING TRAVEL AND TRANSPORTATION AUTHORITIES.

(a) IN GENERAL.—Effective December 31, 2021, subchapter III of chapter 8 of title 37, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of such title is amended by striking the items relating to subchapter III and sections 471 through 495.

SEC. 605. REQUIREMENTS IN CONNECTION WITH SUSPENSION OF RETIRED PAY AND RETIREMENT ANNUITIES.

(a) ANNUAL ELIGIBILITY DETERMINATION PROCEDURES.—Not later than 180 days after the

date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations a single annual eligibility determination procedure for determinations of eligibility for military retired or retainer pay and survivor annuities in connection with military service as a replacement of the current procedures in connection with the Certificate of Eligibility and Report of Existence for military retirees and annuitants.

(b) 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 House of Representatives a report on a process by which notifications of the death of a military retiree or annuitant may be determined with respect to the termination of eligibility for benefits.

SEC. 606. REPORT ON RELATIONSHIP BETWEEN BASIC ALLOWANCE FOR HOUSING AND SIZES OF MILITARY FAMILIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on whether the basic allowance for housing under section 403 of title 37, United States Code, is sufficient for the average family size of members of the Armed Forces, disaggregated by rank and military housing area.

SEC. 607. REPORT ON CERTAIN MOVING EXPENSES FOR 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 House of Representatives a report on moving expenses incurred by members of the Armed Forces and their families that exceed such expenses covered by the Joint Travel Regulations for the Uniformed Services, disaggregated by Armed Force, rank, and military housing area. In such report, the Secretary shall examine the root causes of such expenses.

SEC. 608. REPORT ON TEMPORARY LODGING EXPENSES IN COMPETITIVE HOUSING MARKETS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the appropriateness of the maximum payment period of 10 days under subsection (c) of section 474a of title 37, United States Code in highly competitive housing markets. Such report shall include how the Secretary educates members of the Armed Forces and their families about their ability to request payment under such section.

SEC. 609. REPORT ON RENTAL PARTNERSHIP PROGRAMS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the rental partnership programs of the Armed Forces. Such report shall include—

(1) the numbers and percentages of members of the Armed Forces who do not live in housing located on military installations who participate in such programs; and

(2) the recommendation of the Secretary whether Congress should establish annual funding for such programs and, if so, what in amounts.

Subtitle B—Bonus 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, 2021'' and inserting ''December 31, 2022''.

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2021'' and inserting ''December 31, 2022'':

(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, 2021'' and inserting ''December 31, 2022''.

(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, 2021'' and inserting ''December 31, 2022'':

(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, 2021'' and inserting ''December 31, 2022''.

Subtitle C—Family and Survivor Benefits

SEC. 621. EXTENSION OF PAID PARENTAL LEAVE.

(a) IN GENERAL.—Section 701 of title 10, United States Code, is amended—

(1) in subsection (i)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''a member'' and all that follows through the period at the end and inserting the following: ''a member of the armed forces described in paragraph (2) is allowed up to a total of 12 weeks of parental leave during the one-year period beginning after the following events:

''(i) The birth or adoption of a child of the member and in order to care for such child.

''(ii) The placement of a minor child with the member for adoption or long-term foster care.''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B)(i) The Secretary concerned, under uniform regulations to be prescribed by the Secretary of Defense, may authorize leave described under subparagraph (A) to be taken after the one-year period described in such paragraph in the case of a member described in paragraph (2) who, except for this subparagraph, would lose unused parental leave at the end of the one-year period described in subparagraph (A) as a result of—

''(I) operational requirements;

''(II) professional military education obligations; or

''(III) other circumstances that the Secretary determines reasonable and appropriate.

''(ii) The regulations prescribed under clause (i) shall require that any leave authorized to be taken after the one-year period described in subparagraph (A) shall be taken within a reasonable period of time, as determined by the Secretary of Defense, after cessation of the circumstances warranting the extended deadline.'';

(B) by striking paragraphs (3), (8), and (10) and redesignating paragraphs (4), (5), (6), (7), and (9) as paragraphs (3), (4), (5), (6), and (7), respectively;

(C) in paragraph (3), as redesignated by subparagraph (B), by striking the matter preceding the em dash and inserting ''A member who has given birth may receive medical convalescent leave in conjunction with such birth. Medical convalescent leave in excess of the leave under paragraph (1) may be authorized if such additional medical convalescent leave'';

(D) in paragraph (4), as so redesignated, by striking ''paragraphs (1) and (4)'' and inserting ''paragraphs (1) and (3)'';

(E) in paragraph (5)(A), as so redesignated, by inserting '', subject to the exceptions in paragraph (1)(B)(ii)'' after ''shall be forfeited''; and

(F) in paragraph (7)(B), as so redesignated, by striking ''paragraph (4)'' and inserting ''paragraph (3)'';

(2) by striking subsection (j) and redesignating subsections (k) and (l) as subsections (j) and (k), respectively; and

(3) by adding at the end the following new subsection (l):

''(l) A member of the armed forces who gives birth while on active duty may be required to meet body composition standards or pass a physical fitness test during the period of 12 months beginning on the date of such birth only with the approval of a health care provider employed at a military medical treatment facility and—

''(1) at the election of such member; or

''(2) in the interest of national security, as determined by the Secretary of Defense.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

(c) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations implementing the amendments made by subsection (a).

(d) REPORTING.—Not later than January 1, 2023, and annually thereafter, each Secretary of a military department shall submit, to the Committees on Armed Services of the Senate and House of Representatives, a report regarding the use, during the preceding fiscal year, of leave under subsections (i) and (j) of section 701 of such title, as amended by subsection (a), disaggregated by births, adoptions, and foster placements, including the number of members of the Armed Forces who—

(1) used the maximum amount of primary caregiver leave; and

(2) used leave in multiple increments.

SEC. 622. BEREAVEMENT LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(m)(1)(A) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in subparagraph (B) is allowed up to two weeks of leave to be used in connection with the death of an immediate family member.

''(B) Subparagraph (A) applies to the following members:

''(A) A member on active duty.

''(B) A member of a reserve component performing active Guard and Reserve duty.

''(C) A member of a reserve component subject to an active duty recall or mobilization order in excess of 12 months.

''(2) Under the regulations prescribed for purposes of this subsection, a member taking leave under paragraph (1) shall not have his or her leave account reduced as a result of taking such leave if such member's accrued leave is fewer than 30 days. Members with 30 or more days of accrued leave shall be charged for bereavement leave until such point that the member's accrued leave is less than 30 days. Any remaining bereavement leave taken by such member in accordance with paragraph (1) after such point shall not be chargeable to the member.

''(3) In this section, the term 'immediate family member', with respect to a member of the armed forces, means—

''(A) the member's spouse; or

''(B) a child of the member.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

SEC. 623. TRAVEL AND TRANSPORTATION ALLOWANCES FOR FAMILY MEMBERS TO ATTEND THE FUNERAL AND MEMORIAL SERVICES OF MEMBERS.

Section 452(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(18) Presence of family members at the funeral and memorial services of members.''.

SEC. 624. EXPANSION OF PILOT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO MEMBERS OF THE ARMED FORCES FOR IN-HOME CHILD CARE.

Section 589(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

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

''(2) The Secretary may carry out the pilot program at other locations the Secretary determines appropriate.''.

SEC. 625. PILOT PROGRAM ON DIRECT HIRE AUTHORITY FOR SPOUSES OF MEMBERS OF THE UNIFORMED SERVICES AT LOCATIONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the authority under subsection (b) to hire spouses of members of the uniformed services at locations outside the United States.

(b) AUTHORITY.—In carrying out the pilot program under this section, the Secretary 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 such chapter), a spouse of a member of the uniformed services stationed at a duty location outside the United States to a position described in subsection (c) if—

(1) the spouse has been authorized to accompany the member to the duty location at Government expense; and

(2) the duty location is within reasonable commuting distance, as determined by the Secretary concerned, of the location of the position.

(c) POSITION DESCRIBED.—A position described in this subsection is a competitive service position within the Department of Defense that is located outside the United States.

(d) TERM OF APPOINTMENT.—

(1) IN GENERAL.—An appointment made under this section shall be for a term not exceeding two years.

(2) RENEWAL.—The Secretary of Defense may renew an appointment made under this section for not more than two additional terms, each not exceeding two years.

(3) TERMINATION.—An appointment made under this section shall terminate on the date on which the member of the uniformed services relocates back to the United States in connection with a permanent change of station.

(e) PAYMENT OF TRAVEL AND TRANSPORTATION ALLOWANCES.—Nothing in this section may be construed to authorize additional travel or transportation allowances in connection with an appointment made under this section.

(f) RELATIONSHIP TO OTHER LAW.—Nothing in this section may be construed to interfere with—

(1) the authority of the President under section 3304 of title 5, United States Code;

(2) the authority of the President under section 1784 of title 10, United States Code;

(3) the ability of the head of an agency to make noncompetitive appointments pursuant to section 3330d of title 5, United States Code; or

(4) any obligation under any applicable treaty, status of forces agreement, or other international agreement between the United States Government and the government of the country in which the position is located.

(g) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The number of individuals appointed under this section.

(B) The position series and grade to which each individual described in subparagraph (A) was appointed.

(C) Demographic data on the individuals described in subparagraph (A), including with respect to race, gender, age, and education level attained.

(D) Data on the members of the uniformed services whose spouses have been appointed under this section, including the rank of each such member.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate relating to continuing or expanding the pilot program.

(2) FINAL REPORT.—Not later than December 31, 2026, the Secretary shall submit to the appropriate committees of Congress a final report setting forth the information under paragraph (1).

(h) TERMINATION.—The pilot program under this section shall terminate on December 31, 2026.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—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 Oversight and Reform of the House of Representatives.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned''—

(A) has the meaning given the term in section 101(a)(9) of title 10, United States Code; and

(B) includes—

(i) the Secretary of Commerce, with respect to matters concerning the commissioned officer corps of the National Oceanic and Atmospheric Administration; and

(ii) the Secretary of Health and Human Services, with respect to matters concerning the commissioned corps of the Public Health Service.

(3) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given the term in section 101(a)(5) of title 10, United States Code.

(4) UNITED STATES.—The term ''United States'' has the meaning given that term in section 101(a)(1) of title 10, United States Code.

SEC. 626. CASUALTY ASSISTANCE PROGRAM: REFORM; ESTABLISHMENT OF WORKING GROUP.

(a) CASUALTY ASSISTANCE REFORM WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a working group to be known as the ''Casualty Assistance Reform Working Group'' (in this section referred to as the ''Working Group'').

(2) DUTIES.—The Working Group shall perform the following duties:

(A) Create standards and training for CAOs across the military departments.

(B) Explore the possibility of establishing a unique badge designation for—

(i) CAOs who have performed CAO duty more than five times; or

(ii) professional CAOs.

(C) Examine the current workflow of casualty affairs support across the military departments, including administrative processes and survivor engagements.

(D) Perform a gap analysis and solution document that clearly identifies and prioritizes critical changes to modernize and professionalize the casualty experience for survivors.

(E) Review the organization of the Office of Casualty, Mortuary Affairs and Military Funeral Honors to ensure it is positioned to coordinate policy and assist in all matters under its jurisdiction, across the Armed Forces, including any potential intersections with the Defense Prisoner of War and Missing in Action Accounting Agency.

(F) Explore the establishment of—

(i) an annual meeting, led by the Secretary of Defense, with gold star families; and

(ii) a surviving and gold star family leadership council.

(G) Recommend improvements to the family notification process of Arlington National Cemetery.

(H) Explore the redesign of the Days Ahead Binder, including creating an electronic version.

(I) Consider the expansion of the DD Form 93 to include more details regarding the last wishes of the deceased member.

(J) Assess coordination between the Department of Defense and the Office of Survivors Assistance of the Department of Veterans Affairs.

(3) MEMBERSHIP.—The membership of the Working Group shall be composed of the following:

(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as Chair of the Working Group.

(B) At least one person furnished with a gold star lapel button under section 1126 of title 10, United States Code, by each Secretary of a military department.

(C) Other members of the Armed Forces or civilian employees of the Department of Defense, appointed by the Secretary of Defense, based on knowledge of, and experience with, matters described in paragraph (2).

(4) REPORT.—Not later than September 30, 2022, the Working Group shall submit to the Secretary of Defense a report containing the determinations and recommendations of the Working Group.

(5) TERMINATION.—The Working Group shall terminate upon submission of the report under paragraph (4).

(b) REPORT REQUIRED.—Not later than November 1, 2022, 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 of the casualty assistance officer program, including the report of the Working Group.

(c) ESTABLISHMENT OF CERTAIN DEFINITIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall publish an interim rule that establishes standard definitions, for use across the military departments, of the terms ''gold star family'' and ''gold star survivor''.

(d) CAO DEFINED.—In this section, the term ''CAO'' means a casualty assistance officer of the Armed Forces.

Subtitle D—Defense Resale Matters

SEC. 631. ADDITIONAL SOURCES OF FUNDS AVAILABLE FOR CONSTRUCTION, REPAIR, IMPROVEMENT, AND MAINTENANCE OF COMMISSARY STORES.

Section 2484(h) of title 10, United States Code, is amended—

(1) in paragraph (5), by adding at the end the following new subparagraphs:

''(F) Amounts made available for any purpose set forth in paragraph (1) pursuant to an agreement with a host nation.

''(G) Amounts appropriated for repair or reconstruction of a commissary store in response to a disaster or emergency.''; and

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

''(6) Revenues made available under paragraph (5) for the purposes set forth in paragraphs (1), (2), and (3) may be supplemented with additional funds derived from—

''(A) improved management practices implemented pursuant to sections 2481(c)(3), 2485(b), and 2487(c) of this title; and

''(B) the variable pricing program implemented pursuant to subsection (i).''.

Subtitle E—Miscellaneous Rights and Benefits

SEC. 641. ALEXANDER LOFGREN VETERANS IN PARKS PROGRAM.

Section 805 of the Federal Lands Recreation Enhancement Act (Public Law 108–447; 118 Stat. 3385; 16 U.S.C. 6804) is amended—

(1) in subsection (a)(4), by striking ''age and disability discounted'' and inserting ''age discount and lifetime''; and

(2) in subsection (b)—

(A) in the heading, by striking ''DISCOUNTED'' and inserting ''FREE AND DISCOUNTED'';

(B) in paragraph (2)—

(i) in the heading, by striking ''DISABILITY DISCOUNT'' and inserting ''LIFETIME PASSES''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) Any veteran who provides adequate proof of military service as determined by the Secretary.

''(C) Any member of a Gold Star Family who meets the eligibility requirements of section 3.2 of Department of Defense Instruction 1348.36 (or a successor instruction).''; and

(C) in paragraph (3)—

(i) in the heading, by striking ''GOLD STAR FAMILIES PARKS PASS'' and inserting ''ANNUAL PASSES''; and

(ii) by striking ''members of'' and all that follows through the end of the sentence and inserting ''members of the Armed Forces and their dependents who provide adequate proof of eligibility for such pass as determined by the Secretary.''.

TITLE VII—HEALTH CARE PROVISIONS

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. EATING DISORDERS TREATMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES AND DEPENDENTS.

(a) EATING DISORDERS TREATMENT FOR CERTAIN DEPENDENTS.—Section 1079 of title 10, United States Code, is amended—

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

''(18) Treatment for eating disorders may be provided in accordance with subsection (r).''; and

(2) by adding at the end the following new subsection:

''(r)(1) The provision of health care services for an eating disorder under subsection (a)(18) may include the following services:

''(A) Outpatient services for in-person or telehealth care, including partial hospitalization services and intensive outpatient services.

''(B) Inpatient services, which shall include residential services only if medically indicated for treatment of a primary diagnosis of an eating disorder.

''(2) A dependent provided health care services for an eating disorder under subsection (a)(18) shall be provided such services without regard to—

''(A) the age of the dependent, except with respect to residential services under paragraph (1)(B), which may be provided only to a dependent who is not eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

''(B) except as otherwise specified in paragraph (1)(B), whether the eating disorder is the primary or secondary diagnosis of the dependent.

''(3) In this section, the term 'eating disorder' has the meaning given the term 'feeding and eating disorders' in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (or successor edition), published by the American Psychiatric Association.''.

(b) LIMITATION WITH RESPECT TO RETIREES.—

(1) IN GENERAL.—Section 1086(a) of title 10, United States Code, is amended by inserting ''and (except as provided in subsection (i)) treatments for eating disorders'' after ''eye examinations''.

(2) EXCEPTION.—Such section is further amended by adding at the end the following new subsection:

''(i) If, prior to October 1, 2022, a category of persons covered by this section was eligible to receive a specific type of treatment for eating disorders under a plan contracted for under subsection (a), the general prohibition on the provision of treatments for eating disorders specified in such subsection shall not apply with respect to the provision of the specific type of treatment to such category of persons.''.

(c) IDENTIFICATION AND TREATMENT OF EATING DISORDERS FOR MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by—

(A) redesignating section 1090a as section 1090b; and

(B) inserting after section 1090 the following new section:

''§ 1090a. Identifying and treating eating disorders.

''(a) IDENTIFICATION, TREATMENT, AND REHABILITATION.—The Secretary of Defense, and the Secretary of Homeland Security with respect to

the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations, implement procedures using each practical and available method, and provide necessary facilities to identify, treat, and rehabilitate members of the armed forces who have an eating disorder.

''(b) FACILITIES AVAILABLE.—(1) In this section, the term 'necessary facilities' includes facilities that provide the services specified in section 1079(r)(1) of this title.

''(2) Consistent with section 1079(r)(1)(B) of this title, residential services shall be provided to a member pursuant to this section only if the member has a primary diagnosis of an eating disorder and treatment at such facility is medically indicated for treatment of that eating disorder.

''(c) EATING DISORDER DEFINED.—In this section, the term 'eating disorder' has the meaning given that term in section 1079(r) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking the item relating to section 1090a and inserting the following new items:

''1090a. Identifying and treating eating disorders.
''1090b. Commanding officer and supervisor referrals of members for mental health evaluations.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2022.

SEC. 702. ADDITION OF PRECONCEPTION AND PRENATAL CARRIER SCREENING COVERAGE AS BENEFITS UNDER TRICARE PROGRAM.

Section 1079(a) of title 10, United States Code, as amended by section 701, is further amended by adding at the end the following new paragraph:

''(19) Preconception and prenatal carrier screening tests shall be provided to eligible covered beneficiaries, with a limit per beneficiary of one test per condition per lifetime, for the following conditions:

''(A) Cystic Fibrosis.
''(B) Spinal Muscular Atrophy.
''(C) Fragile X Syndrome.
''(D) Tay-Sachs Disease.
''(E) Hemoglobinopathies.
''(F) Conditions linked with Ashkenazi Jewish descent.''.

SEC. 703. REVISIONS TO TRICARE PROVIDER NETWORKS.

(a) TRICARE SELECT.—Section 1075 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) AUTHORITY FOR MULTIPLE NETWORKS IN THE SAME GEOGRAPHIC AREA.—(1) The Secretary may establish a system of multiple networks of providers under TRICARE Select in the same geographic area or areas.

''(2) Under a system established under paragraph (1), the Secretary may—

''(A) require a covered beneficiary enrolling in TRICARE Select to enroll in a specific provider network established pursuant to such system, in which case any provider not in that specific provider network shall be deemed an out-of-network provider with respect to the covered beneficiary (regardless of whether the provider is in a different TRICARE Select provider network) for purposes of this section or any other provision of law limiting the coverage or provision of health care services to those provided by network providers under the TRICARE program; and

''(B) include beneficiaries covered by subsection (c)(2).''.

(b) TRICARE PRIME.—Section 1097a of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) AUTHORITY FOR MULTIPLE NETWORKS IN THE SAME GEOGRAPHIC AREA.—(1) The Secretary may establish a system of multiple networks of providers under TRICARE Prime in the same geographic area or areas.

''(2) Under a system established under paragraph (1), the Secretary may require a covered beneficiary enrolling in TRICARE Prime to enroll in a specific provider network established pursuant to such system, in which case any provider not in that specific provider network shall be deemed an out-of-network provider with respect to the covered beneficiary (regardless of whether the provider is in a different TRICARE Prime provider network) for purposes of this section or any other provision of law limiting the coverage or provision of health care services to those provided by network providers under the TRICARE program.''.

SEC. 704. SELF-INITIATED REFERRAL PROCESS FOR MENTAL HEALTH EVALUATIONS OF MEMBERS OF THE ARMED FORCES.

Section 1090a of title 10, United States Code, is amended—

(1) in subsection (c), by inserting ''or is required to make such a referral pursuant to the process described in subsection (e)(1)(A)'' after ''mental health evaluation'';

(2) by redesignating subsection (e) as subsection (g); and

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

''(e) SELF-INITIATED REFERRAL PROCESS.—(1) The regulations required by subsection (a) shall, with respect to a member of the armed forces—

''(A) provide for a self-initiated process that enables the member to trigger a referral for a mental health evaluation by requesting such a referral from a commanding officer or supervisor who is in a grade above E-5;

''(B) ensure the function of the process described in subparagraph (A) by—

''(i) requiring the commanding officer or supervisor of the member to refer the member to a mental health provider for a mental health evaluation as soon as practicable following the request of the member (including by providing to the mental health provider the name and contact information of the member and providing to the member the date, time, and place of the scheduled mental health evaluation); and

''(ii) ensure the member may request a referral pursuant to subparagraph (A) on any basis (including on the basis of a concern relating to fitness for duty, occupational requirements, safety issues, significant changes in performance, or behavioral changes that may be attributable to possible changes in mental status); and

''(C) ensure that the process described in subparagraph (A)—

''(i) reduces stigma in accordance with subsection (b), including by treating referrals for mental health evaluations made pursuant to such process in a manner similar to referrals for other medical services, to the maximum extent practicable; and

''(ii) protects the confidentiality of the member to the maximum extent practicable, in accordance with requirements for the confidentiality of health information under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and applicable privacy laws.

''(2) In making a referral for an evaluation of a member of the armed forces triggered by a request made pursuant to the process described in paragraph (1)(A), if the member has made such a request on the basis of a concern that the member is a potential or imminent danger to self or others, the commanding officer or supervisor of the member shall observe the following principles:

''(A) With respect to safety, if the commander or supervisor determines the member is exhibiting dangerous behavior, the first priority of the commander or supervisor shall be to ensure that precautions are taken to protect the safety of the member, and others, prior to the arrival of the member at the location of the evaluation.

''(B) With respect to communication, prior to such arrival, the commander or supervisor shall communicate to the provider to which the member is being referred (in a manner and to an extent consistent with paragraph (1)(C)(ii)), information on the circumstances and observations that led to—

''(i) the member requesting the referral; and

''(ii) the commander or supervisor making such referral based on the request.

''(f) ANNUAL TRAINING REQUIREMENT.—On an annual basis, each Secretary concerned shall provide to the members of the Armed Forces under the jurisdiction of such Secretary a training on how to recognize personnel who may require mental health evaluations on the basis of the individual being an imminent danger to self or others, as demonstrated by the behavior or apparent mental state of the individual.''.

SEC. 705. MODIFICATIONS TO PILOT PROGRAM ON HEALTH CARE ASSISTANCE SYSTEM.

Section 731(d) of the National Defense Authorization Act for Fiscal Year 2018 (10 U.S.C. 1075 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''January 1, 2021'' and inserting ''November 1, 2022'';

(2) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(3) in paragraph (2), by striking the period and inserting ''; and''; and

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

''(3) input from covered beneficiaries who have participated in the pilot program regarding their satisfaction with, and any benefits attained from, such participation.''.

SEC. 706. MODIFICATION OF PILOT PROGRAM ON RECEIPT OF NON-GENERIC PRESCRIPTION MAINTENANCE MEDICATIONS UNDER TRICARE PHARMACY BENEFITS PROGRAM.

Section 706 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) in subsection (a)(1), by striking ''may carry out'' and inserting ''shall carry out'';

(2) in subsection (b), by striking ''March 1, 2021'' and inserting ''March 1, 2022'';

(3) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively;

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

''(e) REIMBURSEMENT.—If the Secretary carries out the pilot program under subsection (a)(1), reimbursement of retail pharmacies for medication under the pilot program may not exceed the amount of reimbursement paid to the national mail-order pharmacy program under section 1074g of title 10, United States Code, for the same medication, after consideration of all manufacturer discounts, refunds, rebates, pharmacy transaction fees, and other costs.''; and

(5) in subsection (f), as redesignated by paragraph (3)—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) BRIEFING.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the implementation of the pilot program under subsection (a)(1) or on the determination of the Secretary under subsection (a)(2) that the Secretary is not permitted to carry out the pilot program.''; and

(B) in paragraph (3)(A), by striking ''March 1, 2024'' and inserting ''March 1, 2025''.

SEC. 707. IMPROVEMENT OF POSTPARTUM CARE FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.

(a) CLINICAL PRACTICE GUIDELINES FOR POSTPARTUM CARE IN MILITARY MEDICAL

TREATMENT FACILITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish clinical practice guidelines for the provision of postpartum care in military medical treatment facilities. Such guidelines shall take into account the recommendations of established professional medical associations and address the following matters:

(1) Postpartum mental health assessments, including the appropriate intervals for furnishing such assessments and screening questions for such assessments (including questions relating to postpartum anxiety and postpartum depression).

(2) Pelvic health evaluation and treatment, including the appropriate timing for furnishing a medical evaluation for pelvic health, considerations for providing consultations for physical therapy for pelvic health (including pelvic floor health), and the appropriate use of telehealth services.

(3) Pelvic health rehabilitation services.

(4) Obstetric hemorrhage treatment, including through the use of pathogen reduced resuscitative products.

(b) POLICY ON SCHEDULING OF APPOINTMENTS FOR POSTPARTUM HEALTH CARE SERVICES.—

(1) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a policy for the scheduling of appointments for postpartum health care services in military medical treatment facilities. In developing the policy, the Secretary shall consider the extent to which it is appropriate to facilitate concurrent scheduling of appointments for postpartum care with appointments for well-baby care.

(2) PILOT PROGRAM AUTHORIZED.—The Secretary may carry out a pilot program in one or more military medical treatment facilities to evaluate the effect of concurrent scheduling, to the degree clinically appropriate, of the appointments specified in paragraph (1).

(c) POLICY ON POSTPARTUM PHYSICAL FITNESS TESTS AND BODY COMPOSITION ASSESSMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a policy, which shall be standardized across each Armed Force to the extent practicable, for the time periods after giving birth that a member of the Armed Forces (including the reserve components) may be excused from, or provided an alternative to, a physical fitness test or a body composition assessment.

(d) BRIEFING.—Not later than 270 days after the date of enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the implementation of the requirements under this section.

Subtitle B—Health Care Administration

SEC. 711. MODIFICATION OF CERTAIN DEFENSE HEALTH AGENCY ORGANIZATION REQUIREMENTS.

Section 1073c(c)(5) of title 10, United States Code, is amended by striking ''paragraphs (1) through (4)'' and inserting ''paragraph (3) or (4)''.

SEC. 712. REQUIREMENT FOR CONSULTATIONS RELATING TO MILITARY MEDICAL RESEARCH AND DEFENSE HEALTH AGENCY RESEARCH AND DEVELOPMENT.

(a) CONSULTATIONS REQUIRED.—Section 1073c of title 10, United States Code, as amended by section 711, is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

''(f) CONSULTATIONS ON MEDICAL RESEARCH OF MILITARY DEPARTMENTS.—In establishing the Defense Health Agency Research and Development pursuant to subsection (e)(1), and on a basis that is not less frequent than semiannually thereafter, the Secretary of Defense shall carry out recurring consultations with each military department regarding the plans and requirements for military medical research organizations and activities of the military department.''.

(b) REQUIREMENTS FOR CONSULTATIONS.—The Secretary of Defense shall ensure that consultations are carried out under section 1073c(f) of title 10, United States Code (as added by subsection (a)), to include the plans of each military department to ensure a comprehensive transition of any military medical research organizations of the military department with respect to the establishment of the Defense Health Agency Research and Development.

(c) DEADLINE FOR INITIAL CONSULTATIONS.—Initial consultations shall be carried out under section 1073c(f) of title 10, United States Code (as added by subsection (a)), with each military department by not later than March 1, 2022.

SEC. 713. AUTHORIZATION OF PROGRAM TO PREVENT FRAUD AND ABUSE IN THE MILITARY HEALTH SYSTEM.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073e the following new section:

''§ 1073f. Health care fraud and abuse prevention program

''(a) PROGRAM AUTHORIZED.—(1) The Secretary of Defense may carry out a program under this section to prevent and remedy fraud and abuse in the health care programs of the Department of Defense.

''(2) At the discretion of the Secretary, such program may be administered jointly by the Inspector General of the Department of Defense and the Director of the Defense Health Agency.

''(3) In carrying out such program, the authorities granted to the Secretary of Defense and the Inspector General of the Department of Defense under section 1128A(m) of the Social Security Act (42 U.S.C. 1320a–7a(m)) shall be available to the Secretary and the Inspector General.

''(b) CIVIL MONETARY PENALTIES.—(1) Except as provided in paragraph (2), the provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) shall apply with respect to any civil monetary penalty imposed in carrying out the program authorized under subsection (a).

''(2) Consistent with section 1079a of this title, amounts recovered in connection with any such civil monetary penalty imposed—

''(A) shall be credited to appropriations available as of the time of the collection for expenses of the health care program of the Department of Defense affected by the fraud and abuse for which such penalty was imposed; and

''(B) may be used to support the administration of the program authorized under subsection (a), including to support any interagency agreements entered into under subsection (d).

''(c) INTERAGENCY AGREEMENTS.—The Secretary of Defense may enter into agreements with the Secretary of Health and Human Services, the Attorney General, or the heads of other Federal agencies, for the effective and efficient implementation of the program authorized under subsection (a).

''(d) RULE OF CONSTRUCTION.—Joint administration of the program authorized under subsection (a) may not be construed as limiting the authority of the Inspector General of the Department of Defense under any other provision of law.

''(e) FRAUD AND ABUSE DEFINED.—In this section, the term 'fraud and abuse' means any conduct specified in subsection (a) or (b) of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073e the following new item:

''1073f. Health care fraud and abuse prevention program.''.

SEC. 714. AUTHORITY OF SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS TO ENTER INTO AGREEMENTS FOR PLANNING, DESIGN, AND CONSTRUCTION OF FACILITIES TO BE OPERATED AS SHARED MEDICAL FACILITIES.

(a) AUTHORITY OF SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1104 the following new section:

''§ 1104a. Shared medical facilities with Department of Veterans Affairs

''(a) AGREEMENTS.—Secretary of Defense may enter into agreements with the Secretary of Veterans Affairs for the planning, design, and construction of facilities to be operated as shared medical facilities.

''(b) TRANSFER OF FUNDS BY SECRETARY OF DEFENSE.—(1) The Secretary of Defense may transfer to the Secretary of Veterans Affairs amounts as follows:

''(A) For the construction of a shared medical facility, amounts not in excess of the amount authorized under subsection (a)(2) of section 2805 of this title, if—

''(i) the amount of the share of the Department of Defense for the estimated cost of the project does not exceed the amount authorized under such subsection; and

''(ii) the other requirements of such section have been met with respect to funds identified for transfer.

''(B) For the planning, design, and construction of space for a shared medical facility, amounts appropriated for the Defense Health Program.

''(2) The authority to transfer funds under this section is in addition to any other authority to transfer funds available to the Secretary of Defense.

''(3) Section 2215 of this title does not apply to a transfer of funds under this subsection.

''(c) TRANSFER OF FUNDS TO SECRETARY OF DEFENSE.—(1) Any amount transferred to the Secretary of Defense by the Secretary of Veterans Affairs for necessary expenses for the planning, design, and construction of a shared medical facility, if the amount of the share of the Department of Defense for the cost of such project does not exceed the amount specified in section 2805(a)(2) of this title, may be credited to accounts of the Department of Defense available for the construction of a shared medical facility.

''(2) Any amount transferred to the Secretary of Defense by the Secretary of Veterans Affairs for the purpose of the planning and design of space for a shared medical facility may be credited to accounts of the Department of Defense available for such purposes, and may be used for such purposes.

''(3) Using accounts credited with transfers from the Secretary of Veterans Affairs under paragraph (1), the Secretary of Defense may carry out unspecified minor military construction projects, if the share of the Department of Defense for the cost of such project does not exceed the amount specified in section 2805(a)(2) of this title.

''(d) MERGER OF AMOUNTS TRANSFERRED.—Any amount transferred to the Secretary of Veterans Affairs under subsection (b) and any amount transferred to the Secretary of Defense under subsection (c) shall be merged with and available for the same purposes and the same period as the appropriation or fund to which transferred.

''(e) APPROPRIATION IN ADVANCE.—Amounts may be transferred pursuant to the authority under this section only to the extent and in the amounts provided in advance in appropriations Acts.

''(f) SHARED MEDICAL FACILITY DEFINED.—In this section, the term 'shared medical facility'—

''(1) means a building or buildings, or a campus, intended to be used by both the Department of Veterans Affairs and the Department of Defense for the provision of health care services,

whether under the jurisdiction of the Secretary of Veterans Affairs or the Secretary of Defense, and whether or not located on a military installation or on real property under the jurisdiction of the Secretary of Veterans Affairs; and

''(2) includes any necessary building and auxiliary structure, garage, parking facility, mechanical equipment, abutting and covered sidewalks, and accommodations for attending personnel.''.

(2) 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 1104 the following new item:

''1104a. Shared medical facilities with Department of Veterans Affairs.''.

(b) AUTHORITY OF SECRETARY OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Chapter 81 of title 38, United States Code, is amended by inserting after section 8111A the following new section:

''§ 8111B. Shared medical facilities with Department of Defense

''(a) AGREEMENTS.—The Secretary of Veterans Affairs may enter into agreements with the Secretary of Defense for the planning, design, and construction of facilities to be operated as shared medical facilities.

''(b) TRANSFER OF FUNDS BY SECRETARY OF VETERANS AFFAIRS.—(1) The Secretary of Veterans Affairs may transfer to the Department of Defense amounts appropriated to the Department of Veterans Affairs for 'Construction, minor projects' for use for the planning, design, or construction of a shared medical facility if the estimated share of the project costs of the Department of Veterans Affairs does not exceed the amount specified in section 8104(a)(3)(A) of this title.

''(2) The Secretary of Veterans Affairs may transfer to the Department of Defense amounts appropriated to the Department of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if—

''(A) the estimated share of the project costs of the Department of Veterans Affairs exceeds the amount specified in section 8104(a)(3)(A) of this title; and

''(B) the other requirements of section 8104 of this title have been met with respect to amounts identified for transfer.

''(c) TRANSFER OF FUNDS TO SECRETARY OF VETERANS AFFAIRS.—(1) Any amount transferred to the Secretary of Veterans Affairs by the Secretary of Defense for necessary expenses for the planning, design, or construction of a shared medical facility, if the estimated share of the project costs of the Department of Veterans Affairs does not exceed the amount specified in section 8104(a)(3)(A) of this title, may be credited to the 'Construction, minor projects' account of the Department of Veterans Affairs and used for the necessary expenses of constructing such shared medical facility.

''(2) Any amount transferred to the Secretary of Veterans Affairs by the Secretary of Defense for necessary expenses for the planning, design, or construction of a shared medical facility, if the estimated share of the project costs of the Department of Veterans Affairs exceeds the amount specified in section 8104(a)(3)(A) of this title, may be credited to the 'Construction, major projects' account of the Department of Veterans Affairs and used for the necessary expenses of constructing such shared medical facility if the other requirements of section 8104 of this title have been met with respect to amounts identified for transfer.

''(d) MERGER OF AMOUNTS TRANSFERRED.—Any amount transferred to the Secretary of Defense under subsection (b) and any amount transferred to the Secretary of Veterans Affairs under subsection (c) shall be merged with and available for the same purposes and the same period as the appropriation or fund to which transferred.

''(e) APPROPRIATION IN ADVANCE.—Amounts may be transferred pursuant to the authority under this section only to the extent and in the amounts provided in advance in appropriations Acts.

''(f) SHARED MEDICAL FACILITY DEFINED.—In this section, the term 'shared medical facility'—

''(1) means a building or buildings, or a campus, intended to be used by both the Department of Veterans Affairs and the Department of Defense for the provision of health care services, whether under the jurisdiction of the Secretary of Veterans Affairs or the Secretary of Defense, and whether or not located on a military installation or on real property under the jurisdiction of the Secretary of Veterans Affairs; and

''(2) includes any necessary building and auxiliary structure, garage, parking facility, mechanical equipment, abutting and covered sidewalks, and accommodations for attending personnel.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 81 of such title is amended by inserting after the item relating to section 8111A the following new item:

''8111B. Shared medical facilities with Department of Defense.''.

SEC. 715. 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. 2567), as most recently amended by section 743 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by striking ''September 30, 2022'' and inserting ''September 30, 2023''.

SEC. 716. ESTABLISHMENT OF DEPARTMENT OF DEFENSE SYSTEM TO TRACK AND RECORD INFORMATION ON VACCINE ADMINISTRATION.

(a) ESTABLISHMENT OF SYSTEM.—Section 1110 of title 10, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

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

''(a) OVERALL SYSTEM TO TRACK AND RECORD VACCINE INFORMATION.—(1) The Secretary of Defense, in consultation with the Director of the Defense Health Agency and in coordination with the Secretaries of the military departments, shall establish a system to track and record the following information:

''(A) Each vaccine administered by a health care provider of the Department of Defense to a member of an armed force under the jurisdiction of the Secretary of a military department.

''(B) Any adverse reaction of the member related to such vaccine.

''(C) Each refusal by such a member of any vaccine that is being so administered, including vaccines licensed by the Food and Drug Administration under section 351 of the Public Health Service Act (42 U.S.C. 262) and vaccines otherwise approved or authorized.

''(D) Each refusal by such a member of a vaccine on the basis that the vaccine is being administered by a health care provider of the Department pursuant to an emergency use authorization granted by the Commissioner of Food and Drugs under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3).

''(E) Each refusal by such a member of an investigational new drug or a drug unapproved for its applied use that is being administered pursuant to a request or requirement of the Secretary of Defense and with respect to which the President has granted a waiver of the prior consent requirement pursuant to section 1107(f)(1) of this title.

''(2) In carrying out paragraph (1), the Secretary of Defense shall ensure that—

''(A) any electronic health record maintained by the Secretary for a member of an armed force under the jurisdiction of the Secretary of a military department is updated with the information specified in such paragraph with respect to the member;

''(B) any collection, storage, or use of such information is conducted through means involving such cyber protections as the Secretary determines necessary to safeguard the personal information of the member; and

''(C) the system established under such paragraph is interoperable and compatible with the electronic health record system known as 'MHS GENESIS', or such successor system.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in the heading, by striking ''***Anthrax vaccine immunization program; procedures for exemptions and monitoring reactions***'' and inserting ''***System for tracking and recording vaccine information; anthrax vaccine immunization program***'';

(2) in subsection (b), as redesignated by subsection (a)(1)—

(A) in the heading, by inserting ''FROM ANTHRAX VACCINE IMMUNIZATION PROGRAM'' after ''EXEMPTIONS'' ; and

(B) by striking ''Secretary of Defense'' and inserting ''Secretary''; and

(3) in the heading of subsection (c), as redesignated by subsection (a)(1), by inserting ''TO ANTHRAX VACCINE'' after ''REACTIONS''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 10, United States Code, is amended by striking the item relating to section 1110 and inserting the following new item:

''1110. System for tracking and recording vaccine information; anthrax vaccine immunization program.''.

(d) DEADLINE FOR ESTABLISHMENT OF SYSTEM.—The Secretary of Defense shall establish the system under section 1110 of title 10, United States Code, as added by subsection (a), by not later than January 1, 2023.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the administration of vaccines to members of the Armed Forces under the jurisdiction of the Secretary of a military department and on the status of establishing the system under section 1110(a) of title 10, United States Code (as added by subsection (a)). Such report shall include information on the following:

(1) The process by which such members receive vaccines, and the process by which the Secretary tracks, records, and reports on, vaccines received by such members (including with respect to any transfers by a non-Department provider to the Department of vaccination records or other medical information of the member related to the administration of vaccines by the non-Department provider).

(2) The storage of information related to the administration of vaccines in the electronic health records of such members, and the cyber protections involved in such storage, as required under such section 1110(a)(2) of title 10, United States Code.

(3) The general process by which medical information of beneficiaries under the TRICARE program is collected, tracked, and recorded, including the process by which medical information from providers contracted by the Department or from a State or local department of health is transferred to the Department and associated with records maintained by the Secretary.

(4) Any gaps or challenges relating to the vaccine administration process of the Department and any legislative or budgetary recommendations to address such gaps or challenges.

(f) DEFINITIONS.—In this section:

(1) The term ''military departments'' has the meaning given such term in section 101 of title 10, United States Code.

(2) The term ''TRICARE program'' has the meaning given such term in section 1072 of such title.

SEC. 717. EXEMPTION FROM REQUIRED PHYSICAL EXAMINATION AND MENTAL HEALTH ASSESSMENT FOR CERTAIN MEMBERS OF THE RESERVE COMPONENTS.

Section 1145(a)(5) of title 10, United States Code is amended—

(1) in subparagraph (A), by striking ''The Secretary'' and inserting ''Except as provided in subparagraph (D), the Secretary''; and

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

''(D) The requirement for a physical examination and mental health assessment under subparagraph (A) shall not apply with respect to a member of a reserve component described in paragraph (2)(B) unless the member is retiring, or being discharged or dismissed, from the armed forces.''.

SEC. 718. AUTHORIZATION OF PROVISION OF INSTRUCTION AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES TO CERTAIN FEDERAL EMPLOYEES.

Section 2114(h) of title 10, United States Code, is amended—

(1) by striking ''The Secretary of Defense'' and inserting ''(1) The Secretary of Defense, in coordination with the Secretary of Health and Human Services and the Secretary of Veterans Affairs,''; and

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

''(2)(A) A covered employee whose employment or service with the Department of Veterans Affairs, Public Health Service, or Coast Guard (as applicable) is in a position relevant to national security or health sciences may receive instruction at the University within the scope of such employment or service.

''(B) If a covered employee receives instruction at the University pursuant to subparagraph (A), the head of the Federal agency concerned shall reimburse the University for the cost of providing such instruction to the covered employee. Amounts received by the University under this subparagraph shall be retained by the University to defray the costs of such instruction.

''(C) Notwithstanding subsections (b) through (e) and subsection (i), the head of the Federal agency concerned shall determine the service obligations of the covered employee receiving instruction at the University pursuant to subparagraph (A) in accordance with applicable law.

''(D) In this paragraph—

''(i) the term 'covered employee' means an employee of the Department of Veterans Affairs, a civilian employee of the Public Health Service, a member of the commissioned corps of the Public Health Service, a member of the Coast Guard, or a civilian employee of the Coast Guard; and

''(ii) the term 'head of the Federal agency concerned' means the head of the Federal agency that employs, or has jurisdiction over the uniformed service of, a covered employee permitted to receive instruction at the University under subparagraph (A) in the relevant position described in such subparagraph.''.

SEC. 719. REMOVAL OF REQUIREMENT FOR ONE YEAR OF PARTICIPATION IN CERTAIN MEDICAL AND LIFESTYLE INCENTIVE PROGRAMS OF THE DEPARTMENT OF DEFENSE TO RECEIVE BENEFITS UNDER SUCH PROGRAMS.

Section 729 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a)(1), by striking ''in the previous year'';

(2) in subsection (b), by striking ''in the previous year''; and

(3) in subsection (c), by striking ''in the previous year''.

SEC. 720. DEPARTMENT OF DEFENSE STANDARDS FOR EXEMPTIONS FROM MANDATORY COVID–19 VACCINES.

(a) STANDARDS.—The Secretary of Defense shall establish uniform standards under which covered members may be exempted from receiving an otherwise mandated COVID–19 vaccine for administrative, medical, or religious reasons.

(b) DEFINITIONS.—In this section:

(1) The term ''covered member'' means a member of an Armed Force under the jurisdiction of the Secretary of a military department.

(2) The term ''COVID–19 vaccine'' means any vaccine for the coronavirus disease 2019 (COVID–19), including any subsequent booster shot for COVID–19.

SEC. 721. ESTABLISHMENT OF CENTERS OF EXCELLENCE FOR ENHANCED TREATMENT OF OCULAR INJURIES.

(a) IN GENERAL.—Not later than October 1, 2023, the Secretary of Defense, acting through the Director of the Defense Health Agency, shall establish within the Defense Health Agency not fewer than four regional centers of excellence for the enhanced treatment of—

(1) ocular wounds or injuries; and

(2) vision dysfunction related to traumatic brain injury.

(b) LOCATION OF CENTERS.—Each center of excellence established under subsection (a) shall be located at a military medical center that provides graduate medical education in ophthalmology and related subspecialties and shall be the primary center for providing specialized medical services for vision for members of the Armed Forces in the region in which the center of excellence is located.

(c) POLICIES FOR REFERRAL OF BENEFICIARIES.—Not later than October 1, 2023, the Director of the Defense Health Agency shall publish on a publicly available internet website of the Department of Defense policies for the referral of eligible beneficiaries of the Department to centers of excellence established under subsection (a) for evaluation and treatment.

(d) IDENTIFICATION OF MEDICAL PERSONNEL BILLETS AND STAFFING.—The Secretary of each military department, in conjunction with the Joint Staff Surgeon and the Director of the Defense Health Agency, shall identify specific medical personnel billets essential for the evaluation and treatment of ocular sensory injuries and ensure that centers of excellence established under subsection (a) are staffed with such personnel at the level required for the enduring medical support of each such center.

(e) BRIEFING.—Not later than December 31, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that—

(1) describes the establishment of each center of excellence established under subsection (a), to include the location, capability, and capacity of each such center;

(2) describes the referral policy published by the Defense Health Agency under subsection (c);

(3) identifies the medical personnel billets identified under subsection (d); and

(4) provides a plan for the staffing of personnel at such centers to ensure the enduring medical support of each such center.

(f) MILITARY MEDICAL CENTER DEFINED.—In this section, the term ''military medical center'' means a medical center described in section 1073d(b) of title 10, United States Code.

SEC. 722. IMPLEMENTATION OF INTEGRATED PRODUCT FOR MANAGEMENT OF POPULATION HEALTH ACROSS MILITARY HEALTH SYSTEM.

(a) INTEGRATED PRODUCT.—The Secretary of Defense shall develop and implement an integrated product for the management of population health across the military health system. Such integrated product shall serve as a repository for the health care, demographic, and other relevant data of all covered beneficiaries, including with respect to data on health care services furnished to such beneficiaries through the purchased care and direct care components of the TRICARE program, and shall—

(1) be compatible with the electronic health record system maintained by the Secretary for members of the Armed Forces;

(2) enable the collection and stratification of data from multiple sources to measure population health goals, facilitate disease management programs of the Department, improve patient education, and integrate wellness services across the military health system; and

(3) enable predictive modeling to improve health outcomes for patients and to facilitate the identification and correction of medical errors in the treatment of patients, issues regarding the quality of health care services provided, and gaps in health care coverage.

(b) CONSIDERATIONS IN DEVELOPMENT.—In developing the integrated product under subsection (a), the Secretary shall harmonize such development with any policies of the Department relating to a digital health strategy (including the digital health strategy under section 723), coordinate with improvements to the electronic health record system specified in subsection (a)(1) to ensure the compatibility required under such subsection, and consider methods to improve beneficiary interface.

(c) DEFINITIONS.—In this section:

(1) The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given such terms in section 1072 of title 10, United States Code.

(2) The term ''integrated product'' means an electronic system of systems (or solutions or products) that provides for the integration and sharing of data to meet the needs of an end user in a timely and cost-effective manner.

SEC. 723. DIGITAL HEALTH STRATEGY OF DEPARTMENT OF DEFENSE.

(a) DIGITAL HEALTH STRATEGY.—

(1) STRATEGY.—Not later than April 1, 2022, the Secretary of Defense shall develop a digital health strategy of the Department of Defense to incorporate new and emerging technologies and methods (including three-dimensional printing, virtual reality, wearable devices, big data and predictive analytics, distributed ledger technologies, and other innovative methods that leverage new or emerging technologies) in the provision of clinical care within the military health system.

(2) ELEMENTS.—The strategy under paragraph (1) shall address, with respect to future use within the military health system, the following:

(A) Emerging technology to improve the delivery of clinical care and health services.

(B) Emerging technology to improve the patient experience in matters relating to medical case management, appointing, and referrals in both the direct care and purchased care components of the TRICARE program, as such term is defined in section 1072 of title 10, United States Code.

(C) Design thinking to improve the delivery of clinical care and health services.

(D) Advanced clinical decision support systems.

(E) Simulation technologies for clinical training (including through simulation immersive training) and clinical education, and for the training of health care personnel in the adoption of emerging technologies for clinical care delivery.

(F) Wearable devices.

(G) Three-dimensional printing and related technologies.

(H) Data-driven decision making, including through the use of big data and predictive analytics, in the delivery of clinical care and health services.

(b) BRIEFING.—Not later than July 1, 2022, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing setting forth—

(1) the strategy under subsection (a); and

(2) a plan to implement such strategy, including the estimated timeline and cost for such implementation.

SEC. 724. DEVELOPMENT AND UPDATE OF CERTAIN POLICIES RELATING TO MILITARY HEALTH SYSTEM AND INTEGRATED MEDICAL OPERATIONS.

(a) IN GENERAL.—By not later than October 1, 2022, the Secretary of Defense, in coordination with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, shall develop and update certain policies relating to the military health system and integrated medical operations of the Department of Defense as follows:

(1) UPDATED PLAN ON INTEGRATED MEDICAL OPERATIONS IN CONTINENTAL UNITED STATES.—The Secretary of Defense shall develop an updated plan on integrated medical operations in the continental United States and update the Department of Defense Instruction 6010.22, titled ''National Disaster Medical System (NDMS)'' (or such successor instruction) accordingly. Such updated plan shall—

(A) be informed by the operational plans of the combatant commands and by the joint medical estimate under section 732 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1817);

(B) include an updated bed plan, to include bed space available through the military health system and through hospitals participating in the National Disaster Medical System established pursuant to section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11);

(C) include a determination as to whether combat casualties should receive medical care under the direct care or purchased care component of the military health system and a risk analysis in support of such determination;

(D) identify the manning levels required to furnish medical care under the updated plan, including with respect to the levels of military personnel, civilian employees of the Department, and contractors of the Department; and

(E) include a cost estimate for the furnishment of such medical care.

(2) UPDATED PLAN ON GLOBAL PATIENT MOVEMENT.—The Secretary of Defense shall develop an updated plan on global patient movement and update the Department of Defense Instruction 5154.06, relating to medical military treatment facilities and patient movement (or such successor instruction) accordingly. Such updated plan shall—

(A) be informed by the operational plans of the combatant commands and by the joint medical estimate under section 732 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1817);

(B) include a risk assessment with respect to patient movement compared against overall operational plans;

(C) include a description of any capabilities-based assessment of the Department that informed the updated plan or that was in progress during the time period in which the updated plan was developed;

(D) identify the manning levels, equipment and consumables, and funding levels, required to carry out the updated plan; and

(E) address airlift capability, medical evacuation capability, and access to ports of embarkation.

(3) ASSESSMENT OF BIOSURVEILLANCE AND MEDICAL RESEARCH CAPABILITIES.—The Secretary of Defense shall conduct an assessment of the biosurveillance and medical research capabilities of the Department of Defense. Such assessment shall include the following:

(A) An identification of the location and strategic value of the overseas medical laboratories and overseas medical research programs of the Department.

(B) An assessment of the current capabilities of such laboratories and programs with respect to force health protection and evidence-based medical research.

(C) A determination as to whether such laboratories and programs have the capabilities, including as a result of the geographic location of such laboratories and programs, to provide force health protection and evidence-based medical research, including by actively monitoring for future pandemics, infectious diseases, and other potential health threats to members of the Armed Forces.

(D) The current biosurveillance and medical research capabilities of the Department.

(E) The current manning levels of the biosurveillance and medical research entities of the Department, including an assessment of whether such entities are manned at a level necessary to support the missions of the combatant commands (including with respect to missions related to pandemic influenza or homeland defense).

(F) The current funding levels of such entities, including a risk assessment as to whether such funding is sufficient to sustain the manning levels necessary to support missions as specified in subparagraph (E).

(b) INTERIM BRIEFING.—Not later than April 1, 2022, the Secretary of Defense, in coordination with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, shall provide to the Committees on Armed Services of the House of Representatives and the Senate an interim briefing on the progress of implementation of the plans and assessment required under subsection (a).

(c) REPORT.—Not later than December 1, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report describing each updated plan and assessment required under subsection (a).

SEC. 725. MANDATORY TRAINING ON HEALTH EFFECTS OF BURN PITS.

The Secretary of Defense shall provide to each medical provider of the Department of Defense mandatory training with respect to the potential health effects of burn pits.

SEC. 726. STANDARDIZATION OF DEFINITIONS USED BY THE DEPARTMENT OF DEFENSE FOR TERMS RELATED TO SUICIDE.

(a) STANDARDIZATION OF DEFINITIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop standardized definitions for the following terms:

(1) ''Suicide''.

(2) ''Suicide attempt''.

(3) ''Suicidal ideation''.

(b) REQUIRED USE OF STANDARDIZED DEFINITIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue policy guidance requiring the exclusive and uniform use across the Department of Defense and within each military department of the standardized definitions developed under subsection (a) for the terms specified in such subsection.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing that sets forth the standardized definitions developed under subsection (a) and includes—

(1) a description of the process that was used to develop such definitions;

(2) a description of the methods by which data shall be collected on suicide, suicide attempts, and suicidal ideations (as those terms are defined pursuant to such definitions) in a standardized format across the Department and within each military department; and

(3) an implementation plan to ensure the use of such definitions as required pursuant to subsection (b).

Subtitle C—Reports and Other Matters

SEC. 731. MODIFICATIONS AND REPORTS RELATED TO MILITARY MEDICAL MANNING AND MEDICAL BILLETS.

(a) MILITARY MEDICAL MANNING AND MEDICAL BILLETS.—

(1) MODIFICATIONS TO LIMITATION ON REDUCTION OR REALIGNMENT.—Section 719 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1454), as amended by section 717 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended—

(A) in subsection (a), by striking ''180 days following the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021'' and inserting ''the year following the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022''; and

(B) in subsection (b)(1), by inserting '', including any billet validation requirements determined pursuant to estimates provided in the joint medical estimate under section 732 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232),'' after ''requirements of the military department of the Secretary''.

(2) GAO REPORT ON REDUCTION OR REALIGNMENT OF MILITARY MEDICAL MANNING AND MEDICAL BILLETS.—

(A) REPORT.—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 Committees on Armed Services of the House of Representatives and the Senate a report on the analyses used to support any reduction or realignment of military medical manning, including any reduction or realignment of medical billets of the military departments.

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

(i) An analysis of the use of the joint medical estimate under section 732 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1817) and wartime scenarios to determine military medical manpower requirements, including with respect to pandemic influenza and homeland defense missions.

(ii) An assessment of whether the Secretaries of the military departments have used the processes under section 719(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1454) to ensure that a sufficient combination of skills, specialties, and occupations are validated and filled prior to the transfer of any medical billets of a military department to fill other military medical manpower needs.

(iii) An assessment of the effect of the reduction or realignment of such billets on local health care networks and whether the Director of the Defense Health Agency has conducted such an assessment in coordination with the Secretaries of the military departments.

(b) ASSIGNMENT OF MEDICAL AND DENTAL PERSONNEL OF THE MILITARY DEPARTMENTS TO MILITARY MEDICAL TREATMENT FACILITIES.—

(1) DEADLINE FOR ASSIGNMENT.—The Secretaries of the military departments shall ensure that the Surgeons General of the Armed Forces carry out fully the requirements of section 712(b)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 1073c note) by not later than September 30, 2022.

(2) ADDITIONAL REQUIREMENT FOR WALTER REED NATIONAL MILITARY MEDICAL CENTER.—

(A) ASSIGNMENT OF MILITARY PERSONNEL.—For fiscal years 2023 through 2027, except as provided in subparagraph (B), the Secretary of Defense shall ensure that the Secretaries of the military departments assign to the Walter Reed National Military Medical Center sufficient military personnel to meet not less than 85 percent of the joint table of distribution in effect for such facility on December 23, 2016.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any fiscal year for which the Secretary of Defense certifies at the beginning of such fiscal year to the Committees on Armed Services of the Senate and the House of Representatives

that notwithstanding the failure to meet the requirement under such paragraph, the Walter Reed National Military Medical Center is fully capable of carrying out all significant activities as the premier medical center of the military health system.

(3) REPORTS.—

(A) IN GENERAL.—Not later than September 30, 2022, 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 compliance of the military department concerned with this subsection. Each such report shall include—

(i) an accounting of the number of uniformed personnel and civilian personnel assigned to a military medical treatment facility as of October 1, 2019; and

(ii) a comparable accounting as of September 30, 2022.

(B) EXPLANATION.—If the number specified in clause (ii) of subparagraph (A) is less than the number specified in clause (i) of such subparagraph, the Secretary concerned shall provide a full explanation for the reduction.

SEC. 732. ACCESS BY UNITED STATES GOVERNMENT EMPLOYEES AND THEIR FAMILY MEMBERS TO CERTAIN FACILITIES OF DEPARTMENT OF DEFENSE FOR ASSESSMENT AND TREATMENT OF ANOMALOUS HEALTH CONDITIONS.

(a) ASSESSMENT.—The Secretary of Defense shall provide to employees of the United States Government and their family members who the Secretary determines are experiencing symptoms of certain anomalous health conditions, as defined by the Secretary for purposes of this section, timely access for medical assessment, subject to space availability, to the National Intrepid Center of Excellence, an Intrepid Spirit Center, or an appropriate military medical treatment facility, as determined by the Secretary.

(b) TREATMENT.—With respect to an individual described in subsection (a) diagnosed with an anomalous health condition or a related affliction, whether diagnosed under an assessment under subsection (a) or otherwise, the Secretary of Defense shall furnish to the individual treatment for the condition or affliction, subject to space availability, at the National Intrepid Center of Excellence, an Intrepid Spirit Center, or an appropriate military medical treatment facility, as determined by the Secretary.

(c) DEVELOPMENT OF PROCESS.—The Secretary of Defense, in consultation with the heads of such Federal agencies as the Secretary considers appropriate, shall develop a process to ensure that employees from those agencies and their family members are afforded timely access to the National Intrepid Center of Excellence, an Intrepid Spirit Center, or an appropriate military medical treatment facility pursuant to subsection (a) by not later than 60 days after the date of the enactment of this Act.

(d) MODIFICATION OF DEPARTMENT OF DEFENSE TRAUMA REGISTRY.—The Secretary of Defense shall modify the Trauma Registry of the Department of Defense to include data on the demographics, condition-producing event, diagnosis and treatment, and outcomes of anomalous health conditions experienced by employees of the United States Government and their family members assessed or treated under this section, subject to an agreement by the employing agency and the consent of the employee.

SEC. 733. PILOT PROGRAM ON CARDIAC SCREENING AT CERTAIN MILITARY SERVICE ACADEMIES.

(a) PILOT PROGRAM.—The Secretary of Defense shall establish a pilot program to furnish mandatory electrocardiograms to individuals who have been admitted to a covered military service academy in connection with the military accession screening process, at no cost to such candidates.

(b) SCOPE.—The scope of the pilot program under subsection (a) shall include at least 25 percent of the incoming class of individuals who have been admitted to a covered military service academy during the first fall semester that follows the date of the enactment of this Act, and the pilot program shall terminate on the date on which the Secretary determines the military accession screening process for such class has concluded.

(c) FURNISHING OF ELECTROCARDIOGRAMS.—In carrying out the pilot program under subsection (a), the Secretary shall furnish each mandatory electrocardiogram under the pilot program in a facility of the Department of Defense or by medical personnel within the military health system.

(d) BRIEFING.—Not later than 180 days after the date on which the pilot program under subsection (a) terminates, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the pilot program. Such briefing shall include the following:

(1) The results of all electrocardiograms furnished to individuals under the pilot program, disaggregated by military service academy, race, and gender.

(2) The rate of significant cardiac issues detected pursuant to electrocardiograms furnished under the pilot program, disaggregated by military service academy, race, and gender.

(3) The cost of carrying out the pilot program.

(4) The number of individuals, if any, who were disqualified from admission based solely on the result of an electrocardiogram furnished under the pilot program.

(e) COVERED MILITARY SERVICE ACADEMY DEFINED.—In this section, the term ''covered military service academy'' does not include the United States Coast Guard Academy or the United States Merchant Marine Academy.

SEC. 734. PILOT PROGRAM ON ASSISTANCE FOR MENTAL HEALTH APPOINTMENT SCHEDULING AT MILITARY MEDICAL TREATMENT FACILITIES.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence a pilot program, to be carried out for at least a one-year period, to provide direct assistance for mental health appointment scheduling under the direct care and purchased care components of the TRICARE program, through facilities and clinics selected by the Secretary for participation in the pilot program in a number determined by the Secretary.

(b) BRIEFINGS.—

(1) FIRST BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the nature of the pilot program under subsection (a).

(2) FINAL BRIEFING.—Not later than 90 days after the date on which the pilot program under subsection (a) terminates, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the pilot program. Such briefing shall include an assessment of—

(A) the effectiveness of the pilot program with respect to improved access to mental health appointments; and

(B) any barriers to scheduling mental health appointments under the pilot program observed by health care professionals or other individuals involved in scheduling such appointments.

(c) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given such term in section 1072 of title 10, United States Code.

SEC. 735. PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN RESEARCH CONNECTED TO CHINA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense may be obligated or expended to fund any work to be performed by EcoHealth Alliance, Inc. in China on research supported by the government of China.

(b) WAIVER.—The Secretary of Defense may waive the prohibition under subsection (a) if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) not later than 14 days after granting the waiver, submits to the congressional defense committees a detailed justification for the waiver, including—

(A) an identification of the Department of Defense entity obligating or expending the funds;

(B) an identification of the amount of such funds;

(C) an identification of the intended purpose of such funds;

(D) an identification of the recipient or prospective recipient of such funds (including any third-party entity recipient, as applicable);

(E) an explanation for how the waiver is in the national security interests of the United States; and

(F) any other information the Secretary determines appropriate.

SEC. 736. LIMITATION ON CERTAIN DISCHARGES SOLELY ON THE BASIS OF FAILURE TO OBEY LAWFUL ORDER TO RECEIVE COVID–19 VACCINE.

(a) LIMITATION.—During the period of time beginning on August 24, 2021, and ending on the date that is two years after the date of the enactment of this Act, any administrative discharge of a covered member, on the sole basis that the covered member failed to obey a lawful order to receive a vaccine for COVID–19, shall be—

(1) an honorable discharge; or

(2) a general discharge under honorable conditions.

(b) DEFINITIONS.—In this section:

(1) The terms ''Armed Forces'' and ''military departments'' have the meanings given such terms in section 101 of title 10, United States Code.

(2) The term ''covered member'' means a member of an Armed Force under the jurisdiction of the Secretary of a military department.

SEC. 737. INDEPENDENT ANALYSIS OF DEPARTMENT OF DEFENSE COMPREHENSIVE AUTISM CARE DEMONSTRATION PROGRAM.

(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 (in this section referred to as the ''National Academies'') for the National Academies to carry out the activities described in subsections (b) and (c).

(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) ANALYSIS BY THE NATIONAL ACADEMIES.—

(1) ANALYSIS.—Under an agreement between the Secretary and the National Academies entered into pursuant to subsection (a), the National Academies shall conduct an analysis of the effectiveness of the Department of Defense Comprehensive Autism Care Demonstration program (in this section referred to as the ''demonstration program'') and develop recommendations for the Secretary based on such analysis.

(2) ELEMENTS.—The analysis conducted and recommendations developed under paragraph (1) shall include the following:

(A) An assessment of all methods used to assist in the assessment of domains related to autism spectrum disorder, including a determination as to whether the Secretary is applying such methods appropriately under the demonstration project.

(B) An assessment of the methods used under the demonstration project to measure the effectiveness of applied behavior analysis in the treatment of autism spectrum disorder.

(C) A review of any guidelines or industry standards of care adhered to in the provision of

applied behavior analysis services under the demonstration program, including a review of the effects of such adherence with respect to dose-response or health outcomes for an individual who has received such services.

(D) A review of the health outcomes for an individual who has received applied behavior analysis treatments over time.

(E) An analysis of the increased utilization of the demonstration program by beneficiaries under the TRICARE program, to improve understanding of such utilization.

(F) Such other analyses to measure the effectiveness of the demonstration program as may be determined appropriate by the National Academies.

(G) An analysis on whether the incidence of autism is higher among the children of military families.

(H) The development of a list of recommendations related to the measurement, effectiveness, and increased understanding of the demonstration program and its effect on beneficiaries under the TRICARE program.

(c) REPORT.—Under an agreement entered into between the Secretary and the National Academies under subsection (a), the National Academies, not later than nine months after the date of the execution of the agreement, shall—

(1) submit to the congressional defense committees a report on the findings of the National Academies with respect to the analysis conducted and recommendations developed under subsection (b); and

(2) make such report available on a public website in unclassified form.

SEC. 738. INDEPENDENT REVIEW OF SUICIDE PREVENTION AND RESPONSE AT MILITARY INSTALLATIONS.

(a) ESTABLISHMENT OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish an independent suicide prevention and response review committee.

(b) MEMBERSHIP.—The committee established under subsection (a) shall be composed of not fewer than five individuals—

(1) designated by the Secretary;

(2) with expertise determined to be relevant by the Secretary, including at least one individual who is an experienced provider of mental health services; and

(3) none of whom may be a member of an Armed Force or a civilian employee of the Department of Defense.

(c) SELECTION OF MILITARY INSTALLATIONS.—

(1) IN GENERAL.—The Secretary shall select, for review by the committee established under subsection (a), at least one military installation under the jurisdiction of each military department.

(2) INCLUSION OF REMOTE INSTALLATION.—The Secretary shall ensure that, of the total military installations selected for review under paragraph (1), at least one such installation is a remote installation of the Department of Defense located outside the contiguous United States.

(d) DUTIES.—The committee established under subsection (a) shall review the suicide prevention and response programs and other factors that may contribute to the incidence or prevention of suicide at the military installations selected for review pursuant to subsection (c). Such review shall be conducted through means including—

(1) a confidential survey;

(2) focus groups; and

(3) individual interviews.

(e) COORDINATION.—In carrying out this section, the Secretary shall ensure that the Director of the Office of People Analytics of the Department of Defense and the Director of the Office of Force Resiliency of the Department of Defense coordinate and cooperate with the committee established under subsection (a).

(f) REPORTS.—

(1) REPORT TO SECRETARY.—Not later than 270 days after the date of the establishment of the committee under subsection (a), the committee shall submit to the Secretary a report containing the results of the reviews conducted by the committee and recommendations of the committee to reduce the incidence of suicide at the military installations reviewed.

(2) REPORT TO CONGRESS.—Not later than 330 days after the date of the establishment of the committee under subsection (a), the committee shall submit to the Committees on Armed Services of the House of Representatives and the Senate the report under paragraph (1).

(g) TERMINATION.—The committee established under subsection (a) shall terminate on a date designated by the Secretary as the date on which the work of the committee has been completed.

(h) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the committee established under subsection (a).

SEC. 739. FEASIBILITY AND ADVISABILITY STUDY ON ESTABLISHMENT OF AEROMEDICAL SQUADRON AT JOINT BASE PEARL HARBOR-HICKAM.

(a) STUDY.—Not later than April 1, 2022, the Secretary of Defense, in consultation with the Chief of the National Guard Bureau and the Director of the Air National Guard, shall complete a study on the feasibility and advisability of establishing at Joint Base Pearl Harbor-Hickam an aeromedical squadron of the Air National Guard in Hawaii to support the aeromedical mission needs of the United States Indo-Pacific Command.

(b) ELEMENTS.—The study under subsection (a) shall assess the following:

(1) The manpower required for the establishment of an aeromedical squadron of the Air National Guard in Hawaii as specified in subsection (a).

(2) The overall cost of such establishment.

(3) The length of time required for such establishment.

(4) The mission requirements for such establishment.

(5) Such other matters as may be determined relevant by the Secretary.

(c) BRIEFING.—Not later than April 1, 2022, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the findings of the feasibility and advisability study under subsection (a), including with respect to each element specified in subsection (b).

SEC. 740. STUDY ON INCIDENCE OF BREAST CANCER AMONG MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY.

(a) STUDY.—The Secretary of Defense shall conduct a study on the incidence of breast cancer among members of the Armed Forces serving on active duty.

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

(1) A determination of the number of members of the Armed Forces who served on active duty at any time during the period beginning on January 1, 2011, and ending on the date of the enactment of this Act who were diagnosed with breast cancer during such period.

(2) A determination of demographic information regarding such members, including race, ethnicity, sex, age, military occupational specialty, and rank.

(3) A comparison of the rates of members of the Armed Forces serving on active duty who have breast cancer to civilian populations with comparable demographic characteristics.

(4) An identification of potential factors associated with service in the Armed Forces that could increase the risk of breast cancer for members of the Armed Forces serving on active duty.

(5) To the extent the data are available, an identification of overseas locations associated with airborne hazards, such as burn pits, and members of the Armed Forces diagnosed with breast cancer who served on active duty in such locations.

(6) An assessment of the effectiveness of outreach by the Department of Defense to members of the Armed Forces to identify risks of, prevent, detect, and treat breast cancer.

(7) An assessment of the feasibility and advisability of changing the current mammography screening policy of the Department to incorporate all members of the Armed Forces who deployed overseas to an area associated with airborne hazards, such as burn pits.

(8) An assessment of the feasibility and advisability of conducting digital breast tomosynthesis at facilities of the Department that provide mammography services.

(9) Such recommendations as the Secretary may have for changes to policy or law that could improve the prevention, early detection, awareness, and treatment of breast cancer among members of the Armed Forces serving on active duty, including any additional resources needed.

(c) REPORT.—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 on the findings and recommendations of the study under subsection (a), including a description of any further unique military research needed with respect to breast cancer.

SEC. 741. GAO BIENNIAL STUDY ON INDIVIDUAL LONGITUDINAL EXPOSURE RECORD PROGRAM.

(a) STUDIES AND REPORTS REQUIRED.—Not later than December 31, 2023, and once every two years thereafter until December 31, 2030, the Comptroller General of the United States shall—

(1) conduct a study on the implementation and effectiveness of the Individual Longitudinal Exposure Record program of the Department of Defense and the Department of Veterans Affairs; and

(2) submit to the appropriate congressional committees a report containing the findings of the most recently conducted study.

(b) ELEMENTS.—The biennial studies under subsection (a) shall include an assessment of elements as follows:

(1) INITIAL STUDY.—The initial study conducted under subsection (a) shall assess, at a minimum, the following:

(A) Statistics relating to use of the Individual Longitudinal Exposure Record program, including the total number of individuals the records of whom are contained therein and the total number of records accessible under the program.

(B) Costs associated with the program, including any cost overruns associated with the program.

(C) The capacity to expand the program to include the medical records of veterans who served prior to the establishment of the program.

(D) Any illness recently identified as relating to a toxic exposure (or any guidance relating to such an illness recently issued) by either the Secretary of Defense or the Secretary of Veterans Affairs, including any such illness or guidance that relates to open burn pit exposure.

(E) How the program has enabled (or failed to enable) the discovery, notification, and medical care of individuals affected by an illness described in subparagraph (D).

(F) Physician and patient feedback on the program, particularly feedback that relates to ease of use.

(G) Cybersecurity and privacy protections of patient data stored under the program, including whether any classified or restricted data has been stored under the program (such as data relating to deployment locations or duty stations).

(H) Any technical or logistical impediments to the implementation or expansion of the program, including any impediments to the inclusion in the program of databases or materials originally intended to be included.

(I) Any issues relating to read-only access to data under the program by veterans.

(J) Any issues relating to the interoperability of the program between the Department of Defense and the Department of Veterans Affairs.

(2) SUBSEQUENT STUDIES.—Except as provided in paragraph (3), each study conducted under subsection (a) following the initial study specified in paragraph (1) shall assess—

(A) statistics relating to use of the Individual Longitudinal Exposure Record program, including the total number of individuals the records of whom are contained therein and the total number of records accessible under the program; and

(B) such other elements as the Comptroller General determines appropriate, which may include any other element specified in paragraph (1).

(3) FINAL STUDY.—The final study conducted under subsection (a) shall assess—

(A) the elements specified in subparagraphs (A), (B), (D), (E), (F), and (H) of paragraph (1); and

(B) such other elements as the Comptroller General determines appropriate, which may include any other element specified in paragraph (1).

(c) ACCESS BY COMPTROLLER GENERAL.—

(1) INFORMATION AND MATERIALS.—Upon request of the Comptroller General, the Secretary of Defense and the Secretary of Veterans Affairs shall make available to the Comptroller General any information or other materials necessary for the conduct of each biennial study under subsection (a).

(2) INTERVIEWS.—In addition to such other authorities as are available, the Comptroller General shall have the right to interview officials and employees of the Department of Defense and the Department of Veterans Affairs (including clinicians, claims adjudicators, and researchers) as necessary for the conduct of each biennial study under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate.

(2) The term ''Secretary concerned'' means—

(A) the Secretary of Defense, with respect to matters concerning the Department of Defense; and

(B) the Secretary of Veterans Affairs, with respect to matters concerning the Department of Veterans Affairs.

SEC. 742. COMPTROLLER GENERAL STUDY ON IMPLEMENTATION BY DEPARTMENT OF DEFENSE OF RECENT STATUTORY REQUIREMENTS TO REFORM THE MILITARY HEALTH SYSTEM.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the implementation by the Department of Defense of statutory requirements to reform the military health system contained in a covered Act.

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

(A) A compilation of a list of, and citation for, each statutory requirement on reform of the military health system contained in a covered Act.

(B) An assessment of the extent to which such requirement was implemented, or is currently being implemented.

(C) An evaluation of the actions taken by the Department of Defense to assess and determine the effectiveness of actions taken pursuant to such requirement.

(D) Such other matters in connection with the implementation of such requirement as the Comptroller General considers appropriate.

(b) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than May 1, 2022, the Comptroller General shall brief the Committees on Armed Services of the Senate and the House of Representatives on the status of the study conducted under subsection (a).

(2) REPORT.—Not later than May 1, 2023, 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) that includes the elements specified in paragraph (2) of such subsection.

(c) COVERED ACT DEFINED.—In this section, the term ''covered Act'' means any of the following:

(1) The William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(2) The National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(3) The John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(4) The National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(5) The National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

(6) The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

(7) The Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291).

(8) The National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66).

(9) The National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239).

(10) The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

SEC. 743. STUDY TO DETERMINE NEED FOR A JOINT FUND FOR FEDERAL ELECTRONIC HEALTH RECORD MODERNIZATION OFFICE.

(a) STUDY.—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall conduct a study to determine—

(1) whether there is a validated need or military requirement for the development of a joint fund of the Department of Defense and the Department of Veterans Affairs for the Federal Electronic Health Record Modernization Office; and

(2) whether the operations of the Federal Electronic Health Record Modernization Office since its establishment, including how the Office has supported the implementation of the Individual Longitudinal Exposure Record program of the Department of Defense and the Department of Veterans Affairs, justify the development of a potential joint fund.

(b) ELEMENTS.—The study under subsection (a) shall assess the following:

(1) Justifications for the development of the joint fund.

(2) The potential resource allocation and funding commitments for the Department of Defense and Department of Veterans Affairs with respect to the joint fund.

(3) Options for the governance structure of the joint fund, including how accountability would be divided between the Department of Defense and the Department of Veterans Affairs.

(4) The anticipated contents of the joint fund, including the anticipated process for annual transfers to the joint fund from the Department of Defense and the Department of Veterans Affairs, respectively.

(5) An estimated timeline for the potential establishment of the joint fund.

(6) The progress and accomplishments of the Federal Electronic Health Record Modernization Office during fiscal year 2021 in fulfilling the purposes specified in subparagraphs (C) through (R) of section 1635(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note).

(c) REPORT.—Not later than July 1, 2022, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to the appropriate congressional committees a report on the findings of the study under subsection (a), including recommendations on the development of the joint fund specified in such subsection. Such recommendations shall address—

(1) the purpose of the joint fund; and

(2) requirements related to the joint fund.

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committees on Armed Services of the House of Representatives and the Senate; and

(B) the Committees on Veterans' Affairs of the House of Representatives and the Senate.

(2) The term ''Electronic Health Record Modernization Program'' has the meaning given such term in section 503(e) of the Veterans Benefits and Transition Act of 2018 (Public Law 115–407; 132 Stat. 5376).

(3) The term ''Federal Electronic Health Record Modernization Office'' means the Office established under section 1635(b) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note).

SEC. 744. BRIEFING ON DOMESTIC PRODUCTION OF CRITICAL ACTIVE PHARMACEUTICAL INGREDIENTS FOR NATIONAL SECURITY PURPOSES.

Not later than April 1, 2022, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the development of a capability for the domestic production of critical active pharmaceutical ingredients and drug products in finished dosage form for national security purposes. Such briefing shall include a description of the following:

(1) The anticipated cost over the period covered by the most recent future-years defense program submitted under section 221 of title 10, United States Code (as of the date of the briefing), to develop such a domestic production capability for critical active pharmaceutical ingredients.

(2) The cost of producing critical active pharmaceutical ingredients through such a domestic production capability, as compared with the cost of standard manufacturing processes used by the pharmaceutical industry.

(3) The average time to produce critical active pharmaceutical ingredients through such a domestic production capability, as compared with the average time to produce such ingredients through standard manufacturing processes used by the pharmaceutical industry.

(4) Any intersections between the development of such a domestic production capability, the military health system, and defense-related medical research or operational medical requirements.

(5) Lessons learned from the progress made in developing such a domestic production capability as of the date of the briefing, including from any contracts entered into by the Secretary with respect to such a domestic production capability.

(6) Any critical active pharmaceutical ingredients that are under consideration by the Secretary for future domestic production as of the date of the briefing.

(7) The plan of the Secretary regarding the future use of such a domestic production capability for critical active pharmaceutical ingredients.

SEC. 745. BRIEFING ON SUBSTANCE ABUSE IN THE ARMED FORCES.

(a) BRIEFING.—Not later than June 1, 2022, the Under Secretary of Defense for Personnel and Readiness shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on substance abuse policy, strategy, and programs within the Department of Defense.

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

(1) With respect to policy, an overview of the policies of the Department of Defense and the military departments with respect to substance abuse, including for covered beneficiaries, and how each such policy is synchronized, including any definitions of the term ''substance abuse''.

(2) With respect to background data—

(A) an analysis of the trends in substance abuse across the active and reserve components

of the Armed Forces over the preceding 10-year period, including the types of care (residential, outpatient, or other), any variation in such trends for demographics or geographic locations of members who have been deployed, and any other indicators that the Under Secretary determines may allow for further understanding of substance abuse programs; and

(B) an analysis of trends in substance abuse for covered beneficiaries over the preceding 10-year period, including any variation in such trends for demographics, geographic location, or other indicators that the Under Secretary determines may allow for further understanding of substance abuse programs.

(3) With respect to strategic communication, an overview of the strategic communication plan on substance abuse, including different forms of media and initiatives being undertaken.

(4) With respect to treatment—

(A) a description of the treatment options available and prescribed for substance abuse for members of the Armed Forces and covered beneficiaries, including the different environments of care, such as hospitals, residential treatment facilities, outpatient care, and other care as appropriate;

(B) a description of any non-catchment area care which resulted in the nonavailability of military medical treatment facility or military installation capabilities for substance use disorder treatment and the costs associated with sending members of the Armed Forces and covered beneficiaries to non-catchment areas for such treatment;

(C) a description of the synchronization between substance abuse programs, mental health treatment, and case management, where appropriate;

(D) a description of how substance abuse treatment clinical practice guidelines are used and how frequently such guidelines are updated; and

(E) the metrics and outcomes that are used to determine whether substance abuse treatments are effective.

(5) The funding lines and the amount of funding the Secretary of Defense and the Secretary of each of the military departments have obligated for substance abuse programs for each of the preceding 10 fiscal years.

(c) DEFINITIONS.—In this section:

(1) The term ''catchment area'' means the approximately 40-mile radius surrounding a military medical treatment facility or military installation, as the case may be.

(2) The term ''covered beneficiary'' has the meaning given such term in section 1072 of title 10, United States Code.

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

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

Subtitle A—Acquisition Policy and Management

SEC. 801. ACQUISITION WORKFORCE EDUCATIONAL PARTNERSHIPS.

(a) IN GENERAL.—Subchapter IV of chapter 87 of title 10, United States Code, is amended by inserting after section 1746 the following new section:

''§ 1746a. Acquisition workforce educational partnerships

''(a) ESTABLISHMENT.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish a program within Defense Acquisition University to—

''(1) facilitate the engagement of relevant experts, including with the acquisition research activities established under section 2361a of this title, with the faculty of the Defense Acquisition University to assess and modify the curriculum of the Defense Acquisition University, as appropriate, to enhance the capabilities of the Defense Acquisition University to support educational, training, and research activities in support of acquisition missions of the Department of Defense;

''(2) establish a cross-discipline, peer mentoring program for academic advising and to address critical retention concerns with respect to the acquisition workforce;

''(3) partner with extramural institutions and military department functional leadership to offer training and on-the-job learning support

to all members of the acquisition workforce addressing operational challenges that affect procurement decisionmaking;

''(4) support the partnerships between the Department of Defense and extramural institutions with missions relating to the training and continuous development of members of the acquisition workforce;

''(5) accelerate the adoption, appropriate design and customization, and use of flexible acquisition practices by the acquisition workforce by expanding the availability of training and on-the-job learning and guidance on such practices and incorporating such training into the curriculum of the Defense Acquisition University; and

''(6) support and enhance the capabilities of the faculty of the Defense Acquisition University, and the currency and applicability of the knowledge possessed by such faculty, by—

''(A) building partnerships between the faculty of the Defense Acquisition University and the director of, and individuals involved with, the activities established under section 2361a of this title;

''(B) supporting the preparation and drafting of the reports required under subsection (f)(2); and

''(C) instituting a program under which each member of the faculty of the Defense Acquisition University shall be detailed to an operational acquisition position in a military department or Defense Agency, or to an extramural institution, for not less than six months out of every five year period.

''(b) SENIOR OFFICIAL.—Not later than 180 days after the enactment of this section, the President of the Defense Acquisition University shall designate a senior official to execute activities under this section.

''(c) SUPPORT FROM OTHER DEPARTMENT OF DEFENSE ORGANIZATIONS.—The Secretary of Defense may direct other elements of the Department of Defense to provide personnel, resources, and other support to the program established under this section, as the Secretary determines appropriate.

''(d) FUNDING.—Subject to the availability of appropriations, the Under Secretary of Defense for Acquisition and Sustainment may use amounts available in the Defense Acquisition Workforce and Development Account (as established under section 1705 of this title) to carry out the requirements of this section.

''(e) ANNUAL REPORTS.—Not later than September 30, 2022, and annually thereafter, the President of the Defense Acquisition University shall submit to the Secretary of Defense and the congressional defense committees a report describing the activities conducted under this section during the one-year period ending on the date on which such report is submitted.

''(f) EXEMPTION TO REPORT TERMINATION REQUIREMENTS.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note), as amended by section 1061(j) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2405; 10 U.S.C. 111 note), does not apply with respect to the reports required to be submitted to Congress under this section.

''(g) DEFINITIONS.—In this section:

''(1) ACQUISITION WORKFORCE.—The term 'acquisition workforce' has the meaning given such term in section 1705(g) of this title.

''(2) EXTRAMURAL INSTITUTIONS.—The term 'extramural institutions' means participants in an activity established under section 2361a of this title, public sector organizations, and nonprofit credentialing organizations.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter IV of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1746 the following new item:

''1746a. Acquisition workforce educational partnerships.''.

SEC. 802. PROHIBITION ON ACQUISITION OF PERSONAL PROTECTIVE EQUIPMENT FROM NON-ALLIED FOREIGN NATIONS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by inserting after section 2533d the following new section:

''§2533e. Prohibition on acquisition of personal protective equipment and certain other items from non-allied foreign nations

''(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense may not procure any covered item from any covered nation.

''(b) APPLICABILITY.—Subsection (a) shall apply to prime contracts and subcontracts at any tier.

''(c) EXCEPTIONS.—

''(1) IN GENERAL.—Subsection (a) does not apply under the following circumstances:

''(A) If the Secretary of Defense determines that covered materials of satisfactory quality and quantity, in the required form, cannot be procured as and when needed from nations other than covered nations to meet requirements at a reasonable price.

''(B) The procurement of a covered item for use outside of the United States.

''(C) Purchases for amounts not greater than $150,000.

''(2) LIMITATION.—A proposed procurement in 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.

''(d) DEFINITIONS.—In this section:

''(1) COVERED ITEM.—The term 'covered item' means an article or item of—

''(A) personal protective equipment for use in preventing spread of disease, such as by exposure to infected individuals or contamination or infection by infectious material (including nitrile and vinyl gloves, surgical masks, respirator masks and powered air purifying respirators and required filters, face shields and protective eyewear, surgical and isolation gowns, and head and foot coverings) or clothing, and the materials and components thereof, other than sensors, electronics, or other items added to and not normally associated with such personal protective equipment or clothing; or

''(B) sanitizing and disinfecting wipes, testing swabs, gauze, and bandages.

''(2) COVERED NATION.—The term 'covered nation' means—

''(A) the Democratic People's Republic of North Korea;

''(B) the People's Republic of China;

''(C) the Russian Federation; and

''(D) the Islamic Republic of Iran.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2533d the following:

''2533e. Prohibition on acquisition of personal protective equipment and certain other items from non-allied foreign nations.''.

(b) FUTURE TRANSFER.—

(1) TRANSFER AND REDESIGNATION.—Section 2533e of title 10, United States Code, as added by subsection (a), is transferred to the end of subchapter III of chapter 385 of such title, as added by section 1870(d) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and amended by this Act, and redesignated as section 4875.

(2) CLERICAL AMENDMENTS.—

(A) TARGET CHAPTER TABLE OF SECTIONS.—The table of sections for subchapter III of chapter 385 of title 10, United States Code, as added by section 1870(d) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by adding at the end the following new item:

''4875. Prohibition on acquisition of personal protective equipment and certain other items from non-allied foreign nations.''.

(B) ORIGIN CHAPTER TABLE OF SECTIONS.—The table of sections at the beginning of chapter 148 of title 10, United States Code, as amended by subsection (a), is further amended by striking the item relating to section 2533e.

(3) EFFECTIVE DATE.—The transfer, redesignation, and amendments made by this subsection shall take effect immediately after the amendments made by title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 take effect.

(4) REFERENCES; SAVINGS PROVISION; RULE OF CONSTRUCTION.—Sections 1883 through 1885 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) shall apply with respect to the transfers, redesignations, and amendments made under this subsection as if such transfers, redesignations, and amendments were made under title XVIII of such Act.

SEC. 803. AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL PRODUCTS AND COMMERCIAL 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 commercial services using general solicitation competitive procedures

''(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may acquire innovative commercial products and commercial 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 commercial 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 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 commercial service acquired.

''(B) Description of the requirement, capability gap, or potential technological advancement with respect to which the innovative commercial product or commercial service acquired provides a solution or a potential new capability.

''(C) Amount of the contract awarded.

''(D) Identification of the 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 commercial services using general solicitation competitive procedures.''.

(3) DATA COLLECTION.—

(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department shall collect and analyze data on the use of the authority under section 2380c of title 10, United States Code, as added by paragraph (1), for the purposes of—

(i) developing and sharing best practices for achieving the objectives of the authority;

(ii) gathering information on the implementation of the authority and related policy issues; and

(iii) informing the congressional defense committees on the use of the authority.

(B) PLAN REQUIRED.—The authority under section 2380c of title 10, United States Code, as added by paragraph (1), may not be exercised by the Secretary of Defense or any Secretary of a military department during the period beginning on October 1, 2022, and ending on the date on which the Secretary of Defense submits to the congressional defense committees a completed plan for carrying out the data collection required under paragraph (1).

(C) CONGRESSIONAL DEFENSE COMMITTEES; MILITARY DEPARTMENT DEFINED.—In this paragraph, the terms ''congressional defense committees'' and ''military department'' have the meanings given such terms in section 101(a) of title 10, United States Code.

(b) FUTURE TRANSFER.—

(1) TRANSFER AND REDESIGNATION.—Section 2380c of title 10, United States Code, as added by subsection (a), is transferred to chapter 247 of such title, added after section 3457, as transferred and redesignated by section 1821(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), and redesignated as section 3458.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 247 of title 10, United States Code, as added by section 1821(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by inserting after the item related to section 3457 the following new item:

''3458. Authority to acquire innovative commercial products and commercial services using general solicitation competitive procedures.''.

(3) CONFORMING AMENDMENTS TO INTERNAL CROSS-REFERENCES.—Section 3458 of title 10, United States Code, as redesignated by paragraph (1), is amended—

(A) in subsection (b), by striking ''chapter 137'' and inserting ''chapter 221''; and

(B) in subsection (c)(3), by striking ''section 2376(1)'' and inserting ''section 3451(1)''.

(4) EFFECTIVE DATE.—The transfer, redesignation, and amendments made by this subsection shall take as if included in title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(5) REFERENCES; SAVINGS PROVISION; RULE OF CONSTRUCTION.—Sections 1883 through 1885 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) shall apply with respect to the transfers, redesignations, and amendments made under this subsection as if such transfers, redesignations, and amendments were made under title XVIII of such Act.

(c) 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. 804. MODIFICATIONS TO CONTRACTS SUBJECT TO COST OR PRICING DATA CERTIFICATION.

(a) IN GENERAL.—Section 2306a(a)(6) of title 10, United States Code, is amended—

(1) by striking ''Upon the request'' and all that follows through ''paragraph (1)'' and inserting ''Under paragraph (1),''; and

(2) by striking ''modify the contract'' and all that follows through ''consideration.'' and inserting ''modify the contract as soon as practicable to reflect subparagraphs (B) and (C) of such paragraph, without requiring consideration.''.

(b) TECHNICAL AMENDMENT.—Section 1831(c)(8)(A) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4211) is amended by striking ''before'' and all that follows through the semicolon at the end and inserting ''after the subsection designation;''.

SEC. 805. TWO-YEAR EXTENSION OF SELECTED ACQUISITION REPORT REQUIREMENT.

(a) EXTENSION.—Section 2432(j) of title 10, United States Code, is amended by striking ''fiscal year 2021'' and inserting ''fiscal year 2023''.

(b) DEMONSTRATION REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2022, and every six months thereafter, the Secretary of Defense shall provide to the congressional defense committees a demonstration of the capability improvements necessary to achieve the full operational capability of the reporting system that will replace the Selected Acquisition Report requirements under section 2432 of title 10, United States Code, as amended by subsection (a).

(2) ELEMENTS.—

(A) IN GENERAL.—The demonstration required under paragraph (1) shall incorporate the following elements:

(i) A demonstration of the full suite of data sharing capabilities of the reporting system referred to in paragraph (1) that can be accessed by authorized external users, including the congressional defense committees, for a range of covered programs across acquisition categories, including those selected under section 831 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1492).

(ii) The plans required under subsection (c), as available.

(B) INITIAL REPORT.—In addition to the elements described in subparagraph (A), the first demonstration provided under paragraph (1) shall incorporate the findings of the report required under section 830(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1492).

(3) TERMINATION.—The requirements under this subsection shall terminate upon the date on which the Secretary of Defense submits to the congressional defense committees a written certification of the determination of the Secretary that the reporting system referred to in paragraph (1) has achieved full operational capability.

(c) PLANS REQUIRED FOR DATA GATHERING AND SHARING.—

(1) DATA REQUIRED FOR IMPROVED DECISION MAKING.—

(A) IN GENERAL.—Not later than March 1, 2022, the Director of Cost Assessment and Program Evaluation shall prepare a plan for identifying and gathering the data required for effective decision making by program managers and Department of Defense leadership regarding covered programs.

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

(i) data that—

(I) address covered program progress compared to covered program cost, schedule, and performance goals;

(II) provide an assessment of covered program risks; and

(III) can be collected throughout the fiscal year without significant additional burden;

(ii) the data, information, and analytical capabilities supported by the reporting system referred to in subsection (b)(1);

(iii) the specific data elements needed to assess covered program performance and associated risks, including software development and cybersecurity risks, and an identification of any data elements that cannot be publicly released;

(iv) the types of covered programs to be included in the reporting system referred to in subsection (b)(1), including the dollar value threshold for inclusion, and the acquisition methodologies and pathways that are to be included;

(v) the criteria for initiating, modifying, and terminating reporting for covered programs in the reporting system referred to in subsection (b)(1), including program characteristics, acquisition methodology or pathway being used, cost growth or changes, and covered program performance; and

(vi) the planned reporting schedule for the reporting system referred to in subsection (b)(1), including when reports will be available to authorized external users and the intervals at which data will be updated.

(2) IMPROVED DATA SHARING WITHIN THE DEPARTMENT OF DEFENSE AND WITH OUTSIDE STAKEHOLDERS.—

(A) IN GENERAL.—Not later than July 1, 2022, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees the plan of the Department of Defense for the reporting system referred to in subsection (b)(1) to report to the congressional defense committees and effectively share information related to covered programs.

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

(i) incorporate the plan required under paragraph (1);

(ii) provide for reporting not less frequently than once per year and continuous or periodic updates for authorized external users, as appropriate, to increase the efficiency of, and reduce the bureaucratic burdens for, reporting data and information on acquisition programs;

(iii) identify the organizations responsible for implementation and overall operation of the reporting system referred to in subsection (b)(1);

(iv) identify the organizations responsible for providing data for inclusion in such reporting system and ensuring that data is provided in a timely fashion;

(v) include the schedule and milestones for implementing such reporting system;

(vi) identify, for such implementation—

(I) the resources required, including personnel and funding; and

(II) the implementation risks and how such risks will be mitigated;

(vii) identify the mechanisms by which reporting will be provided to the congressional defense committees and other authorized external users, including—

(I) identification of types of organizations that will have access to the system, including those outside the Department of Defense;

(II) how the system will be accessed by users, including those outside the Department of Defense; and

(III) how such users will be trained on the use of the system and what level of support will be available for such users on an ongoing basis; and

(viii) identify any changes to policy, guidance, or legislation that are required to begin reporting to the congressional defense committees in accordance with the plan.

(d) COVERED PROGRAM DEFINED.—In this section, the term ''covered program'' means a program required to be included in a report submitted under section 2432 of title 10, United States Code.

SEC. 806. ANNUAL REPORT ON HIGHEST AND LOWEST PERFORMING ACQUISITION PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than January 31, 2023, and annually thereafter for the following three years, the Component Acquisition Executive of each element or organization of the Department of Defense shall rank each covered acquisition program based on the criteria selected under subsection (b)(1) and submit to the congressional defense committees a report that contains a ranking of the five highest performing and five lowest performing covered acquisition programs for such element or organization based on such criteria.

(b) RANKING CRITERIA.—

(1) IN GENERAL.—In completing the report required under subsection (a), each Component Acquisition Executive, in consultation with other officials of the Department of Defense as determined appropriate by the Component Acquisition Executive, shall select the criteria for ranking each covered acquisition program.

(2) INCLUSION IN REPORT.—Each Component Acquisition Executive shall include in the report submitted under subsection (a) an identification of the specific ranking criteria selected under paragraph (1), including a description of how those criteria are consistent with best acquisition practices.

(c) ADDITIONAL REPORT ELEMENTS.—Each Component Acquisition Executive shall include in the report required under subsection (a) for each of the five acquisition programs ranked as the lowest performing the following:

(1) A description of the factors that contributed to the ranking of the program as low performing.

(2) An assessment of the underlying causes of the poor performance of the program.

(3) A plan for addressing the challenges of the program and improving performance, including specific actions that will be taken and proposed timelines for completing such actions.

(d) DEFINITIONS.—In this section:

(1) COMPONENT ACQUISITION EXECUTIVE.—The term ''Component Acquisition Executive'' means—

(A) a service acquisition executive; or

(B) an individual designated by the head of an element or organization of the Department of Defense, other than a military department, as the Component Acquisition Executive for that element or organization.

(2) COVERED ACQUISITION PROGRAM.—In this section the term ''covered acquisition program'' means—

(A) a major defense acquisition program as defined in section 2430 of title 10, United States Code; or

(B) an acquisition program that is estimated by the Component Acquisition Executive to require an eventual total expenditure described in section 2430(a)(1)(B) of title 10, United States Code.

(3) MILITARY DEPARTMENT; SERVICE ACQUISITION EXECUTIVE.—The terms ''military department'' and ''service acquisition executive'' have the meanings given such terms in section 101(a) of title 10, United States Code.

SEC. 807. ASSESSMENT OF IMPEDIMENTS AND INCENTIVES TO IMPROVING THE ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition and Sustainment and the Chairman of the Joint Requirements Oversight Council shall jointly assess impediments and incentives to fulfilling the goals of section 3307 of title 41, United States Code, and section 2377 of title 10, United States Code, regarding preferences for commercial products and commercial services to—

(1) enhance the innovation strategy of the Department of Defense to compete effectively against peer adversaries; and

(2) encourage the rapid adoption of commercial advances in technology.

(b) ELEMENTS OF ASSESSMENT.—The assessment shall include a review of the use of preferences for commercial products and commercial services in procurement, including an analysis of—

(1) relevant policies, regulations, and oversight processes;

(2) relevant acquisition workforce training and education;

(3) the role of requirements in the adaptive acquisition framework (as described in Department of Defense Instruction 5000.02, ''Operation of the Adaptive Acquisition Framework''), including—

(A) the ability to accommodate evolving commercial functionality and new opportunities identified during market research; and

(B) how phasing and uncertainty in requirements are treated;

(4) the role of competitive procedures and source selection procedures, including the ability to structure acquisition processes to accommodate—

(A) multiple or unequal solutions; and

(B) emerging solutions that could fulfill program requirements;

(5) the role of planning, programming, and budgeting structures and processes, including appropriations categories;

(6) systemic biases in favor of custom solutions;

(7) allocation of technical data rights;

(8) strategies to control modernization and sustainment costs;

(9) the risk to contracting officers and other members of the acquisition workforce of acquiring commercial products and commercial services, and incentives and disincentives for taking such risks; and

(10) potential reforms that do not impose additional burdensome and time-consuming constraints on the acquisition process.

(c) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment and the Chairman of the Joint Requirements Oversight Council shall brief the congressional defense committees on the results of the required assessment and any actions undertaken to improve compliance with the statutory preference for commercial products and commercial services, including any recommendations to Congress for legislative action.

SEC. 808. BRIEFING ON TRANSPARENCY FOR CERTAIN DOMESTIC PROCUREMENT WAIVERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the extent to which information relating to the use of domestic procurement waivers by the Department of Defense is publicly available.

SEC. 809. REPORT ON VIOLATIONS OF CERTAIN DOMESTIC PREFERENCE LAWS.

(a) REPORT REQUIRED.—Not later than February 1 of each of 2023, 2024, and 2025, the Secretary of Defense, in coordination with each Secretary of a military department, shall submit to the congressional defense committees a report on violations of certain domestic preference laws reported to the Department of Defense and the military departments. Each report shall include such violations that occurred during the previous fiscal year covered by the report.

(b) ELEMENTS.—Each report required under subsection (a) shall include the following for each reported violation:

(1) The name of the contractor.

(2) The contract number.

(3) The nature of the violation, including which of the certain domestic preference laws was violated.

(4) The origin of the report of the violation.

(5) Actions taken or pending by the Secretary concerned in response to the violation.

(6) Other related matters deemed appropriate by the Secretary concerned.

(c) CERTAIN DOMESTIC PREFERENCE LAWS DEFINED.—In this section, the term ''certain domestic preference laws'' means any provision of section 2533a or 2533b of title 10, United States Code, or chapter 83 of title 41 of such Code, that requires or creates a preference for the procurement of goods, articles, materials, or supplies, that are grown, mined, reprocessed, reused, manufactured, or produced in the United States.

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

SEC. 811. CERTAIN MULTIYEAR CONTRACTS FOR ACQUISITION OF PROPERTY: BUDGET JUSTIFICATION MATERIALS.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 239c. Certain multiyear contracts for acquisition of property: budget justification materials

''(a) IN GENERAL.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2023 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall include a proposal for any multiyear contract of the Department entered into under section 2306b of this title that—

''(1) the head of an agency intends to cancel during the fiscal year; or

''(2) with respect to which the head of an agency intends to effect a covered modification during the fiscal year.

''(b) ELEMENTS.—Each proposal required by subsection (a) shall include the following:

''(1) A detailed assessment of any expected termination costs associated with the proposed cancellation or covered modification of the multiyear contract.

''(2) An updated assessment of estimated savings of such cancellation or carrying out the multiyear contract as modified by such covered modification.

''(3) An explanation of the proposed use of previously appropriated funds for advance procurement or procurement of property planned under the multiyear contract before such cancellation or covered modification.

''(4) An assessment of expected impacts of the proposed cancellation or covered modification on the defense industrial base, including workload stability, loss of skilled labor, and reduced efficiencies.

''(c) DEFINITIONS.—In this section:

''(1) The term 'covered modification' means a modification that will result in a reduction in the quantity of end items to be procured.

''(2) The term 'head of an agency' means—

''(A) the Secretary of Defense;

''(B) the Secretary of the Army;

''(C) the Secretary of the Navy; or

''(D) the Secretary of the Air Force.''.

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

''239c. Certain multiyear contracts for acquisition of property: budget justification materials.''.

SEC. 812. EXTENSION OF DEMONSTRATION PROJECT RELATING TO CERTAIN ACQUISITION PERSONNEL MANAGEMENT POLICIES AND PROCEDURES.

Section 1762(g) of title 10, United States Code, is amended by striking ''December 31, 2023'' and inserting ''December 31, 2026''.

SEC. 813. OFFICE OF CORROSION POLICY AND OVERSIGHT EMPLOYEE TRAINING REQUIREMENTS.

Section 2228 of title 10, United States Code, is amended—

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

''(6) The Director shall ensure that contractors of the Department of Defense carrying out activities for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense employ for such activities a substantial number of individuals who have completed, or who are currently enrolled in, a qualified training program.'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''and'' at the end and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) require that any training or professional development activities for military personnel or civilian employees of the Department of Defense for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense are conducted under a qualified training program that trains and certifies individuals in meeting corrosion control standards that are recognized industry-wide.''; and

(3) in subparagraph (f), by adding at the end the following new paragraph:

''(6) The term 'qualified training program' means a training program in corrosion control, mitigation, and prevention that is—

''(A) offered or accredited by an organization that sets industry corrosion standards; or

''(B) an industrial coatings applicator training program registered under the Act of August 16, 1937 (popularly known as the 'National Apprenticeship Act'; 29 U.S.C. 50 et seq.).''.

SEC. 814. MODIFIED CONDITION FOR PROMPT CONTRACT PAYMENT ELIGIBILITY.

Section 2307(a)(2)(B) of title 10, United States Code, is amended by striking ''if the prime contractor agrees or proposes to make payments to the subcontractor'' and inserting ''if the prime contractor agrees to make payments to the subcontractor''.

SEC. 815. MODIFICATION TO PROCUREMENT OF SERVICES: DATA ANALYSIS AND REQUIREMENTS VALIDATION.

(a) IN GENERAL.—Section 2329 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''October 1, 2021'' and inserting ''February 1, 2023''; and

(B) by striking paragraphs (4) and (5) and inserting the following new paragraphs:

''(4) be informed by the review of the inventory required by section 2330a(c) using standard guidelines developed under subsection (d); and

''(5) clearly and separately identify the amount requested and projected for the procurement of contract services for each Defense Agency, Department of Defense Field Activity, command, or military installation for the budget year and the subsequent four fiscal years in the future-years defense program submitted to Congress under section 221.'';

(2) by amending subsection (d) to read as follows:

''(d) REQUIREMENTS EVALUATION.—(1) Each Services Requirements Review Board shall evaluate each requirement for a services contract, taking into consideration total force management policies and procedures, available resources, the analyses conducted under subsection (c), and contracting efficacy and efficiency. An evaluation of a services contract for compliance with contracting policies and procedures may not be considered to be an evaluation of a requirement for such services contract.

''(2) The Secretary of Defense shall establish and issue standard guidelines within the Department of Defense for the evaluation of requirements for services contracts. Any such guidelines issued—

''(A) shall be consistent with the 'Handbook of Contract Function Checklists for Services Acquisition' issued by the Department of Defense in May 2018, or a successor or other appropriate policy; and

''(B) shall be updated as necessary to incorporate applicable statutory changes to total force management policies and procedures and any other guidelines or procedures relating to the use of Department of Defense civilian employees to perform new functions and functions that are performed by contractors.

''(3) The acquisition decision authority for each services contract shall certify—

''(A) that a task order or statement of work being submitted to a contracting office is in compliance with the standard guidelines;

''(B) that all appropriate statutory risk mitigation efforts have been made; and

''(C) that such task order or statement of work does not include requirements formerly performed by Department of Defense civilian employees.

''(4) The Inspector General of the Department of Defense may conduct annual audits to ensure compliance with this subsection.'';

(3) by striking subsection (f) and redesignating the subsequent subsections accordingly; and

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

(A) in paragraph (3), by striking ''January 5, 2016'' and inserting ''January 10, 2020''; and

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

''(4) The term 'acquisition decision authority' means the designated decision authority for each designated special interest services acquisition category, described in such Department of Defense Instruction.''.

(b) REPEALS.—

(1) Section 235 of title 10, United States Code, is repealed.

(2) Section 852 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1492; 10 U.S.C. 2329 note) is repealed.

SEC. 816. LIMITATION ON PROCUREMENT OF WELDED SHIPBOARD ANCHOR AND MOORING CHAIN FOR NAVAL VESSELS.

Section 2534 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

''(F) Welded shipboard anchor and mooring chain.''; and

(2) in subsection (b)—

(A) by striking ''A manufacturer'' and inserting ''(1) Except as provided in paragraph (2), a manufacturer''; and

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

''(2) A manufacturer of welded shipboard anchor and mooring chain for naval vessels meets the requirements of this subsection if the manufacturer is part of the national technology and industrial base.''.

SEC. 817. REPEAL OF PREFERENCE FOR FIXED-PRICE CONTRACTS.

Section 829 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2306 note) is repealed.

Subtitle C—Provisions Relating to Other Transaction Authority

SEC. 821. MODIFICATION OF OTHER TRANSACTION AUTHORITY FOR RESEARCH PROJECTS.

(a) IN GENERAL.—Section 2371 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) by striking paragraph (2);

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking ''(1)''; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(2) by amending subsection (h) to read as follows:

''(h) GUIDANCE.—The Secretary of Defense shall issue guidance to carry out this section.''.

(b) CONFORMING AMENDMENT.—Section 2371b(b)(1) of title 10, United States Code, is amended by striking ''Subsections (e)(1)(B) and (e)(2)'' and inserting ''Subsection (e)(2)''.

SEC. 822. MODIFICATION OF PRIZE AUTHORITY FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Section 2374a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting '', including procurement contracts and other agreements,'' after ''other types of prizes'';

(2) in subsection (b), in the first sentence, by inserting ''and for the selection of recipients of procurement contracts and other agreements'' after ''cash prizes'';

(3) in subsection (c)(1), by inserting ''without the approval of the Under Secretary of Defense for Research and Engineering'' before the period at the end; and

(4) by adding at the end the following new subsection:

''(g) CONGRESSIONAL NOTICE.—

''(1) IN GENERAL.—Not later than 15 days after a procurement contract or other agreement that exceeds a fair market value of $10,000,000 is awarded under the authority under a program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees written notice of such award.

''(2) CONTENTS.—Each notice submitted under paragraph (1) shall include—

''(A) the value of the relevant procurement contract or other agreement, as applicable, including all options;

''(B) a brief description of the research result, technology development, or prototype for which such procurement contract or other agreement, as applicable, was awarded; and

''(C) an explanation of the benefit to the performance of the military mission of the Department of Defense resulting from the award.''.

SEC. 823. PILOT PROGRAM ON SYSTEMS ENGINEERING DETERMINATIONS.

(a) REQUIREMENT.—As soon as practicable but not later than September 30, 2023, the Secretary of Defense shall ensure that each covered entity enters into at least two covered transactions under an authority described in subsection (b), where each such covered transaction includes the system engineering determinations described under subsection (c).

(b) COVERED AUTHORITIES.—The authorities described under this subsection are as follows:

(1) Section 2371 of title 10, United States Code, with respect to applied and advanced research project transactions relating to weapons systems.

(2) Section 2371b of such title, with respect to transactions relating to weapons systems.

(3) Section 2373 of such title.

(4) Section 2358 of such title, with respect to transactions relating to weapons systems.

(c) SYSTEMS ENGINEERING DETERMINATIONS.—

(1) FIRST DETERMINATION.—

(A) SUCCESS CRITERIA.—The head of a covered entity that enters into a covered transaction under this section shall identify, in writing, not later than 30 days after entering into such covered transaction, measurable success criteria related to potential military applications of such covered transaction, to be demonstrated not later than the last day of the period of performance for such covered transaction.

(B) TYPES OF DETERMINATIONS.—Not later than 30 days after the end of such period of performance, the head of the covered entity shall make one of the following determinations:

(i) A ''Discontinue'' determination, under which such head discontinues support of the covered transaction and provides a rationale for such determination.

(ii) A ''Retain and Extend'' determination, under which such head ensures continued performance of such covered transaction and extends the period of performance for a specified period of time in order to achieve the success criteria described under subparagraph (A).

(iii) An ''Endorse and Refer'' determination, under which such head endorses the covered transaction and refers it to the most appropriate Service Systems Engineering Command, based on the technical attributes of the covered transaction and the associated potential military applications, based on meeting or exceeding the success criteria.

(C) WRITTEN NOTICE.—A determination made pursuant to subparagraph (B) shall be documented in writing and provided to the person performing the covered transaction to which the determination relates.

(D) FURTHER DETERMINATION.—If the head of a covered entity issued a ''Retain and Extend'' determination described in subparagraph (B)(ii), such head shall, at the end of the extension period—

(i) issue an ''Endorse and Refer'' determination described in subparagraph (B)(iii) if the success criteria are met; or

(ii) issue a ''Discontinue'' determination described in subparagraph (B)(i) if the success criteria are not met.

(2) SECOND DETERMINATION.—

(A) SYSTEMS ENGINEERING PLAN.—The head of the Service Systems Engineering Command that receives a referral from an ''Endorse and Refer'' determination described in paragraph (1)(B)(iii) shall, not later than 30 days after receipt of such referral, formulate a systems engineering plan with the person performing the referred covered transaction, technical experts of the Department of Defense, and any prospective program executive officers.

(B) ELEMENTS.—The systems engineering plan required under subparagraph (A) shall include the following:

(i) Measurable baseline technical capability, based on meeting the success criteria described in paragraph (1)(A).

(ii) Measurable transition technical capability, based on the technical needs of the prospective program executive officers to support a current or future program of record.

(iii) Discrete technical development activities necessary to progress from the baseline technical capability to the transition technical capability, including an approximate cost and schedule, including activities that provide resolution to issues relating to—

(I) interfaces;

(II) data rights;

(III) Federal Government technical requirements;

(IV) specific platform technical integration;

(V) software development;

(VI) component, subsystem, or system prototyping;

(VII) scale models;

(VIII) technical manuals;

(IX) lifecycle sustainment needs; and

(X) other needs identified by the relevant program executive officer.

(iv) Identification and commitment of funding sources to complete the activities under clause (iii).

(C) TYPES OF DETERMINATIONS.—Not later than 30 days after the end of the schedule required by subparagraph (B)(iii), the head of the Service Systems Engineering Command shall make one of the following determinations:

(i) A ''Discontinue'' determination, under which such head discontinues support of the covered transaction and provides a rationale for such determination.

(ii) A ''Retain and Extend'' determination, under which such head ensures continued performance of such covered transaction within the Service Systems Engineering Command and extends the period of performance for a specified period of time in order to—

(I) successfully complete the systems engineering plan required under subparagraph (A); and

(II) issue specific remedial or additional activities to the person performing the covered transaction.

(iii) An ''Endorse and Refer'' determination, under which such head endorses the covered transaction and refers it to a program executive officer, based on successful completion of the systems engineering plan required under subparagraph (A).

(D) WRITTEN NOTICE.—A determination made pursuant to subparagraph (C) shall be documented in writing and provided to the person performing the covered transaction to which the determination relates and any prospective program executive officers for such covered transaction.

(E) FURTHER DETERMINATION.—If the head of the Service Systems Engineering Command issued a ''Retain and Extend'' determination described in subparagraph (C)(ii), such head shall, at the end of the extension period—

(i) issue an ''Endorse and Refer'' determination described in subparagraph (C)(iii) if the transition technical capability criteria are met; or

(ii) issue a ''Discontinue'' determination described in subparagraph (B)(i) if the success criteria are not met.

(d) PRIORITY FOR COVERED TRANSACTION SELECTION.—In selecting a covered transaction under this section, the Secretary shall prioritize those covered transactions that—

(1) are being initially demonstrated at a covered entity;

(2) demonstrate a high potential to be further developed by a Service Systems Engineering Command; and

(3) demonstrate a high potential to be used in a program of the Department of Defense.

(e) NOTIFICATIONS.—

(1) IN GENERAL.—Not later than 30 days after a covered transaction is entered into pursuant to subsection (a), the Secretary of Defense shall notify the congressional defense committees of such covered transaction.

(2) UPDATES.—Not later than 120 days after such a covered transaction is entered into, and every 120 days thereafter until the action specified in subsection (c)(1)(B)(i), (c)(2)(C)(i), or (c)(2)(C)(iii) occurs, the Secretary of Defense shall provide written updates to the congressional defense committees on the actions being taken by the Department to comply with the requirements of this section.

(f) BRIEFING REQUIRED.—Not later than 60 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 with a detailed plan to implement the requirements of this section.

(g) DEFINITIONS.—In this section:

(1) The term ''covered entity'' means—

(A) the Defense Innovation Unit;

(B) the Strategic Capabilities Office; or

(C) the Defense Advanced Research Projects Agency.

(2) The term ''covered transaction'' means a transaction, procurement, or project conducted pursuant to an authority listed in subsection (b).

(3) The term ''Service Systems Engineering Command'' means the specific Department of Defense command that reports through a chain of command to the head of a military department that specializes in the systems engineering of a system, subsystem, component, or capability area.

SEC. 824. RECOMMENDATIONS ON THE USE OF OTHER TRANSACTION AUTHORITY.

(a) REVIEW AND RECOMMENDATIONS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall review the current use, and the authorities, regulations, and policies related to the use, of other transaction authority under sections 2371 and 2371b of title 10, United States Code, and assess the merits of modifying or expanding such authorities with respect to—

(A) the inclusion in such transactions for the Government and contractors to include force majeure provisions to deal with unforeseen circumstances in execution of the transaction;

(B) the determination of the traditional or nontraditional status of an entity based on the parent company or majority owner of the entity;

(C) the determination of the traditional or nontraditional status of an entity based on the status of an entity as a qualified businesses wholly-owned through an Employee Stock Ownership Plan;

(D) the ability of the Department of Defense to award agreements for prototypes with all of the costs of the prototype project provided by private sector partners of the participant to the transaction for such prototype project, to allow for expedited transition into follow-on production agreements for appropriate technologies;

(E) the ability of the Department of Defense to award agreements for procurement, including without the need for prototyping;

(F) the ability of the Department of Defense to award agreements for sustainment of capabilities, including without the need for prototyping;

(G) the ability of the Department of Defense to award agreements to support the organic industrial base;

(H) the ability of the Department of Defense to award agreements for prototyping of services or acquisition of services;

(I) the need for alternative authorities or policies to more effectively and efficiently execute agreements with private sector consortia;

(J) the ability of the Department of Defense to monitor and report on individual awards made under consortium-based other transactions; and

(K) other issues as identified by the Secretary.

(2) QUALIFIED BUSINESSES WHOLLY-OWNED THROUGH AN EMPLOYEE STOCK OWNERSHIP PLAN DEFINED.—The term ''qualified businesses wholly-owned through an Employee Stock Ownership Plan'' means an S corporation (as defined in section 1361(a)(1) of the Internal Revenue Code of 1986) for which 100 percent of the outstanding stock is held through an employee stock ownership plan (as defined in section 4975(e)(7) of the Internal Revenue Code).

(b) ISSUES IDENTIFIED AND RECOMMENDATIONS FOR CHANGES TO POLICIES OR AUTHORITIES.—In carrying out the review under paragraph (1) of subsection (a), with respect to each issue described in subparagraphs (A) through (K) of such paragraph, the Secretary of Defense shall—

(1) identify relevant issues and challenges with the use of the authority under section 2371 or 2371b of title 10, United States Code;

(2) discuss the advantages and disadvantages of modifying or expanding the authority under section 2371 or 2371b of title 10, United States Code, to address issues under paragraph (1);

(3) identify policy changes that will be made to address issues identified under paragraph (1);

(4) make recommendations to the congressional defense committees for new or modified statutory authorities to address issues identified under paragraph (1); and

(5) provide such other information as determined appropriate by the Secretary.

(c) REPORT.—Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committees a report describing activities undertaken pursuant to this section, as well as issues identified, policy changes proposed, justifications for such proposed policy changes, and recommendations for legislative changes.

SEC. 825. REPORTING REQUIREMENT FOR CERTAIN DEFENSE ACQUISITION ACTIVITIES.

(a) PROCEDURES FOR IDENTIFYING CERTAIN ACQUISITION AGREEMENTS AND ACTIVITIES.—The Secretary of Defense shall establish procedures to identify organizations performing on individual projects under the following types of awards:

(1) Other transaction agreements pursuant to the authorities under section 2371 and 2371b of title 10, United States Code.

(2) Individual task orders awarded under a task order contract (as defined in section 2304d

of title 10, United States Code), including individual task orders issued to a federally funded research and development center.

(b) For initial agreements covered under subsection (a), the procedures required under subsection (a) shall include, but not be limited to—

(1) the participants to the transaction (other than the Federal Government);

(2) each business selected to perform work under the transaction by a participant to the transaction that is a consortium of private entities;

(3) the date on which each participant entered into the transaction;

(4) the amount of the transaction; and

(5) other related matters the Secretary deems appropriate.

(c) For follow-on contracts, agreements, or transactions covered under subsection (a), the procedures required under subsection (a) shall include, but not be limited to—

(1) identification of the initial covered contract or transaction and each subsequent follow-on contract or transaction;

(2) the awardee;

(3) the amount;

(4) the date awarded; and

(5) other related matters the Secretary deems appropriate.

(d) The Administrator of the General Services Administration shall update the Federal Procurement Data System (FPDS) within 180 days to collect the data required under this section.

(e) REPORTING.—Not later than one year after the date of the enactment of this Act, and not less than annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the use of agreements and activities described in subsection (a) and associated funding.

(f) PUBLICATION OF INFORMATION.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall establish procedures to collect information on individual agreements and activities described in this section and associated funding in an online, public, searchable database, unless the Secretary deems such disclosure inappropriate for individual agreements based on national security concerns.

Subtitle D—Provisions Relating to Software and Technology

SEC. 831. TECHNOLOGY PROTECTION FEATURES ACTIVITIES.

(a) IN GENERAL.—Section 2357 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting ''(1)'' before ''Any'';

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

''(2) The Secretary may deem the portion of the costs of the contractor described in paragraph (1) with respect to a designated system as allowable independent research and development costs under the regulations issued under section 2372 of this title if—

''(A) the designated system receives Milestone B approval; and

''(B) the Secretary determines that doing so would further the purposes of this section.''; and

(2) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (4); and

(B) by inserting after paragraph (1) the following new paragraphs:

''(2) The term 'independent research and development costs' has the meaning given the term in section 31.205-18 of title 48, Code of Federal Regulations.

''(3) The term 'Milestone B approval' has the meaning given the term in section 2366(e)(7) of this title.''.

(b) CONFORMING 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 section 2357 of title 10, United States Code, as amended by subsection (a).

SEC. 832. MODIFICATION OF ENHANCED TRANSFER OF TECHNOLOGY DEVELOPED AT DEPARTMENT OF DEFENSE LABORATORIES.

Section 801(e) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2514 note) is amended—

(1) by redesignating subsection (e) as subsection (f);

(2) by striking subsection (d) and inserting the following new subsections:

''(d) DATA COLLECTION.—The Secretary of Defense shall develop and implement a plan to collect and analyze data on the use of authority under this section for the purposes of—

''(1) developing and sharing best practices; and

''(2) providing information to the Secretary of Defense and Congress on the use of authority under this section and related policy issues.

''(e) REPORT.—The Secretary of Defense shall submit a report to the congressional defense committees on the activities carried out under this section not later than December 31, 2025.''; and

(3) in subsection (f) (as so redesignated), by striking ''December 31, 2021'' and inserting ''December 31, 2026''.

SEC. 833. PILOT PROGRAM ON ACQUISITION PRACTICES FOR EMERGING TECHNOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment or the Under Secretary's designee, shall establish a pilot program (in this section referred to as the ''Pilot Program'') to develop and implement unique acquisition mechanisms for emerging technologies in order to increase the speed of transition of emerging technologies into acquisition programs or into operational use.

(b) ELEMENTS.—In carrying out the Pilot Program, the Under Secretary of Defense for Acquisition and Sustainment shall—

(1) identify, and award agreements to, not less than four new projects supporting high-priority defense modernization activities, consistent with the National Defense Strategy, with consideration given to—

(A) offensive missile capabilities;

(B) space-based assets;

(C) personnel and quality of life improvement;

(D) energy generation and storage; and

(E) any other area activities the Under Secretary determines appropriate;

(2) develop a unique acquisition plan for each project identified pursuant to paragraph (1) that is significantly novel from standard Department of Defense acquisition practices, including the use of—

(A) alternative price evaluation models;

(B) alternative independent cost estimation methodologies;

(C) alternative market research methods;

(D) continuous assessment of performance metrics to measure project value for use in program management and oversight;

(E) alternative intellectual property strategies, including activities to support modular open system approaches (as defined in section 2446a(b) of title 10, United States Code) and reduce life-cycle and sustainment costs; and

(F) other alternative practices identified by the Under Secretary;

(3) execute the acquisition plans described in paragraph (2) and award agreements in an expedited manner; and

(4) determine if existing authorities are sufficient to carry out the activities described in this subsection and, if not, submit to the congressional defense committees recommendations for statutory reforms that will provide sufficient authority.

(c) REGULATION WAIVER.—The Under Secretary of Defense for Acquisition and Sustainment shall establish mechanisms for the Under Secretary to waive, upon request, regulations, directives, or policies of the Department of Defense, a military service, or a Defense Agency with respect to a project awarded an agreement under the Pilot Program if the Under Secretary determines that such a waiver furthers the purposes of the Pilot Program, unless such waiver would be prohibited by a provision of a Federal statute or common law.

(d) AGREEMENT TERMINATION.—

(1) IN GENERAL.—The Secretary of Defense may establish procedures to terminate agreements awarded under the Pilot Program.

(2) NOTIFICATION REQUIRED.—Any procedure established under paragraph (1) shall require that, not later than 30 days prior to the termination of any agreement under such procedure, notice of such termination shall be provided to the congressional defense committees.

(e) PILOT PROGRAM ADVISORY GROUP.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment shall establish a Pilot Program advisory group to advise the Under Secretary on—

(A) the selection, management and elements of projects under the Pilot Program;

(B) the collection of data regarding the use of the Pilot Program; and

(C) the termination of agreements under the Pilot Program.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The members of the advisory group established under paragraph (1) shall be appointed as follows:

(i) One member from each military department (as defined under section 101(a) of title 10, United States Code), appointed by the Secretary of the military department concerned.

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

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

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

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

(vi) One member appointed by the Director of Cost Assessment and Program Evaluation.

(vii) One member appointed by the Director of Operational Test and Evaluation.

(B) DEADLINE FOR APPOINTMENT.—Members of the advisory group shall be appointed not later than 30 days after the date of the establishment of the pilot program under subsection (a).

(3) FACA NON-APPLICABILITY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group established under paragraph (1).

(f) INFORMATION TO CONGRESS.—

(1) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and not less than annually thereafter, the Secretary of Defense shall provide to the congressional defense committees a briefing on activities performed under this section.

(2) BUDGET JUSTIFICATION MATERIALS.—The Secretary shall establish procedures to clearly identify all projects under the Pilot Program in budget justification materials submitted to Congress.

(g) DATA REQUIREMENTS.—

(1) COLLECTION AND ANALYSIS OF DATA.—The Secretary shall establish mechanisms to collect and analyze data on the execution of the Pilot Program for the purpose of—

(A) developing and sharing best practices for achieving goals established for the Pilot Program;

(B) providing information to the Secretary and the congressional defense committees on the execution of the Pilot Program; and

(C) providing information to the Secretary and the congressional defense committees on related policy issues.

(2) DATA STRATEGY REQUIRED.—The Secretary may not establish the Pilot Program prior to completion of a plan for—

(A) meeting the requirements of this subsection;

(B) collecting the data required to carry out an evaluation of the lessons learned from the Pilot Program; and

(C) conducting such evaluation.

(h) TERMINATION.—The Pilot Program shall terminate on the earlier of—

(1) the date on which each project identified under subsection (b)(1) has either been completed or has had all agreements awarded to such project under the Pilot Program terminated; or

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

SEC. 834. PILOT PROGRAM TO ACCELERATE THE PROCUREMENT AND FIELDING OF INNOVATIVE TECHNOLOGIES.

(a) PILOT PROGRAM.—Subject to availability of appropriations, the Secretary of Defense shall establish a competitive, merit-based pilot program to accelerate the procurement and fielding of innovative technologies by, with respect to such technologies—

(1) reducing acquisition or life-cycle costs;

(2) addressing technical risks;

(3) improving the timeliness and thoroughness of test and evaluation outcomes; and

(4) rapidly implementing such technologies to directly support defense missions.

(b) GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Secretary shall issue guidelines for the operation of the pilot program established under this section. At a minimum such guidelines shall provide for the following:

(1) The issuance of one or more solicitations for proposals by the Department of Defense in support of the pilot program, with a priority established for technologies developed by small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) or nontraditional defense contractors (as defined under section 2302 of title 10, United States Code).

(2) A process for—

(A) the review of proposals received in response to a solicitation issued under paragraph (1) by the Secretary of Defense and by each Secretary of a military department;

(B) the merit-based selection of the most promising cost-effective proposals; and

(C) the procurement of goods or services offered by such a proposal through contracts, cooperative agreements, other transaction authority, or by another appropriate process.

(c) MAXIMUM AMOUNT.—The total amount of funding provided for any proposal selected for an award under the pilot program established under this section shall not exceed $50,000,000, unless the Secretary (or designee of the Secretary) approves a greater amount of funding.

(d) DATA COLLECTION.—

(1) PLAN REQUIRED BEFORE IMPLEMENTATION.—The Secretary of Defense may not provide funding under this section until the date on which the Secretary—

(A) completes a plan for carrying out the data collection required under paragraph (2); and

(B) submits the plan to the congressional defense committees.

(2) DATA COLLECTION REQUIRED.—The Secretary of Defense shall collect and analyze data on the pilot program established under this section for the purposes of—

(A) developing and sharing best practices for achieving the objectives of the pilot program;

(B) providing information on the implementation of the pilot program and related policy issues; and

(C) reporting to the congressional defense committees as required under subsection (e).

(e) BIANNUAL REPORTS.—Not later than March 1 and September 1 of each year beginning after the date of the enactment of this Act until the termination of the pilot program established under this section, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program.

(f) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on September 30, 2027.

SEC. 835. INDEPENDENT STUDY ON TECHNICAL DEBT IN SOFTWARE-INTENSIVE SYSTEMS.

(a) STUDY REQUIRED.—Not later than May 1, 2022, the Secretary of Defense shall enter into an agreement with a federally funded research and development center to study technical debt in software-intensive systems, as determined by the Under Secretary of Defense for Acquisition and Sustainment.

(b) STUDY ELEMENTS.—The study required under subsection (a) shall include analyses and recommendations, including actionable and specific guidance and any recommendations for statutory or regulatory modifications, on the following:

(1) Qualitative and quantitative measures which can be used to identify a desired future state for software-intensive systems.

(2) Qualitative and quantitative measures that can be used to assess technical debt.

(3) Policies for data access to identify and assess technical debt and best practices for software-intensive systems to make such data appropriately available for use.

(4) Forms of technical debt which are suitable for objective or subjective analysis.

(5) Current practices of Department of Defense software-intensive systems to track and use data related to technical debt.

(6) Appropriate individuals or organizations that should be responsible for the identification and assessment of technical debt, including the organization responsible for independent assessments.

(7) Scenarios, frequency, or program phases during which technical debt should be assessed.

(8) Best practices to identify, assess, and monitor the accumulating costs technical debt.

(9) Criteria to support decisions by appropriate officials on whether to incur, carry, or reduce technical debt.

(10) Practices for the Department of Defense to incrementally adopt to initiate practices for managing or reducing technical debt.

(c) ACCESS TO DATA AND RECORDS.—The Secretary of Defense shall ensure that the federally funded research and development center selected under subsection (a) has sufficient resources and access to technical data, individuals, organizations, and records necessary to complete the study required under this section.

(d) REPORT REQUIRED.—Not later than 18 months after entering the agreement described in subsection (a), the Secretary shall submit to the congressional defense committees a report on the study required under subsection (b), along with any additional information and views as desired in publicly releasable and unclassified forms. The Secretary may also include a classified annex to the study as necessary.

(e) BRIEFINGS REQUIRED.—

(1) INITIAL BRIEFING.—Not later than March 1, 2022, the Secretary of Defense shall provide a briefing to the congressional defense committees on activities undertaken and planned to conduct the study required by subsection (a), including any barriers to conducting such activities and the resources to be provided to conduct such activities.

(2) INTERIM BRIEFING REQUIRED.—Not later than 12 months after entering into the agreement under subsection (a), the Secretary of Defense shall provide a briefing to the congressional defense committees on interim analyses and recommendations described in subsection (b) including those that could require modifications to guidance, regulations, or statute.

(3) FINAL BRIEFING REQUIRED.—Not later than 60 days after the date on which the report required by subsection (d) is submitted, the Secretary of Defense shall brief the congressional defense committees on a plan and schedule for implementing the recommendations provided in the report.

(f) TECHNICAL DEBT DEFINED.—In this section, the term ''technical debt'' means an element of design or implementation that is expedient in the short term, but that would result in a technical context that can make a future change costlier or impossible.

SEC. 836. CADRE OF SOFTWARE DEVELOPMENT AND ACQUISITION EXPERTS.

(a) IN GENERAL.—Not later than January 1, 2023, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish a cadre of personnel who are experts in software development, acquisition, and sustainment to improve the effectiveness of software development, acquisition, and sustainment programs or activities of the Department of Defense.

(b) STRUCTURE.—The Under Secretary of Defense for Acquisition and Sustainment—

(1) shall ensure the cadre has the appropriate number of members;

(2) shall establish an appropriate leadership structure and office within which the cadre shall be managed; and

(3) shall determine the appropriate officials to whom members of the cadre shall report.

(c) ASSIGNMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall establish processes to assign members of the cadre to provide—

(1) expertise on matters relating to software development, acquisition, and sustainment; and

(2) support for appropriate programs or activities of the Department of Defense.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the President of the Defense Acquisition University and in consultation with academia and industry, shall develop a career path, including development opportunities, exchanges, talent management programs, and training, for the cadre. The Under Secretary may use existing personnel and acquisition authorities to establish the cadre, as appropriate, including—

(A) section 9903 of title 5, United States Code;

(B) authorities relating to services contracting;

(C) the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.); and

(D) authorities relating to exchange programs with industry.

(2) ASSIGNMENTS.—Civilian personnel from within the Office of the Secretary of Defense, Joint Staff, military departments, Defense Agencies, and combatant commands may be assigned to serve as members of the cadre.

(3) PREFERENCE.—In establishing the cadre, the Under Secretary shall give preference to civilian employees of the Department of Defense.

(e) SUPPORT OF MEMBERS OF THE ARMED FORCES.—The Under Secretary of Defense for Acquisition and Sustainment shall continue to support efforts of the Secretaries concerned to place members of the Armed Forces in software development, acquisition, and sustainment positions and develop software competence in members of the Armed Forces, including those members with significant technical skill sets and experience but who lack formal education, training, or a technology-focused military occupation specialty.

(f) FUNDING.—The Under Secretary of Defense for Acquisition and Sustainment is authorized to use amounts in the Defense Acquisition Workforce Development Account (established under section 1705 of title 10, United States Code) for the purpose of recruitment, training, and retention of members of the cadre, including by using such amounts to pay salaries of newly hired members of the cadre for up to three years.

(g) COMPLIANCE.—In carrying out this section, the Under Secretary of Defense for Acquisition

and Sustainment shall ensure compliance with applicable total force management policies, requirements, and restrictions provided in sections 129a, 2329, and 2461 of title 10, United States Code.

Subtitle E—Provisions Relating to Supply Chain Security

SEC. 841. MODERNIZATION OF ACQUISITION PROCESSES TO ENSURE INTEGRITY OF INDUSTRIAL BASE.

Section 2509 of title 10, United States Code is amended—

(1) in subsection (a)—

(A) by striking ''existing''; and

(B) by striking ''across the acquisition process'' and all that follows through ''in the Department'';

(2) by striking subsections (f) and (g);

(3) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

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

''(b) OBJECTIVE.—The objective of subsection (a) shall be to employ digital tools, technologies, and approaches to ensure the accessibility of relevant defense industrial base data to key decision-makers in the Department.'';

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

(A) in paragraph (1), by adding ''in implementing subsections (a) and (b)'' before the period at the end; and

(B) in paragraph (2)—

(i) in subparagraph (A)(viii), by inserting ''by the Secretary of Defense'' before the period at the end; and

(ii) in subparagraph (B)—

(I) in the text preceding clause (i), by striking ''constitute'' and inserting ''constitutes or may constitute'' ; and

(II) in clause (vii), by inserting ''by the Secretary of Defense'' before the period at the end;

(6) in subsection (d)(11), as so redesignated, by adding ''as deemed appropriate by the Secretary'' before the period at the end; and

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

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''timely''; and

(ii) in subparagraph (B)—

(I) by striking clause (ii) and inserting the following new clause:

''(ii) A description of modern data infrastructure, tools, and applications and an assessment of the extent to which new capabilities would improve the effectiveness and efficiency of mitigating the risks described in subsection (c)(2).''; and

(II) in clause (iii), by inserting '', including the following'' after ''provides data''; and

(B) by striking paragraph (2) and inserting the following new paragraph:

''(2)(A) Based on the findings pursuant to paragraph (1), the Secretary of Defense shall develop a unified set of activities to modernize the systems of record, data sources and collection methods, and data exposure mechanisms. The unified set of activities should include—

''(i) the ability to continuously collect data on, assess, and mitigate risks;

''(ii) data analytics and business intelligence tools and methods; and

''(iii) continuous development and continuous delivery of secure software to implement the activities.

''(B) In connection with the assessments described in this section, the Secretary shall develop capabilities to map supply chains and to assess risks to the supply chain for major end items by business sector, vendor, program, part, and other metrics as determined by the Secretary.''.

SEC. 842. MODIFICATION TO ANALYSES OF CERTAIN ACTIVITIES FOR ACTION TO ADDRESS SOURCING AND INDUSTRIAL CAPACITY.

Section 849 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''Not later than January 15, 2022,'' and inserting ''With respect to items listed in paragraphs (1) through (13) of subsection (c), not later than January 15, 2022, and with respect to items listed in paragraphs (14) through (19) of such subsection, not later than January 15, 2023,''; and

(B) in paragraph (2)—

(i) by striking ''The Secretary of Defense'' and inserting ''With respect to items listed in paragraphs (1) through (13) of subsection (c), during the 2022 calendar year, and with respect to items listed in paragraphs (14) through (19) of such subsection, during the 2023 calendar year''; and

(ii) by striking ''submitted during the 2022 calendar year''; and

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

''(14) Beef products.

''(15) Molybdenum and molybdenum alloys.

''(16) Optical transmission equipment, including optical fiber and cable equipment.

''(17) Armor on tactical ground vehicles.

''(18) Graphite processing.

''(19) Advanced AC–DC power converters.''.

SEC. 843. ASSURING INTEGRITY OF OVERSEAS FUEL SUPPLIES.

(a) IN GENERAL.—Before awarding a contract to an offeror for the supply of fuel for any overseas contingency operation, the Secretary of Defense shall—

(1) ensure, to the maximum extent practicable, that no otherwise responsible offeror is disqualified for such award on the basis of an unsupported denial of access to a facility or equipment by the host nation government; and

(2) require assurances that the offeror will comply with the requirements of subsections (b) and (c).

(b) REQUIREMENT.—An offeror for the supply of fuel for any overseas contingency operation shall—

(1) certify that the provided fuel, in whole or in part, or derivatives of such fuel, is not sourced from a nation or region prohibited from selling petroleum to the United States; and

(2) furnish such records as are necessary to verify compliance with such anticorruption statutes and regulations as the Secretary determines necessary, including—

(A) the Foreign Corrupt Practices Act (15 U.S.C. 78dd–1 et seq.);

(B) the regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations, or successor regulations (commonly known as the ''International Traffic in Arms Regulations'');

(C) the regulations contained in parts 730 through 774 of title 15, Code of Federal Regulations, or successor regulations (commonly known as the ''Export Administration Regulations''); and

(D) such regulations as may be promulgated by the Office of Foreign Assets Control of the Department of the Treasury.

(c) APPLICABILITY.—Subsections (a) and (b) of this section shall apply with respect to contracts entered into on or after the date of the enactment of this Act.

(d) CONSIDERATION OF TRADEOFF PROCESSES.—If the Secretary of Defense awards a contract for fuel procurement for an overseas contingency operation, the contracting officer for such contract shall consider tradeoff processes (as described in subpart 15 of the Federal Acquisition Regulation, or any successor regulation), including consideration of past performance evaluation, cost, anticorruption training, and compliance. With respect to any such contract awarded for which the contracting officer does not consider tradeoff processes, the contracting officer shall, before issuing a solicitation for such contract, submit to the Secretary a written justification for not considering tradeoff processes in awarding such contract.

SEC. 844. ASSESSMENT OF REQUIREMENTS FOR CERTAIN ITEMS TO ADDRESS SUPPLY CHAIN VULNERABILITIES.

(a) DEFINITIONS.—In this section, the term ''dual-use'' has the meaning given in section 2500 of title 10, United States Code.

(b) ASSESSMENT.—The Secretary of Defense shall assess the requirements of the Department of Defense for dual-use items covered by section 2533a of title 10, United States Code.

(c) POLICIES.—The Secretary of Defense shall develop or revise and implement relevant policies to track and reduce fluctuations in supply chain forecasting and encourage predictable demand requirements for annual procurements of such dual-use items by the Office the Secretary of Defense, each military department, and the Defense Logistics Agency.

(d) REPORT AND BRIEFINGS.—

(1) ASSESSMENT REPORT.—

(A) IN GENERAL.—Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the assessment conducted under subsection (b).

(B) FORM.—The report required by subparagraph (A) shall be submitted in an unclassified form, but may include a classified annex to the extent required to protect the national security of the United States.

(2) QUARTERLY BRIEFINGS.—

(A) IN GENERAL.—Not later than March 1, 2023, and quarterly thereafter until March 1, 2026, each Secretary of a military department and the Director of the Defense Logistics Agency shall brief the Under Secretary of Defense for Acquisition and Sustainment on the fluctuations in supply chain forecasting and demand requirements for each dual-use item covered by section 2533a of title 10, United States Code.

(B) DOCUMENTATION.—Each briefing under subparagraph (A) shall be accompanied by documentation regarding the particular points of discussion for that briefing, including the fluctuations described in such subparagraph, expressed as a percentage.

SEC. 845. DEPARTMENT OF DEFENSE RESEARCH AND DEVELOPMENT PRIORITIES.

The Secretary of Defense shall cooperate with the Secretary of Energy to ensure that the priorities of the Department of Defense with respect to the research and development of alternative technologies to, and methods for the extraction, processing, and recycling of, critical minerals (as defined in section 2(b) of the National Materials and Minerals Policy, Research, and Development Act of 1980 (30 U.S.C. 1601(b))) are considered and included where feasible in the associated research and development activities funded by the Secretary of Energy pursuant to the program established under paragraph (g) of section 7002 of division Z of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

SEC. 846. REPORT ON THE MANUFACTURING ENGINEERING EDUCATION PROGRAM.

(a) REPORT REQUIRED.—Not later than March 1, 2023, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees a report on the Manufacturing Engineering Education Program established under section 2196 of title 10, United States Code (referred to in this section as the ''Program'').

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

(1) A summary of activities conducted, and grants or awards made, during the previous fiscal year.

(2) The extent to which the Program can be modified to improve collaboration among institutions of higher education, career and technical education programs, workforce development boards, labor organizations, and organizations representing defense industrial base contractors to focus on career pathways for individuals seeking careers in manufacturing.

(3) An assessment of the benefits and costs of enhancing or expanding the Program to include individuals attending secondary schools and career and technical education programs not considered institutions of higher education.

(4) Recommendations for legislative changes or other incentives that could improve career pathways for individuals seeking careers in manufacturing, particularly in support of the defense industrial base.

(5) Other related matters the Secretary deems appropriate.

(c) DEFINITIONS.—In this section:

(1) The term ''career and technical education'' has the meaning given such term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(2) The term ''defense industrial base contractor'' means a prime contractor or subcontractor (at any tier) in the defense industrial base.

(3) The term ''institution of higher education'' has the meaning given such term in section 1001 of title 20, United States Code.

(4) The term ''labor organization'' has the meaning given such term in section 2 of the National Labor Relations Act (29 14 U.S.C. 152).

(5) The term ''workforce development board'' means a State board or a local board, as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

SEC. 847. PLAN AND REPORT ON REDUCTION OF RELIANCE ON SERVICES, SUPPLIES, OR MATERIALS FROM COVERED COUNTRIES.

(a) PLAN.—The Secretary of Defense, in consultation with the Secretary of State, shall develop and implement a plan to—

(1) reduce the reliance of the United States on services, supplies, or materials obtained from sources located in geographic areas controlled by covered countries; and

(2) mitigate the risks to national security and the defense supply chain arising from the reliance of the United States on such sources for services, supplies, or materials to meet critical defense requirements.

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the plan required under subsection (a).

(c) COVERED COUNTRY DEFINED.—In this section, the term ''covered country'' means North Korea, China, Russia, and Iran.

SEC. 848. PROHIBITION ON CERTAIN PROCUREMENTS FROM THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) PROHIBITION ON THE AVAILABILITY OF FUNDS FOR CERTAIN PROCUREMENTS FROM XUAR.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense may be obligated or expended to knowingly procure any products mined, produced, or manufactured wholly or in part by forced labor from XUAR or from an entity that has used labor from within or transferred from XUAR as part of a ''poverty alleviation'' or ''pairing assistance'' program.

(b) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue rules to require a certification from offerors for contracts with the Department of Defense stating the offeror has made a good faith effort to determine that forced labor from XUAR, as described in subsection (a), was not or will not be used in the performance of such contract.

(c) DEFINITIONS.—In this section:

(1) The term ''forced labor'' means all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

(2) The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group; or

(B) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A).

(3) The term ''XUAR'' means the Xinjiang Uyghur Autonomous Region of the People's Republic of China.

Subtitle F—Industrial Base Matters

SEC. 851. MODIFICATIONS TO PRINTED CIRCUIT BOARD ACQUISITION RESTRICTIONS.

(a) IN GENERAL.—Section 2533d of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''January 1, 2023'' and inserting ''the date determined under paragraph (3)''; and

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

''(3) Paragraph (1) shall take effect on January 1, 2027.'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ''specified type of'' after ''means any'';

(ii) in subparagraph (A), by striking ''(as such terms are defined under sections 103 and 103a of title 41, respectively)''; and

(iii) by amending subparagraph (B) to read as follows:

''(B) is a component of—

''(i) a defense security system; or

''(ii) a system, other than a defense security system, that transmits or stores information and which the Secretary identifies as national security sensitive in the contract under which such printed circuit board is acquired.''; and

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

''(4) COMMERCIAL PRODUCT; COMMERCIAL SERVICE; COMMERCIALLY AVAILABLE OFF-THE SHELF ITEM.—The terms 'commercial product', 'commercial service', and 'commercially available off-the-shelf item' have the meanings given such terms in sections 103, 103a, and 104 of title 41, respectively.

''(5) DEFENSE SECURITY SYSTEM.—

''(A) The term 'defense security system' means an information system (including a telecommunications system) used or operated by the Department of Defense, by a contractor of the Department, or by another organization on behalf of the Department, the function, operation, or use of which—

''(i) involves command and control of an armed force;

''(ii) involves equipment that is an integral part of a weapon or weapon system; or

''(iii) subject to subparagraph (B), is critical to the direct fulfillment of military missions.

''(B) Subparagraph (A)(iii) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

''(6) SPECIFIED TYPE.—The term 'specified type' means a printed circuit board that is—

''(A) a component of an electronic device that facilitates the routing, connecting, transmitting or securing of data and is commonly connected to a network, and

''(B) any other end item, good, or product specified by the Secretary in accordance with subsection (d)(2).''; and

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

''(d) RULEMAKING.—

''(1) The Secretary may issue rules providing that subsection (a) may not apply with respect to an acquisition of commercial products, commercial services, and commercially available off-the-shelf items if—

''(A) the contractor is capable of meeting minimum requirements that the Secretary deems necessary to provide for the security of national security networks and weapon systems; including, at a minimum, compliance with section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2302 note); and

''(B) either—

''(i) the Government and the contractor have agreed to a contract requiring the contractor to take certain actions to ensure the integrity and security of the item, including protecting the item from unauthorized access, use, disclosure, disruption, modification, or destruction; or

''(ii) the Secretary has determined that the contractor has adopted such procedures, tools, and methods for identifying the sources of components of such item, based on commercial best practices, that meet or exceed the applicable trusted supply chain and operational security standards of the Department of Defense.

''(2) The Secretary may issue rules specifying end items, goods, and products for which a printed circuit board that is a component thereof shall be a specified type if the Secretary has promulgated final regulations, after an opportunity for notice and comment that is not less than 12 months, implementing this section.

''(3) In carrying out this section, the Secretary shall, to the maximum extent practicable, avoid imposing contractual certification requirements with respect to the acquisition of commercial products, commercial services, or commercially available off-the-shelf items.''.

(b) MODIFICATION OF INDEPENDENT ASSESSMENT OF PRINTED CIRCUIT BOARDS.—Section 841(d) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) in paragraph (1)—

(A) by striking ''the date of enactment of this Act'' and inserting ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022'';

(B) by striking ''shall seek to enter'' and inserting ''shall enter'';

(C) by striking ''to include printed circuit boards in commercial products or services, or in'' and inserting ''to include printed circuit boards in other commercial or''; and

(D) by striking ''the scope of mission critical'' and all that follows through the period at the end and inserting ''types of systems, other than defense security systems (as defined in section 2533d(c) of title 10, United States Code), that should be subject to the prohibition in section 2533d(a) of title 10, United States Code.'';

(2) in the heading for paragraph (2), by striking ''DEPARTMENT OF DEFENSE'' and inserting ''DEPARTMENT OF DEFENSE'';

(3) in paragraph (2), by striking ''one year after entering into the contract described in paragraph (1)'' and inserting ''January 1, 2023'';

(4) in the heading for paragraph (3), by striking ''CONGRESS'' and inserting ''CONGRESS''; and

(5) in paragraph (3), by inserting after ''the recommendations of the report.'' the following: ''The Secretary shall use the report to determine whether any systems, other than defense security systems (as defined in section 2533d(c) of title 10, United States Code), or other types of printed circuit boards should be subject to the prohibition in section 2533d(a) of title 10, United States Code.''.

SEC. 852. MODIFICATION OF PILOT PROGRAM FOR DEVELOPMENT OF TECHNOLOGY-ENHANCED CAPABILITIES WITH PARTNERSHIP INTERMEDIARIES.

Section 851 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1510; 10 U.S.C. 2283 note) is amended to read as follows:

''SEC. 851. PILOT PROGRAM FOR DEVELOPMENT OF TECHNOLOGY-ENHANCED CAPABILITIES WITH PARTNERSHIP INTERMEDIARIES.

''(a) ESTABLISHMENT.—The Secretary of Defense may authorize the Commander of the United States Special Operations Command to use funds described in subsection (b) for a pilot

program under which the Commander shall make, through the use of a partnership intermediary, covered awards to small business concerns to develop technology-enhanced capabilities for special operations forces.

''(b) FUNDS.—

''(1) IN GENERAL.—The funds described in this subsection are funds transferred to the Commander of the United States Special Operations Command to carry out the pilot program established under this section from funds available to be expended by each covered entity pursuant to section 9(f) of the Small Business Act (15 U.S.C. 638(f)).

''(2) LIMITATIONS.—

''(A) FISCAL YEAR.—A covered entity may not transfer to the Commander an amount greater than 10 percent of the funds available to be expended by such covered entity pursuant to such section 9(f) for a fiscal year.

''(B) AGGREGATE AMOUNT.—The aggregate amount of funds to be transferred to the Commander may not exceed $20,000,000.

''(c) PARTNERSHIP INTERMEDIARIES.—

''(1) AUTHORIZATION.—The Commander may modify an existing agreement with a partnership intermediary to assist the Commander in carrying out the pilot program under this section, including with respect to the award of contracts and agreements to small business concerns.

''(2) LIMITATION.—None of the funds described in subsection (b) may be used to pay a partnership intermediary for any costs associated with the pilot program.

''(3) DATA.—With respect to a covered award made under this section, the Commander shall gather data on the role of the partnership intermediary to include the—

''(A) staffing structure;

''(B) funding sources; and

''(C) methods for identifying and evaluating small business concerns eligible for a covered award.

''(d) REPORT.—

''(1) ANNUAL REPORT.—Not later than October 1 of each year until October 1, 2026, the Commander of the United States Special Operations Command, in coordination with the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees, the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a report including—

''(A) a description of each agreement with a partnership intermediary entered into pursuant to this section;

''(B) for each covered award made under this section—

''(i) a description of the role served by the partnership intermediary;

''(ii) the amount of funds obligated;

''(iii) an identification of the small business concern that received such covered award;

''(iv) a description of the use of such covered award;

''(v) a description of the role served by the program manager (as defined in section 1737 of title 10, United States Code) of the covered entity with respect to the small business concern that received such covered award, including a description of interactions and the process of the program manager in producing a past performance evaluation of such concern; and

''(vi) the benefits achieved as a result of the use of a partnership intermediary for the pilot program established under this section as compared to previous efforts of the Commander to increase participation by small business concerns in the development of technology-enhanced capabilities for special operations forces; and

''(C) a plan detailing how each covered entity will apply lessons learned from the pilot program to improve processes for directly working with and supporting small business concerns to develop technology-enhanced capabilities for special operations forces.

''(2) FINAL REPORT.—The final report required under this subsection shall include, along with the requirements of paragraph (1), a recommendation regarding—

''(A) whether and for how long the pilot program established under this section should be extended; and

''(B) whether to increase funding for the pilot program, including a justification for such an increase.

''(e) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on September 30, 2025.

''(f) DEFINITIONS.—In this section:

''(1) The term 'covered award' means an award made under the Small Business Innovation Research Program.

''(2) The term 'covered entity' means—

''(A) the Army;

''(B) the Navy;

''(C) the Air Force;

''(D) the Marine Corps;

''(E) the Space Force; and

''(F) any element of the Department of Defense that makes awards under the Small Business Innovation Research Program.

''(3) The term 'partnership intermediary' has the meaning given the term in section 23(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715(c)).

''(4) The term 'small business concern' has the meaning given the term under section 3 of the Small Business Act (15 U.S.C. 632).

''(5) The term 'Small Business Innovation Research Program' has the meaning given the term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

''(6) The term 'technology-enhanced capability' means a product, concept, or process that improves the ability of a member of the Armed Forces to achieve an assigned mission.''.

SEC. 853. ADDITIONAL TESTING OF COMMERCIAL E-COMMERCE PORTAL MODELS.

Section 846(c) of the National Defense Authorization Act for Fiscal Year 2018 (41 U.S.C. 1901 note) is amended by adding at the end the following new paragraphs:

''(5) ADDITIONAL TESTING.—Not later than 180 days after the date of the enactment of this paragraph, the Administrator shall—

''(A) begin testing commercial e-commerce portal models (other than any such model selected for the initial proof of concept) identified pursuant to paragraph (2); and

''(B) submit to the congressional defense committees, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes—

''(i) a summary of the assessments conducted under paragraph (2) with respect to a commercial e-commerce portal model identified pursuant to such paragraph;

''(ii) a list of the types of commercial products that could be procured using models tested pursuant to subparagraph (A);

''(iii) an estimate of the amount that could be spent by the head of a department or agency under the program, disaggregated by type of commercial e-commerce portal model; and

''(iv) an update on the models tested pursuant to subparagraph (A) and a timeline for completion of such testing.

''(6) REPORT.—Upon completion of testing conducted under paragraph (5) and before taking any action with respect to the commercial e-commerce portal models tested, the Administrator of General Services shall submit to the congressional defense committees, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a report on the results of such testing that includes—

''(A) an assessment and comparison of commercial e-commerce portal models with respect to—

''(i) price and quality of the commercial products supplied by each commercial e-commerce portal model;

''(ii) supplier reliability and service;

''(iii) safeguards for the security of Government information and third-party supplier proprietary information;

''(iv) protections against counterfeit commercial products;

''(v) supply chain risks, particularly with respect to complex commercial products; and

''(vi) overall adherence to Federal procurement rules and policies; and

''(B) an analysis of the costs and benefits of the convenience to the Federal Government of procuring commercial products from each such commercial e-commerce portal model.''.

SEC. 854. REQUIREMENT FOR INDUSTRY DAYS AND REQUESTS FOR INFORMATION TO BE OPEN TO ALLIED DEFENSE CONTRACTORS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, each service acquisition executive shall implement a requirement that industry days and requests for information regarding acquisition programs and research and development efforts of the Department of Defense shall, to the maximum extent practicable, be open to defense contractors of the national technology and industrial base, including when such contractors are acting as subcontractors in partnership with a United States contractor, provided such access is granted only if the Secretary of Defense or the relevant Secretary concerned determines that there is reciprocal access for United States companies to equivalent information related to contracting opportunities in the associated country that is part of the national technology and industrial base.

(b) DEFINITIONS.—In this section:

(1) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—The term ''national technology and industrial base'' has the meaning given the term in section 2500 of title 10, United States Code.

(2) SECRETARY CONCERNED; SERVICE ACQUISITION EXECUTIVE.—The terms ''Secretary concerned'' and ''service acquisition executive'' have the meanings given such terms in section 101(a) of title 10, United States Code.

SEC. 855. EMPLOYMENT TRANSPARENCY REGARDING INDIVIDUALS WHO PERFORM WORK IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) DISCLOSURE REQUIREMENTS.—

(1) INITIAL DISCLOSURES.—The Secretary of Defense shall require each covered entity to disclose to the Secretary of Defense if the entity employs one or more individuals who will perform work in the People's Republic of China on a covered contract when the entity submits a bid or proposal for such covered contract, except that such disclosure shall not be required to the extent that the Secretary determines that such disclosure would not be in the interest of national security.

(2) RECURRING DISCLOSURES.—For each of fiscal years 2023 and 2024, the Secretary of Defense shall require each covered entity that is a party to one or more covered contracts in the fiscal year to disclose to the Secretary if the entity employs one or more individuals who perform work in the People's Republic of China on any such contract.

(3) MATTERS TO BE INCLUDED.—If a covered entity required to make a disclosure under paragraph (1) or (2) employs any individual who will perform work in the People's Republic of China on a covered contract, such disclosure shall include—

(A) the total number of such individuals who will perform work in the People's Republic of China on the covered contracts funded by the Department of Defense; and

(B) a description of the physical presence in the People's Republic of China where work on the covered contract will be performed.

(b) FUNDING FOR COVERED ENTITIES.—The Secretary of Defense may not award a covered contract to, or renew a covered contract with, a covered entity unless such covered entity has

submitted each disclosure such covered entity is required to submit under subsection (a).

(c) SEMI-ANNUAL BRIEFING.—Beginning on January 1, 2023, the Secretary of Defense shall provide to the congressional defense committees semi-annual briefings that summarize the disclosures received by the Department over the previous 180 days pursuant to this section, and such briefings may be classified.

(d) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term ''covered contract'' means any Department of Defense contract or subcontract with a value in excess of $5,000,000, excluding contracts for commercial products or services.

(2) COVERED ENTITY.—The term ''covered entity'' means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity, including any subsidiary thereof, performing work on a covered contract in the People's Republic of China, including by leasing or owning real property used in the performance of the covered contract in the People's Republic of China.

(e) EFFECTIVE DATE.—This section shall take effect on July 1, 2022.

SEC. 856. BRIEFING ON COMPLIANCE WITH CONTRACTOR LOBBYING RESTRICTIONS.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees with a briefing on the progress of the Department in ensuring compliance with the requirements of section 1045 of the National Defense Authorization Act for Fiscal Year 2018 (10 U.S.C. 971 note prec; Public Law 115-91; 131 Stat. 155).

(b) ELEMENTS.—The briefing required in paragraph (a) shall include—

(1) the number, title, and status of any open Defense Federal Acquisition Regulation Supplement case relating to such section;

(2) the timeline for closing any such Defense Federal Acquisition Regulation Supplement case; and

(3) other related matters the Secretary deems appropriate.

SEC. 857. CONGRESSIONAL OVERSIGHT OF PERSONNEL AND CONTRACTS OF PRIVATE SECURITY CONTRACTORS.

(a) REPORT ON ACTIONS TAKEN TO IMPLEMENT GOVERNMENT ACCOUNTABILITY OFFICE RECOMMENDATIONS.—Not later than October 1, 2022, the Secretary of Defense, in consultation with each Secretary of a military department (as defined in section 101 of title 10, United States Code), shall submit to the congressional defense committees a report on the efforts and plans of the Department of Defense to implement the recommendations contained in the report of the Government Accountability Office titled ''Private Security Contractors: DOD Needs to Better Identify and Monitor Personnel and Contracts'' (GAO–21–255), dated July 29, 2021.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a summary of the actions planned or taken by the Secretary of Defense to implement the recommendations in the report of the Government Accountability Office described in such subsection; and

(2) a schedule for completing the implementation of each such recommendation, including specific milestones for such implementation.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

Subtitle G—Small Business Matters

SEC. 861. EXEMPTION OF CERTAIN CONTRACTS FROM THE PERIODIC INFLATION ADJUSTMENTS TO THE ACQUISITION-RELATED DOLLAR THRESHOLD.

(a) IN GENERAL.—Section 1908(b)(2) of title 41, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

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

''(D) in sections 3131 through 3134 of title 40, except any modification of any such dollar threshold made by regulation in effect on the date of the enactment of this subparagraph shall remain in effect.''.

(b) TECHNICAL AMENDMENT.—Section 1908(d) of such title is amended by striking the period at the end.

SEC. 862. MODIFICATION TO THE PILOT PROGRAM FOR STREAMLINING AWARDS FOR INNOVATIVE TECHNOLOGY PROJECTS.

(a) EXTENSION.—Subsection (f) of section 873 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2306a note) is amended by striking ''October 1, 2022'' and inserting ''October 1, 2024''.

(b) DATA COLLECTION.—The Secretary of Defense shall develop and implement a plan to collect and analyze data on the use of authority under such section 873 for the purposes of—

(1) developing and sharing best practices; and

(2) providing information to the Secretary of Defense and Congress on the use of authority under such section 873 and related policy issues.

(c) RECOMMENDATION ON EXTENSION.—Not later than April 1, 2023, the Secretary of Defense shall submit to the congressional defense committees a recommendation regarding a further extension of the pilot program for streamlining awards for innovative technology projects established under such section 873, and if applicable, the duration of any such extension.

SEC. 863. PROTESTS AND APPEALS RELATING TO ELIGIBILITY OF BUSINESS CONCERNS.

Section 5(i) of the Small Business Act (15 U.S.C. 634(i)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) DETERMINATIONS REGARDING STATUS OF CONCERNS.—

''(A) IN GENERAL.—Not later than 2 days after the date on which a final determination that a business concern does not meet the requirements of the status such concern claims to hold is made, such concern or the Administrator, as applicable, shall update the status of such concern in the System for Award Management (or any successor system).

''(B) ADMINISTRATOR UPDATES.—If such concern fails to update the status of such concern as described in subparagraph (A), not later than 2 days after such failure the Administrator shall make such update.

''(C) NOTIFICATION.—A concern required to make an update described under subparagraph (A) shall notify a contracting officer for each contract with respect to which such concern has an offer or bid pending of the determination made under subparagraph (A), if the concern finds, in good faith, that such determination affects the eligibility of the concern to perform such a contract.''.

SEC. 864. AUTHORITY FOR THE OFFICE OF HEARINGS AND APPEALS TO DECIDE APPEALS RELATING TO QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.

Not later than 1 year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall issue a rule authorizing the Office of Hearings and Appeals of the Administration to decide all appeals from formal protest determinations in connection with the status of a concern as a qualified HUBZone small business concern (as such term is defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b)).

SEC. 865. REPORT ON UNFUNDED PRIORITIES OF THE SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) IN GENERAL.—Not later than 10 days after the date on which the budget of the President for fiscal years 2022 through 2032 is submitted to Congress pursuant to section 1105 of title 31, United States Code, each Secretary of a military department and the Under Secretary of Defense for Research and Engineering shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees a report on unfunded priorities of the Department of Defense related to high-priority Small Business Innovation Research and Small Business Technology Transfer projects.

(b) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (a) shall include identification of not more than five unfunded priority projects and the following information for each such unfunded priority project:

(A) A summary description of the unfunded priority project, including the objectives to be achieved if such project were to be funded (either in whole or in part).

(B) The additional amount of funds recommended to achieve the objectives identified under subparagraph (A).

(C) Account information with respect to such unfunded priority project, including, as applicable, the following:

(i) Line item number, in the case of applicable procurement accounts.

(ii) Program element number, in the case of applicable research, development, test, and evaluation accounts.

(iii) Subactivity group, in the case of applicable operation and maintenance accounts.

(2) PRIORITY.—Each Secretary of a military department and the Under Secretary of Defense for Research and Engineering shall ensure that the unfunded priorities covered by a report submitted under subsection (a) are listed in the order of urgency of priority.

(c) DEFINITIONS.—In this section:

(1) UNFUNDED PRIORITY.—The term ''unfunded priority'', with respect to a fiscal year, means a specific project related to a project successfully funded under Phase II of the Small Business Innovation Research or Small Business Technology Transfer program that—

(A) is not funded in the budget of the President for that fiscal year, as submitted to Congress pursuant to section 1105 of title 31, United States Code;

(B) has the potential to—

(i) advance the national security capabilities of the United States;

(ii) provide new technologies or processes, or new applications of existing technologies or processes, that will enable new alternatives to existing programs; and

(iii) provide future cost savings; and

(C) would have been recommended for funding through the budget referred to in subparagraph (A) if—

(i) additional resources had been available to fund the program, activity, or mission requirement to which the specific project relates; or

(ii) the program, activity, or mission requirement for such specific project had emerged before the budget was formulated.

(2) PHASE II; SMALL BUSINESS INNOVATION RESEARCH; SMALL BUSINESS TECHNOLOGY TRANSFER.—The terms ''Phase II'', ''Small Business Innovation Research'', and ''Small Business Technology Transfer'' have the meanings given such terms, respectively, in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

SEC. 866. REPORT ON CYBERSECURITY MATURITY MODEL CERTIFICATION EFFECTS ON SMALL BUSINESS.

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, the Committee on Small Business and

Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report on the effects of the Cybersecurity Maturity Model Certification framework of the Department of Defense on small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632), including—

(1) the estimated costs of complying with each level of the framework based on verified representative samples of actual costs of compliance small business concerns and an explanation of how these costs will be recoverable by such small business concerns;

(2) the estimated change in the number of small business concerns that are part of the defense industrial base resulting from the implementation and use of the framework;

(3) explanations of how the Department of Defense will—

(A) mitigate negative effects to such small business concerns resulting from the implementation and use of the framework;

(B) ensure small business concerns are trained on the requirements for passing a third-party assessment, self-assessment, or Government-assessment, as applicable, for compliance with the relevant level of the framework; and

(C) work with small business concerns and nontraditional defense contractors (as defined under section 2302 of title 10, United States Code) to enable such concerns and contractors to bid on and win contracts with the Department without first having to risk funds on costly security certifications; and

(4) the plan of the Department for conducting oversight of third parties conducting assessments of compliance with the applicable protocols under the framework.

SEC. 867. DATA ON PHASE III SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM AWARDS.

(a) DEFINITIONS.—In this section, the terms ''Phase I'', ''Phase II'', ''Phase III'', ''SBIR'', and ''STTR'' have the meanings given those terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

(b) DATA ON PHASE III AWARDS.—Each Secretary of a military department (as defined in section 101 of title 10, United States Code) shall collect and submit to the President for inclusion in each budget submitted to Congress under section 1105 of title 31, United States Code, data on the Phase III awards under the SBIR and STTR programs of the military department of the Secretary for the immediately preceding fiscal year, including—

(1) the cumulative funding amount for Phase III awards;

(2) the number of Phase III award topics;

(3) the total funding obligated for Phase III awards by State;

(4) the original Phase I or Phase II award topics and the associated Phase III contracts awarded;

(5) where possible, an identification of the specific program executive office involved in each Phase III transition; and

(6) a list of the five highest performing projects, as determined by the Secretary.

Subtitle H—Other Matters

SEC. 871. MISSION MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Defense shall establish a pilot program to identify lessons learned and improved mission outcomes achieved by quickly delivering solutions that fulfill critical operational needs arising from cross-service missions undertaken by combatant commands through the use of a coordinated and iterative approach to develop, evaluate, and transition such solutions.

(b) MISSIONS SELECTION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Deputy Secretary of Defense shall select missions with respect to which to carry out the pilot program.

(2) SELECTION CRITERIA.—When selecting missions under paragraph (1), the Deputy Secretary of Defense shall—

(A) select missions with critical cross-service operational needs; and

(B) consider—

(i) the strategic importance of the critical cross-service operational needs to the operational plans of the relevant combatant commands; and

(ii) the advice of key stakeholders, including the Joint Staff, regarding mission selection.

(3) INITIAL MISSION.—

(A) IN GENERAL.—Not later than four months after the date of the enactment of this section, the Director of the Strategic Capabilities Office shall select the initial mission under the pilot program that has critical cross-service operational needs and which is of strategic importance to the operational plans of the United States Indo-Pacific Command.

(B) RESPONSIBILITY.—The mission selected under subparagraph (A) shall be established within the Strategic Capabilities Office of the Department of Defense, in coordination with the Office of the Under Secretary of Defense for Research and Engineering.

(C) MISSION SELECTION APPROVAL.—The mission selected by the Director of the Strategic Capabilities Office under subparagraph (A) shall be subject to the approval of the Technology Cross-Functional Team of the Strategic Capabilities Office that is chaired by the Under Secretary of Defense for Research and Engineering.

(c) MISSION MANAGERS.—

(1) IN GENERAL.—A mission manager shall carry out the pilot program with respect to each mission.

(2) RESPONSIBILITIES.—With respect to each mission, the relevant mission manager shall—

(A) identify critical cross-service, cross-program, and cross-domain operational needs by enumerating the options available to the combatant command responsible for carrying out such mission and determining the resiliency of such options to threats from adversaries;

(B) in coordination with the military services and appropriate Defense Agencies and Field Activities, develop and deliver solutions, including software and information technology solutions and other functionalities unaligned with any one weapon system of a covered Armed Service, to—

(i) fulfill critical cross-service, cross-program, and cross-domain operational needs; and

(ii) address future changes to existing critical cross-service, cross-program, and cross-domain operational needs by providing additional capabilities;

(C) work with the combatant command responsible for such mission and the related planning organizers, program managers of a covered Armed Force, and defense research and development activities to carry out iterative testing and support to initial operational fielding of the solutions described in subparagraph (B);

(D) conduct research, development, test, evaluation, and transition support activities with respect to the delivery of the solutions described in subparagraph (B);

(E) seek to integrate existing, emerging, and new capabilities available to the Department of Defense in the development of the solutions described in subparagraph (B), including by incenting and working with program managers of a covered Armed Force; and

(F) provide to the Deputy Secretary of Defense mission management activity updates and reporting on the use of funds under the pilot program with respect to such mission.

(3) APPOINTMENT.—Each mission selected under subsection (b) shall have a mission manager—

(A) appointed at the time of mission approval; and

(B) who may be from any suitable organization, except that the mission manager with respect the initial mission under (b)(3) shall be the Director of the Strategic Capabilities Office.

(4) ITERATIVE APPROACH.—The mission manager shall, to the extent practicable, carry out the pilot program with respect to each mission selected under subsection (b) by integrating existing, emerging, and new military capabilities, and managing a portfolio of small, iterative development and support to initial operational fielding efforts.

(5) OTHER PROGRAM MANAGEMENT RESPONSIBILITIES.—The activities undertaken by the mission manager with respect to a mission, including mission management, do not supersede or replace the program management responsibilities of any other individual that are related to such missions.

(d) DATA COLLECTION REQUIREMENT.—The Deputy Secretary of Defense shall develop and implement a plan to collect and analyze data on the pilot program for the purposes of—

(1) developing and sharing best practices for applying emerging technology and supporting new operational concepts to improve outcomes on key military missions and operational challenges; and

(2) providing information to the leadership of the Department on the implementation of the pilot program and related policy issues.

(e) ASSESSMENTS.—During the five-year period beginning on the date of the enactment of this Act, the Deputy Secretary of Defense shall regularly assess—

(1) the authorities required by the mission managers to effectively and efficiently carry out the pilot program with respect to the missions selected under subsection (b); and

(2) whether the mission managers have access to sufficient funding to carry out the research, development, test, evaluation, and support to initial operational fielding activities required to deliver solutions fulfilling the critical cross-service, cross-program, and cross-domain operational needs of the missions.

(f) BRIEFINGS.—

(1) SEMIANNUAL BRIEFING.—

(A) IN GENERAL.—Not later than July 1, 2022, and every six months thereafter until the date that is five years after the date of the enactment of this Act, the mission manager shall provide to the congressional defense committees a briefing on the progress of the pilot program with respect to each mission selected under subsection (b), the anticipated mission outcomes, and the funds used to carry out the pilot program with respect to such mission.

(B) INITIAL BRIEFING.—The Deputy Secretary of Defense shall include in the first briefing submitted under subparagraph (A) a briefing on the implementation of the pilot program, including—

(i) the actions taken to implement the pilot program;

(ii) an assessment of the pilot program;

(iii) requests for Congress to provide authorities required to successfully carry out the pilot program; and

(iv) a description of the data plan required under subsection (d).

(2) ANNUAL BRIEFING.—Not later than one year after the date on which the pilot program is established, and annually thereafter until the date that is five years after the date of the enactment of this Act, the Deputy Secretary of Defense shall submit to the congressional defense committees a briefing on the pilot program, including—

(A) the data collected and analysis performed under subsection (d);

(B) lessons learned;

(C) the priorities for future activities of the pilot program; and

(D) such other information as the Deputy Secretary determines appropriate.

(3) RECOMMENDATION.—Not later than two years after the date of the enactment of this Act, the Deputy Secretary of Defense shall submit to Congress a briefing on the recommendations of the Deputy Secretary with respect to the

pilot program and shall concurrently submit to Congress—

(A) a written assessment of the pilot program;

(B) a written recommendation on continuing or expanding the mission integration pilot program;

(C) requests for Congress to provide authorities required to successfully carry out the pilot program; and

(D) the data collected and analysis performed under subsection (d).

(g) TRANSITION.—Beginning in fiscal year 2025, the Deputy Secretary of Defense may transition responsibilities for research, development, test, evaluation, and support to initial operational fielding activities started under the pilot program to other elements of the Department for purposes of delivering solutions fulfilling critical cross-service, cross-program, and cross-domain operational needs.

(h) TERMINATION DATE.—The pilot program shall terminate on the date that is five years after the date of the enactment of this Act.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as providing any authority not otherwise provided by law to procure, or enter agreements to procure, any goods, materials, or services.

(j) DEFINITIONS.—In this section:

(1) COVERED ARMED FORCE.—The term ''covered Armed Force'' means—

(A) the Army;

(B) the Navy;

(C) the Air Force;

(D) the Marine Corps; or

(E) the Space Force.

(2) CROSS-FUNCTIONAL TEAMS OF THE STRATEGIC CAPABILITIES OFFICE.—The term ''Cross-Functional Teams of the Strategic Capabilities Office'' means the teams established in the Strategic Capabilities Office of the Department of Defense pursuant to section 233(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1277; 10 U.S.C. 132 note).

(3) CROSS-SERVICE.—The term ''cross-service'' means pertaining to multiple covered Armed Forces.

(4) CROSS-DOMAIN.—The term ''cross-domain'' means pertaining to multiple operational domains of land, maritime, air, space, and cyberspace.

(4) CROSS-SERVICE OPERATIONAL NEED.—The term ''cross-service operational need'' means an operational need arising from a mission undertaken by a combatant command which involves multiple covered Armed Forces.

(5) DEFENSE AGENCY; MILITARY DEPARTMENT.—The terms ''Defense Agency'' and ''military department'' have the meanings given such terms in section 101(a) of title 10, United States Code.

(6) FIELD ACTIVITY.—The term ''Field Activity'' has the meaning given the term ''Department of Defense Field Activity'' in section 101(a) of title 10, United States Code.

(7) MISSION MANAGEMENT.—The term ''mission management'' means the integration of materiel, digital, and operational elements to improve defensive and offensive options and outcomes for a specific mission or operational challenge.

(8) PILOT PROGRAM.—The term ''pilot program'' means the pilot program established under subsection (a).

SEC. 872. ESTABLISHMENT OF MISSION-ORIENTED PILOT PROGRAMS TO CLOSE SIGNIFICANT CAPABILITIES GAPS.

(a) IN GENERAL.—The Secretary of Defense shall establish, within the Strategic Capabilities Office of the Office of the Secretary of Defense, not fewer than two mission-oriented integration pilot programs with the objective of closing significant capabilities gaps by developing and implementing capabilities and by synchronizing and integrating missions across covered Armed Forces and Defense Agencies.

(b) ELEMENTS.—The pilot programs established under subsection (a) shall—

(1) seek to address specific outstanding operational challenges of high importance to the operational plans of the United States Indo-Pacific Command and the United States European Command;

(2) be designed to leverage industry cost sharing by using sources such as private equity and venture capital funding to develop technologies and overall capabilities that resolve significant capability gaps for delivery to the Department of Defense, as a product or as a service;

(3) not later than three years after the date on which the pilot program commences, demonstrate the efficacy of the solutions being developed under the pilot program;

(4) deliver an operational capability not later than five years after the pilot program commences;

(5) provide an operationally relevant solution for—

(A)(i) maintaining resilient aircraft operations in and around Guam in the face of evolving regional threats, including large salvo supersonic and hypersonic missile threats; or

(ii) an operational challenge of similar strategic importance and relevance to the responsibilities and plans of the United States Indo-Pacific Command or the United States European Command; and

(B)(i) providing a resilient logistic and resupply capability in the face of evolving regional threats, including operations within an anti-access-area denial environment; or

(ii) an operational challenge of similar strategic importance and relevance to the responsibilities and plans of the United States Indo-Pacific Command; and

(6) incorporate—

(A) existing and planned Department of Defense systems and capabilities to achieve mission objectives; and

(B) to the extent practicable, technologies that have military applications and the potential for nonmilitary applications.

(c) ROLE OF STRATEGIC CAPABILITIES OFFICE.—

(1) IN GENERAL.—With respect to the pilot programs established under subsection (a), the Director of the Strategic Capabilities Office, in consultation with the Under Secretary of Defense for Research and Engineering, shall—

(A) assign mission managers or program managers—

(i) to coordinate and collaborate with entities awarded contracts or agreements under the pilot program, parties to cost sharing agreements for such awarded contracts or agreements, combatant commands, and military departments to define mission requirements and solutions; and

(ii) to coordinate and monitor pilot program implementation;

(B) provide technical assistance for pilot program activities, including developing and implementing metrics, which shall be used—

(i) to assess each operational challenge such pilot programs are addressing; and

(ii) to characterize the resilience of solutions being developed under the pilot programs to known threats and single points of failure;

(C) provide operational use case expertise to the entities awarded contracts or agreements under the pilot program and parties to cost sharing agreements for such awarded contracts or agreements;

(D) serve as the liaison between the Armed Forces, the combatant commanders, and the participants in the pilot programs; and

(E) use flexible acquisition practices and authorities, including—

(i) the authorities under section 2371 and 2371b of title 10, United States Code;

(ii) payments for demonstrated progress;

(iii) authorities under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.); and

(iv) other acquisition practices that support efficient and effective access to emerging technologies and capabilities, including technologies and capabilities from companies funded with private investment.

(2) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Director of the Strategic Capabilities Office shall submit to the congressional defense committees a report on the pilot programs.

(d) ADDITIONAL AUTHORITIES.—The Secretary of Defense shall assess authorities required for such mission managers and program managers to effectively and efficiently fulfill their responsibilities under the pilot programs, including the delegation of personnel hiring and contracting authorities.

(e) DATA.—The Secretary of Defense shall establish mechanisms to collect and analyze data on the implementation of the pilot programs for the purposes of—

(1) developing and sharing best practices for achieving goals established for the pilot programs; and

(2) providing information to the Secretary and the congressional defense committees on—

(A) the implementation of the pilot programs; and

(B) related policy issues.

(f) RECOMMENDATIONS.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a recommendation with respect to continuing or expanding the pilot program.

(g) TRANSITION OF PILOT PROGRAM RESPONSIBILITIES.—Beginning in fiscal year 2025, the Secretary may transition the responsibility for the pilot programs to another organization.

(h) DEFINITIONS.—In this section:

(1) COVERED ARMED FORCE.—The term ''covered Armed Force'' means—

(A) the Army;

(B) the Navy;

(C) the Air Force;

(D) the Marine Corps; or

(E) the Space Force.

(2) DEFENSE AGENCY.—The term ''Defense Agency'' has the meaning given such term in section 101(a) of title 10, United States Code.

(3) MISSION MANAGER.—The term ''mission manager'' means an individual that, with respect to a mission under a pilot program established under subsection (a), shall have the responsibilities described in subparagraphs (B) through (F) of section 871(c)(2) of this Act.

SEC. 873. INDEPENDENT STUDY ON ACQUISITION PRACTICES AND POLICIES.

(a) STUDY REQUIRED.—Not later than March 30, 2022, the Secretary of Defense shall enter into an agreement with a federally funded research and development center under which such center shall conduct a study on the acquisition practices and policies described in subsection (b).

(b) STUDY ELEMENTS.—The study required under subsection (a) shall identify the knowledge and tools needed for the acquisition workforce of the Department of Defense to—

(1) engage in acquisition planning practices that assess the cost, resource, and energy preservation differences resulting from selecting environmentally preferable goods or services when identifying requirements or drafting statements of work;

(2) engage in acquisition planning practices that promote the acquisition of resilient and resource-efficient goods and services and that support innovation in environmental technologies, including—

(A) technical specifications that establish performance levels for goods and services to diminish greenhouse gas emissions;

(B) statements of work or specifications restricted to environmentally preferable goods or services where the quality, availability, and price is comparable to traditional goods or services;

(C) engaging in public-private partnerships to design, build, and fund resilient, low-carbon infrastructure;

(D) collaborating with local jurisdictions surrounding military installations, with a focus on reducing environmental costs; and

(E) technical specifications that consider risk to supply chains from extreme weather and changes in environmental conditions;

(3) employ source selection practices that promote the acquisition of resilient and resource-efficient goods and services and that support innovation in environmental technologies, including—

(A) considering resilience, low-carbon, or low-toxicity criteria as competition factors on the basis of which the award is made in addition to cost, past performance, and quality factors;

(B) using accepted standards, emissions data, certifications, and labels to verify the environmental impact of a good or service and enhance procurement efficiency;

(C) evaluating the veracity of certifications and labels purporting to convey information about the environmental impact of a good or service; and

(D) considering the costs of a good or service that will be incurred throughout its lifetime, including operating costs, maintenance, end of life costs, and residual value, including costs resulting from the carbon dioxide and other greenhouse gas emissions associated with the good or service; and

(4) consider external effects, including economic, environmental, and social, arising over the entire life cycle of an acquisition when making acquisition planning and source selection decisions.

(c) SUBMISSION TO DEPARTMENT OF DEFENSE.—Not later than one year after the date of the enactment of this Act, the federally funded research and development center that conducts the study under subsection (a) shall submit to the Secretary of Defense a report on the results of the study in an unclassified form but may include a classified annex.

(d) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Secretary of Defense receives the report under subsection (c), the Secretary shall submit to the congressional defense committees an unaltered copy along with any comments the Secretary may have with respect to the report.

(e) DEFINITIONS.—In this section:

(1) The term ''environmentally preferable'', with respect to a good or service, means that the good or service has a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose or achieve the same or substantially similar result. The comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the good or service.

(2) The term ''resource-efficient goods and services'' means goods and services—

(A) that use fewer resources than competing goods and services to serve the same purposes or achieve the same or substantially similar result as such competing goods and services; and

(B) for which the negative environmental impacts across the full life cycle of such goods and services are minimized.

SEC. 874. PILOT PROGRAM TO INCENTIVIZE CONTRACTING WITH EMPLOYEE-OWNED BUSINESSES.

(a) QUALIFIED BUSINESS WHOLLY-OWNED THROUGH AN EMPLOYEE STOCK OWNERSHIP PLAN DEFINED.—The term ''qualified businesses wholly-owned through an Employee Stock Ownership Plan'' means an S corporation (as defined in section 1361(a)(1) of the Internal Revenue Code of 1986) for which 100 percent of the outstanding stock is held through an employee stock ownership plan (as defined in section 4975(e)(7) of such Code).

(b) PILOT PROGRAM TO USE NONCOMPETITIVE PROCEDURES FOR CERTAIN FOLLOW-ON CONTRACTS TO QUALIFIED BUSINESSES WHOLLY-OWNED THROUGH AN EMPLOYEE STOCK OWNERSHIP PLAN.—

(1) ESTABLISHMENT.—The Secretary of Defense may establish a pilot program to carry out the requirements of this section.

(2) FOLLOW-ON CONTRACTS.—Notwithstanding the requirements of section 2304 of title 10, United States Code, and with respect to a follow-on contract for the continued development, production, or provision of products or services that are the same as or substantially similar to the products or services procured by the Department of Defense under a prior contract held by a qualified business wholly-owned through an Employee Stock Ownership Plan, the products or services to be procured under the follow-on contract may be procured by the Department of Defense through procedures other than competitive procedures if the performance of the qualified business wholly-owned through an Employee Stock Ownership Plan on the prior contract was rated as satisfactory (or the equivalent) or better in the applicable past performance database.

(3) LIMITATION.—A qualified business wholly-owned through an Employee Stock Ownership Plan may have a single opportunity for award of a sole-source follow-on contract under this section, unless a senior contracting official (as defined in section 1737 of title 10, United States Code) approves a waiver of the requirements of this section.

(c) VERIFICATION AND REPORTING OF QUALIFIED BUSINESSES WHOLLY-OWNED THROUGH AN EMPLOYEE STOCK OWNERSHIP PLAN.—Under a pilot program established under this section, the Secretary of Defense shall establish procedures—

(1) for businesses to verify status as a qualified businesses wholly-owned through an Employee Stock Ownership Plan for the purposes of this section by using existing Federal reporting mechanisms;

(2) for a qualified businesses wholly-owned through an Employee Stock Ownership Plan to certify that not more than 50 percent of the amount paid under the contract will be expended on subcontracts, subject to such necessary and reasonable waivers as the Secretary may prescribe; and

(3) to record information on each follow-on contract awarded under subsection (b), including details relevant to the nature of such contract and the qualified business wholly-owned through an Employee Stock Ownership Plan that received such contract, and to provide such information to the Comptroller General of the United States.

(d) DATA.—

(1) IN GENERAL.—If the Secretary of Defense establishes a pilot program under this section, the Secretary shall establish mechanisms to collect and analyze data on the pilot program for the purposes of—

(A) developing and sharing best practices relating to the pilot program;

(B) providing information to leadership and the congressional defense committees on the pilot program, including with respect to each qualified business wholly-owned through an Employee Stock Ownership Plan that received a follow-on contract under this section—

(i) the size of such business;

(ii) performance of the follow-on contract; and

(iii) other information as determined necessary; and

(C) providing information to leadership and the congressional defense committees on policy issues related to the pilot program.

(2) LIMITATION.—The Secretary of Defense may not carry out the pilot program under this section before—

(A) completing a data collection and reporting strategy and plan to meet the requirements of this subsection; and

(B) submitting the strategy and plan to the congressional defense committees.

(e) SUNSET.—Any pilot program established under this section shall expire on the date that is five years after the date of the enactment of this Act.

(f) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on any individual and aggregate uses of the authority under a pilot program established under this section.

(2) ELEMENTS.—The report under paragraph (1) shall include the following elements:

(A) An assessment of the frequency and nature of the use of the authority under the pilot program.

(B) An assessment of the impact of the pilot program in supporting the national defense strategy required under section 113(g) of title 10, United States Code.

(C) The number of businesses that became qualified businesses wholly-owned through an Employee Stock Ownership Plan in order to benefit from the pilot program and the factors that influenced that decision.

(D) Acquisition authorities that could incentivize businesses to become qualified businesses wholly-owned through an Employee Stock Ownership Plan, including an extension of the pilot program.

(E) Any related matters the Comptroller General considers appropriate.

SEC. 875. GUIDANCE, TRAINING, AND REPORT ON PLACE OF PERFORMANCE CONTRACT REQUIREMENTS.

(a) GUIDANCE AND TRAINING.—Not later than July 1, 2022, the Secretary of Defense shall—

(1) issue guidance on covered contracts to ensure that, to the maximum extent practicable, the terms of such covered contract avoid specifying an unnecessarily restrictive place of performance for such covered contract; and

(2) implement any necessary training for appropriate individuals relating to the guidance required under paragraph (1).

(b) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on covered contracts.

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

(A) A description of the criteria that is considered when the Secretary specifies a particular place of performance in a covered contract.

(B) The number of covered contracts awarded during each of fiscal years 2016 through 2020.

(C) An assessment of the extent to which revisions to guidance or regulations related to the use of covered contracts could improve the effectiveness and efficiency of the Department of Defense, including a description of such revisions.

(c) COVERED CONTRACT DEFINED.—In this section, the term ''covered contract'' means a contract for which the Secretary of Defense specifies the place of performance for such contract.

SEC. 876. NOTIFICATION OF CERTAIN INTERGOVERNMENTAL SUPPORT AGREEMENTS.

(a) NOTIFICATION REQUIRED.—During fiscal years 2022 and 2023, not less than 60 days before entering into an intergovernmental support agreement under section 2679 of title 10, United States Code, that is an exception to the requirements of chapter 85 of title 41, United States Code, the Secretary concerned shall submit, in writing, to the congressional defense committees a report including the following relating to such agreement:

(1) The circumstances that resulted in the need to enter into an intergovernmental support agreement that included such exception.

(2) The anticipated benefits of entering into such agreement that included such exception.

(3) The anticipated impact on persons covered under such chapter 85 because of such exception.

(4) The extent to which such agreement complies with applicable policies, directives, or other guidance of the Department of Defense.

(b) RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees, along with the budget request materials

for fiscal year 2023, specific recommendations for modifications to the legislative text of subsection (a)(1) of section 2679 of title 10, United States Code, along with a rationale for any such modifications, to identify specific provisions of Federal contracting law appropriate for waiver or exemption to ensure effective use of intergovernmental support agreements under such section.

(2) BUDGET REQUEST MATERIALS DEFINED.—In this subsection, the term ''budget request materials'' means the materials submitted to Congress by the President under section 1105(a) of title 31, United States Code.

(c) BRIEFING REQUIRED.—Not later than 6 months after the date of enactment of this Act the Secretary of Defense shall provide to the congressional defense committees a briefing on activities taken to carry out the requirements of this section.

(d) POLICY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to clarify the use of the authority under section 2679 of title 10, United States Code, including with respect to—

(1) the application of other requirements of acquisition law and policy; and

(2) chapter 85 of title 41, United States Code.

(e) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' means—

(1) the Secretary of the Army, with respect to matters concerning the Army;

(2) the Secretary of the Navy, with respect to matters concerning the Navy and the Marine Corps; and

(3) the Secretary of the Air Force, with respect to matters concerning the Air Force and the Space Force.

SEC. 877. REPORT ON REQUESTS FOR EQUITABLE ADJUSTMENT IN DEPARTMENT OF THE NAVY.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report describing in detail the processing of requests for equitable adjustment by the Department of the Navy between October 1, 2011, and the date of the enactment of this Act, including progress by components within the Department of the Navy in complying with the covered directive.

(b) CONTENTS.—The report required under subsection (a) shall include, at a minimum, the following:

(1) The number of requests for equitable adjustment submitted between October 1, 2011, and the date of the enactment of this Act.

(2) The components within the Department of the Navy to which each such request was submitted.

(3) The number of requests for equitable adjustment outstanding as of the date of the enactment of this Act.

(4) The number of requests for equitable adjustment settled but not paid as of the date of the enactment of this Act, including a description of why each such request has not been paid.

(5) A detailed explanation of the efforts by the Secretary of the Navy to ensure compliance of components within the Department of the Navy with the covered directive.

(c) COVERED DIRECTIVE DEFINED.—In this section, the term ''covered directive'' means the directive of the Assistant Secretary of the Navy for Research, Development, and Acquisition, dated March 20, 2020, and titled ''(Intent and Direction) Withholds and Retentions During COVID-19'' requiring—

(1) payment to contractors of all settled requests for equitable adjustment; and

(2) the expeditious resolution of all outstanding requests for equitable adjustment.

SEC. 878. MILITARY STANDARDS FOR ARMOR MATERIALS IN VEHICLE SPECIFICATIONS.

(a) IN GENERAL.—Not later than June 30, 2022, the Secretary of the Army shall establish technical specification standards for all metal and non-metal armor for incorporation into specifications for current and future armored vehicles developed or procured by the Department of the Army.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—On the date on which the standards described in subsection (a) are established under such subsection, the Secretary of the Army shall submit to the congressional defense committees a report describing—

(A) the establishment of such standards; and

(B) the strategy for incorporating such standards as requirements for armored vehicles developed and procured by the Department of the Army.

(2) FORM.—The report required by paragraph (1) shall be in an unclassified form, but may include a classified annex.

(c) ARMORED VEHICLE DEFINED.—For purposes of this section, the term ''armored vehicle'' means a tracked or wheeled tactical vehicle incorporating armor in its manufacture.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. CHANGE IN ELIGIBILITY REQUIREMENTS FOR APPOINTMENT TO CERTAIN DEPARTMENT OF DEFENSE LEADERSHIP POSITIONS.

(a) SECRETARY OF DEFENSE.—Subsection (a) of section 113 of title 10, United States Code, is amended to read as follows:

''(a)(1) There is a Secretary of Defense, who is the head of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(2) A person may not be appointed as Secretary of Defense—

''(A) within seven years after relief from active duty as a commissioned officer of a regular component of an armed force in a grade below O–7; or

''(B) within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force in the grade of O–7 or above.''.

(b) ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.—Section 138(b)(2)(A) of title 10, United States Code, is amended by inserting after the third sentence the following: ''A person may not be appointed as Assistant Secretary within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.''.

(c) SECRETARY OF THE ARMY.—Section 7013(a)(2) of title 10, United States Code, is amended by striking ''five'' and inserting ''seven''.

(d) SECRETARY OF THE NAVY.—Section 8013(a)(2) of title 10, United States Code, is amended by striking ''five'' and inserting ''seven''.

(e) SECRETARY OF THE AIR FORCE.—Section 9013(a)(2) of title 10, United States Code, is amended by striking ''five'' and inserting ''seven''.

(f) TECHNICAL CORRECTIONS RELATING TO OTHER POSITIONS.—

(1) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—Section 135(a)(1) of title 10, United States Code, is amended by striking ''the armed forces'' and inserting ''an armed force''.

(2) UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.—Section 136(a) of title 10, United States Code, is amended by striking ''the armed forces'' and inserting ''an armed force''.

(3) UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY.—Section 137(a) of title 10, United States Code, is amended by striking ''the armed forces'' and inserting ''an armed force''.

(g) APPLICABILITY.—The amendments made by subsections (a) through (e) shall apply with respect to appointments made on or after the date of the enactment of this Act.

SEC. 902. CLARIFICATION OF TREATMENT OF OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION AS A DEPARTMENT OF DEFENSE FIELD ACTIVITY.

(a) TREATMENT OF OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION AS A DEPARTMENT OF DEFENSE FIELD ACTIVITY.—

(1) TRANSFER TO CHAPTER 8.—Section 146 of title 10, United States Code, is transferred to subchapter I of chapter 8 of such title, inserted after section 197, and redesignated as section 198.

(2) TREATMENT AS DEPARTMENT OF DEFENSE FIELD ACTIVITY.—Section 198(a) of such title, as transferred and redesignated by subsection (a) of this subsection, is amended—

(A) by striking ''in the Office of the Secretary of Defense an office to be known as the'' and inserting ''in the Department of Defense an''; and

(B) by adding at the end the following: ''The Secretary shall designate the Office as a Department of Defense Field Activity pursuant to section 191, effective as of the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).''.

(3) APPOINTMENT OF DIRECTOR.—Such section 198 is further amended—

(A) in subsection (b) in the matter preceding paragraph (1), by striking ''Under Secretary of Defense for Acquisition and Sustainment'' and inserting ''Secretary of Defense''; and

(B) in subsection (c)(4), by striking ''Under Secretary of Defense for Acquisition and Sustainment'' and inserting ''Secretary''.

(4) CLERICAL AMENDMENTS.—

(A) CHAPTER 4.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the item relating to section 146.

(B) CHAPTER 8.—The table of sections at the beginning of subtitle I of chapter 8 of such title is amended by inserting after the item relating to section 197 the following new item:

''198. Office of Local Defense Community Cooperation.''.

(b) LIMITATION ON INVOLUNTARY SEPARATION OF PERSONNEL.—No personnel of the Office of Local Defense Community Cooperation under section 198 of title 10, United States Code (as added by subsection (a)), may be involuntarily separated from service with that Office during

the one-year period beginning on the date of the enactment of this Act, except for cause.

(c) ADMINISTRATION OF PROGRAMS.—Any program, project, or other activity administered by the Office of Economic Adjustment of the Department of Defense as of the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) shall be administered by the Office of Local Defense Community Cooperation under section 198 of title 10, United States Code (as added by subsection (a)).

(d) CONFORMING REPEAL.—Section 905 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is repealed.

SEC. 903. ENHANCED ROLE OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING ON THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—Section 181 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

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

''(2) increasing awareness of global trends, threats, and adversary capabilities to address gaps in joint military capabilities and validate joint requirements developed by the military departments;''; and

(2) in subsection (d)(1)(D), by striking the period at the end and inserting the following: ''who shall serve as the Chief Technical Advisor to the Council and—

''(i) shall provide assistance in evaluating the technical feasibility of requirements under development; and

''(ii) shall identify options for expanding or generating new requirements based on opportunities provided by new or emerging technologies.''.

(b) INDEPENDENT STUDY.—

(1) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with a covered entity to conduct an independent study assessing the role of the Under Secretary of Defense for Research and Engineering on the Joint Requirements Oversight Council.

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

(A) The current role and contribution of the Under Secretary of Defense for Research and Engineering to the Joint Requirements Oversight Council.

(B) The extent to which the role of the Under Secretary on the Joint Requirements Oversight Council should be adjusted to further maximize Council outcomes as well as the additional resources, if any, such adjustments would require.

(C) The extent to which the Under Secretary of Defense should provide additional views and recommendations on Joint Requirements Oversight Council preparations, deliberations, and outcomes.

(D) Such other matters as the Secretary of Defense determines to be appropriate

(3) SUBMISSION TO CONGRESS.—Not later than December 31, 2022, the Secretary shall submit to the congressional defense committees the results of the study required by paragraph (1).

(4) FORM.—The study required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(5) COVERED ENTITY DEFINED.—In this subsection, the term ''covered entity'' means—

(A) a federally funded research and development center; or

(B) an independent, nongovernmental organization, described under section 501(c)(3) of the Internal Revenue Code of 1986 and which is exempt from taxation under section 501(a) of such Code, which has recognized credentials and expertise in national security and military affairs.

(c) REPORT ON THE ROLE OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING IN THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.—

(1) IN GENERAL.—Not later than March 1, 2023, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees a report on the recommendations of the Secretary of Defense on the extent to which adjustments to the role of the Under Secretary of Defense for Research and Engineering on the Joint Requirements Oversight Council are warranted. The report shall include—

(A) consideration of the findings of the study required by subsection (b);

(B) the rationale for recommendations of the Secretary of Defense; and

(C) a description of additional resources that may be required to support those recommendations.

(2) ADDITIONAL INPUT.—The report may also include input from each member or advisor of the Joint Requirements Oversight Council.

SEC. 904. IMPLEMENTATION OF REPEAL OF CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

Section 901(b)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking '', except that any officer or employee so designated may not be an individual who served as the Chief Management Officer before the date of the enactment of this Act''.

SEC. 905. SPACE FORCE ORGANIZATIONAL MATTERS AND MODIFICATION OF CERTAIN SPACE-RELATED ACQUISITION AUTHORITIES.

(a) IMPLEMENTATION DATE FOR SERVICE ACQUISITION EXECUTIVE OF THE DEPARTMENT OF THE AIR FORCE FOR SPACE SYSTEMS AND PROGRAMS.—

(1) IMPLEMENTATION DATE.—Section 957 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 9016 note) is amended—

(A) in subsection (a), by striking ''Effective October 1, 2022, there shall be'' and inserting ''Effective on the date specified in subsection (d), there shall be'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''Effective as of October 1, 2022,'' and inserting ''Effective as of the date specified in subsection (d)''; and

(ii) in paragraph (2), by striking ''as of October 1, 2022,'' and inserting ''as of the date specified in subsection (d)'';

(C) in subsection (c)(3), by striking ''October 1, 2022'' and inserting ''the date specified in subsection (d)''; and

(D) by adding at the end the following new subsection:

''(d) DATE SPECIFIED.—The date specified in this subsection is a date determined by the Secretary of the Air Force that is not later than October 1, 2022.''.

(2) CONFORMING AMENDMENTS.—

(A) TRANSFER OF ACQUISITION PROJECTS FOR SPACE SYSTEMS AND PROGRAMS.—Section 956(b)(3) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 9016 note) is amended—

(i) by striking ''Effective October 1, 2022,'' and inserting ''Effective on the date specified in section 957(d),''; and

(ii) by striking ''as of September 30, 2022'' and inserting ''as of the day before the date specified in section 957(d)''.

(B) RESPONSIBILITIES OF ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.—Section 9016(b)(6)(B)(vi) of title 10, United States Code, is amended by striking ''Effective as of October 1, 2022, in accordance with section 957 of that Act,'' and inserting ''Effective as of the date specified in section 957(d) of such Act, and in accordance with such section 957,''.

(b) SENIOR PROCUREMENT EXECUTIVE AUTHORITIES.—

(1) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 9014(c) of title 10, United States Code, is amended—

(A) in paragraph (2), by striking ''The Secretary of the Air Force shall'' and inserting ''Subject to paragraph (6), the Secretary of the Air Force shall''; and

(B) by inserting after paragraph (5) the following new paragraph:

''(6) Notwithstanding section 1702 of title 41, the Secretary of the Air Force may assign to the Assistant Secretary of the Air Force for Space Acquisition and Integration duties and authorities of the senior procurement executive that pertain to space systems and programs.''.

(2) ASSISTANT SECRETARIES OF THE AIR FORCE.—Section 9016(b)(6)(B)(vi) of title 10, United States Code, as amended by subsection (a)(2)(B) of this section, is further amended by inserting ''and discharge any senior procurement executive duties and authorities assigned by the Secretary of the Air Force pursuant to section 9014(c)(6) of this title'' after ''Space Systems and Programs''.

SEC. 906. ASSIGNMENTS FOR PARTICIPANTS IN THE JOHN S. MCCAIN STRATEGIC DEFENSE FELLOWS PROGRAM.

Section 932(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 1580 note prec.) is amended—

(1) in paragraph (2)—

(A) by striking ''and each Under Secretary of Defense and Director of a Defense Agency who reports directly to the Secretary of Defense,'' and inserting '', each Under Secretary of Defense, and other officials, as designated by the Secretary of Defense, within the Office of the Secretary of Defense (as defined in section 131 of title 10, United States Code) who report directly to the Secretary of Defense''; and

(B) by striking ''or Director'' and inserting ''or official within the Office of the Secretary of Defense'';

(2) in paragraph (3)—

(A) by striking ''Under Secretaries and Directors'' and inserting ''Under Secretaries of Defense and other officials within the Office of the Secretary of Defense''; and

(B) by striking ''Under Secretary, or Director'' and inserting ''Under Secretary of Defense, or other official within the Office of the Secretary of Defense''; and

(3) in paragraph (7), by striking ''shall be on a first-come, first-served basis'' and inserting ''may require a minimum service agreement, as determined by the Secretary''.

SEC. 907. DESIGNATION OF SENIOR OFFICIAL FOR IMPLEMENTATION OF ELECTROMAGNETIC SPECTRUM SUPERIORITY STRATEGY.

(a) REQUIREMENTS.—Section 1053 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 116–283; 10 U.S.C. 113 note) is amended by adding at the end the following new subsection:

''(f) ELECTROMAGNETIC SPECTRUM SUPERIORITY STRATEGY.—

''(1) DESIGNATION.—

''(A) REQUIREMENT.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense shall designate a senior official of the Department of Defense to be responsible for, and accountable to the Secretary with respect to, the implementation of the electromagnetic spectrum superiority strategy. The Secretary shall designate the senior official from among individuals who are appointed to a position in the Department by the President, by and with the advice and consent of the Senate.

''(B) CONDITIONS RELATING TO DESIGNATION OF CHIEF INFORMATION OFFICER.—

''(i) CERTIFICATION.—The Secretary may not designate the Chief Information Officer of the Department of Defense as the senior official

under subparagraph (A) unless the Secretary has first included in the report under paragraph (3)(A) a certification that the Chief Information Officer has the expertise, authority, funding, and personnel to ensure the successful implementation of the electromagnetic spectrum superiority strategy.

''(ii) CAPE ASSESSMENT.—If the Secretary designates the Chief Information Officer of the Department of Defense as the senior official under subparagraph (A), not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees an evaluation of the ability of the Chief Information Officer to ensure the successful implementation of the electromagnetic spectrum superiority strategy, including, at a minimum, an evaluation of the expertise, authority, funding, and personnel of the Chief Information Officer.

''(2) RESPONSIBILITIES.—The senior official designated under paragraph (1)(A) shall be responsible for the following:

''(A) Oversight of policy, strategy, planning, resource management, operational considerations, personnel, and technology development necessary to implement the electromagnetic spectrum superiority strategy.

''(B) Evaluating whether the amount that the Department of Defense expends on electromagnetic warfare and electromagnetic spectrum operations capabilities is properly aligned.

''(C) Evaluating whether the Department is effectively incorporating electromagnetic spectrum operations capabilities and considerations into current and future operational plans and concepts.

''(D) Such other matters relating to electromagnetic spectrum operations as the Secretary specifies for purposes of this paragraph.

''(3) REPORTS.—

''(A) IMPLEMENTATION REPORT.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall submit to the congressional defense committees a report on the implementation of the Electromagnetic Spectrum Superiority Strategy published in October 2020, including—

''(i) an evaluation of the additional personnel, resources, and authorities the Secretary determines will be needed by the senior official designated under paragraph (1)(A) who is responsible for implementing the electromagnetic spectrum superiority strategy; and

''(ii) a description of how the Secretary will ensure that such implementation will be successful.

''(B) RULES OF ENGAGEMENT REPORT.—Not later than 270 days after the date of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall submit to the congressional defense committees a report that includes the following:

''(i) A review of the sufficiency of the authorities and rules of engagement of the Department of Defense relating to electromagnetic spectrum operations, in particular with respect to operating below the level of armed conflict short of or in advance of kinetic activity and to protect the Department from electronic attack and disruption.

''(ii) Recommended changes to the authorities or rules of engagement to ensure the Department can effectively compete, deter conflict, and maintain protection from electronic attack and disruption.

''(iii) Any other matters the Secretary determines relevant.

''(4) SEMIANNUAL BRIEFINGS.—On a semiannual basis during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall provide to the congressional defense committees a briefing on the status of the implementation of the electromagnetic spectrum superiority strategy. Each briefing shall include, at a minimum, the following:

''(A) An update on the efforts of the Department of Defense to—

''(i) achieve the strategic goals set out in the electromagnetic spectrum superiority strategy; and

''(ii) implement such strategy through various elements of the Department.

''(B) An identification of any additional authorities or resources relating to electromagnetic spectrum operations that the Secretary determines is necessary to implement the strategy.

''(5) ELECTROMAGNETIC SPECTRUM SUPERIORITY STRATEGY DEFINED.—In this subsection, the term 'electromagnetic spectrum superiority strategy' means the Electromagnetic Spectrum Superiority Strategy of the Department of Defense published in October 2020, and any such successor strategy.''.

(b) CLARIFICATION OF CROSS-FUNCTIONAL TEAM PLANS.—Subsection (d)(2) of such section is amended by striking ''biennially thereafter'' and inserting ''biennially thereafter during the life of the cross-functional team established pursuant to subsection (c)''.

(c) TRANSFER OF CERTAIN PROVISION.—Section 152 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is—

(1) amended—

(A) in subsection (a), by striking ''two years after the date of the enactment of this Act and in accordance with the plan developed pursuant to subsection (b)'' and inserting ''January 1, 2023, and in accordance with the plan developed pursuant to paragraph (2)'';

(B) by striking ''paragraph (1)'' each place it appears and inserting ''subparagraph (A)'';

(C) by striking ''subsection (a)'' each place it appears and inserting ''paragraph (1)'';

(D) in subsection (b)(2)(D), by striking ''subsections (c) and (d)'' and inserting ''paragraphs (3) and (4)''; and

(E) in subsection (e), by striking ''this section'' and inserting ''this subsection'';

(2) transferred to such section 1053, redesignated as subsection (g) (including by redesignating its subsections as paragraphs, paragraphs as subparagraphs, and clauses as subclauses, respectively, and indenting such provisions accordingly) and added so as to appear after subsection (f), as added by subsection (a) of this section.

SEC. 908. MANAGEMENT INNOVATION ACTIVITIES.

(a) IN GENERAL.—The Secretary of Defense shall carry out a set of activities to improve the effectiveness of management activities within the Department of Defense, with the goals of incorporating appropriate private sector management practices and technologies and enhancing the capabilities of the defense management workforce.

(b) MANAGEMENT ACTIVITIES.—Subject to the total force management requirements under section 129a of title 10, United States Code, the activities carried out under subsection (a) may include the following:

(1) Public-private partnerships with appropriate private sector and government organizations.

(2) Personnel exchange programs with appropriate industry, academic, and government organizations to enhance the capabilities of the defense management workforce.

(3) Research, development, and technology and business process prototyping activities to create new technological capabilities to support management missions, or development and testing of new management concepts and business transformation activities.

(4) The designation of appropriate organizations to lead management innovation activities.

(5) A process by which defense business process owners and other personnel of the Department of Defense can identify management and business process challenges and opportunities that could be addressed by activities carried out under this section.

(6) Processes to develop, prototype, test, and field new business processes and practices to improve defense management capabilities.

(7) Academic research and educational activities related to defense management missions to promote—

(A) development of innovative management concepts;

(B) analyses and addressing of appropriate management challenges; and

(C) development of programs and activities to develop the defense management workforce.

(8) Academic research and independent studies from federally funded research and development centers assessing lessons learned from previous Departmental management reform initiatives and whether legacy organizations exist and should be consolidated.

(c) PLAN REQUIRED.—Not later than February 1, 2023, the Secretary of Defense shall submit to the congressional defense committees a plan for carrying out the activities under this section.

(d) BRIEFINGS.—

(1) INITIAL BRIEFING.—Not later than July 1, 2022, the Secretary of Defense shall provide to the congressional defense committees an initial briefing on the activities carried out and plans developed under this section.

(2) SUBSEQUENT BRIEFING.—On a date occurring after the briefing under paragraph (1), but not later than July 1, 2023, the Secretary of Defense shall provide to the congressional defense committees a briefing on the activities carried out and plans developed under this section.

SEC. 909. DIGITAL TALENT RECRUITING OFFICER.

(a) DIGITAL TALENT RECRUITING FOR THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall designate a chief digital recruiting officer within the office of the Under Secretary of Defense for Personnel and Readiness to carry out the responsibilities set forth in paragraph (2).

(2) RESPONSIBILITIES.—The chief digital recruiting officer shall be responsible for—

(A) identifying Department of Defense needs for, and skills gaps in, specific types of civilian digital talent;

(B) recruiting individuals with the skills that meet the needs and skills gaps identified under subparagraph (A), in partnership with the military departments and other organizations and elements of the Department;

(C) ensuring Federal scholarship for service programs are incorporated into civilian recruiting strategies;

(D) when appropriate and within authority granted under other Federal law, offering recruitment and referral bonuses; and

(E) partnering with human resource teams in the military departments and other organizations and elements of the Department to help train all Department of Defense human resources staff on the available hiring flexibilities to accelerate the hiring of individuals with the skills that fill the needs and skills gaps identified under subparagraph (A).

(3) RESOURCES.—The Secretary of Defense shall ensure that the chief digital recruiting officer is provided with personnel and resources sufficient to carry out the duties set forth in paragraph (2).

(4) ROLE OF CHIEF HUMAN CAPITAL OFFICER.—

(A) IN GENERAL.—The chief digital recruiting officer shall report directly to the Chief Human Capital Officer of the Department of Defense.

(B) INCORPORATION.—The Chief Human Capital Officer shall ensure that the chief digital recruiting officer is incorporated into the agency human capital operating plan and recruitment strategy. In carrying out this paragraph, the Chief Human Capital Officer shall ensure that the chief digital recruiting officer's responsibilities are deconflicted with any other recruitment initiatives and programs.

(b) DIGITAL TALENT DEFINED.—For the purposes of this section, the term ''digital talent'' includes positions and capabilities in, or related to, software development, engineering, and product management; data science; artificial intelligence; distributed ledger technologies; autonomy; data management; product and user experience design; and cybersecurity.

(c) ANNUAL BRIEFING REQUIREMENT.—Not later than one year after the date of the enactment of this Act, and on an annual basis thereafter, the chief digital recruiting officer shall provide to the congressional defense committees a briefing on—

(1) the efforts of the Department of Defense to recruit digital talent to positions in the Department; and

(2) a summary of any accomplishments and challenges with respect to such recruiting.

(d) SUNSET.—The requirements under subsection (a) shall expire on September 30, 2025.

SEC. 910. CROSS-FUNCTIONAL TEAM FOR EMERGING THREAT RELATING TO ANOMALOUS HEALTH INCIDENTS.

(a) ESTABLISHMENT.—Using the authority provided pursuant to section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), the Secretary of Defense shall establish a cross-functional team to address national security challenges posed by anomalous health incidents (as defined by the Secretary) and ensure that individuals affected by anomalous health incidents receive timely and comprehensive health care and treatment pursuant to title 10, United States Code, for symptoms consistent with an anomalous health incident.

(b) DUTIES.—The duties of the cross-functional team established under subsection (a) shall be—

(1) to assist the Secretary of Defense with addressing the challenges posed by anomalous health incidents and any other efforts regarding such incidents that the Secretary determines necessary; and

(2) to integrate the efforts of the Department of Defense regarding anomalous health incidents with the efforts of other departments or agency of the Federal Government regarding such incidents.

(c) TEAM LEADERSHIP.—The Secretary shall select an Under Secretary of Defense to lead the cross-functional team and a senior military officer to serve as the deputy to the Under Secretary so selected.

(d) DETERMINATION OF ORGANIZATIONAL ROLES AND RESPONSIBILITIES.—The Secretary, in consultation with the Director of National Intelligence and acting through the cross-functional team established under subsection (a), shall determine the roles and responsibilities of the organizations and elements of the Department of Defense with respect to addressing anomalous health incidents, including the roles and responsibilities of the Office of the Secretary of Defense, the intelligence components of the Department, Defense agencies, Department of Defense field activities, the military departments, combatant commands, and the Joint Staff.

(e) BRIEFINGS.—

(1) INITIAL BRIEFING.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees a briefing on—

(A) the progress of the Secretary in establishing the cross-functional team; and

(B) the progress the team has made in—

(i) determining the roles and responsibilities of the organizations and elements of the Department of Defense with respect the cross-functional team; and

(ii) carrying out the duties under subsection (b).

(2) UPDATES.—Not later than 90 days after the date of the enactment of this Act, and once every 60 days thereafter during the one-year period following such date of enactment, the Secretary shall provide to the appropriate congressional committees a briefing containing updates with respect to the efforts of the Department regarding anomalous health incidents.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 911. ALIGNMENT OF CLOSE COMBAT LETHALITY TASK FORCE.

(a) IN GENERAL.—Beginning not later than 60 days after the date of the enactment of this Act, and continuing until the date on which the Secretary of Defense submits to the congressional defense committees the report described in subsection (b), the Secretary shall reinstate—

(1) the initial alignment of the Close Combat Lethality Task Force so that the Task Force reports directly to the Secretary; and

(2) the designation of the Task Force as a cross-functional team under section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note).

(b) REPORT DESCRIBED.—The report described in this subsection is a report on a proposed alternative alignment for the Close Combat Lethality Task Force that includes—

(1) a description of—

(A) how the proposed alternative alignment of the Task Force would—

(i) facilitate the effective pursuit of, and support for, both materiel and non-materiel initiatives by the Task Force;

(ii) maintain benefits for the Task Force similar to the benefits associated with reporting directly to the Secretary of Defense and designation as a cross-functional team; and

(iii) ensure collaboration and support from the primary stakeholders in the Task Force, including the Army, the Marine Corps, and the United States Special Operations Command; and

(B) how the Task Force would be funded and gain appropriate resourcing for cross-functional team initiatives supported by the Secretary; and

(2) supporting analysis for the matters described in paragraph (1).

(c) EXCEPTION.—Subsection (a) does not apply if the President submits to the congressional defense committees—

(1) a certification that implementing that subsection would be detrimental to the defense interests of the United States; and

(2) a justification for the certification.

SEC. 912. INDEPENDENT REVIEW OF AND REPORT ON THE UNIFIED COMMAND PLAN.

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review of the current Unified Command Plan.

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

(A) An assessment of the most recent Unified Command Plan with respect to—

(i) current and anticipated threats;

(ii) deployment and mobilization of the Armed Forces; and

(iii) the most current versions of the National Defense Strategy and Joint Warfighting Concept.

(B) An evaluation of the missions, responsibilities, and associated force structure of each geographic and functional combatant command.

(C) An assessment of the feasibility of alternative Unified Command Plan structures.

(D) Recommendations, if any, for alternative Unified Command Plan structures.

(E) Recommendations, if any, on refining the manner by which combatant commanders identify priority capabilities, gaps, and operational requirements and how the Department of Defense incorporates those identified elements into planning, programming, budgeting, execution, and modernization processes.

(F) Recommendations, if any, for modifications to sections 161 through 169 of title 10, United States Code.

(G) Any other matter the Secretary of Defense determines appropriate.

(3) CONDUCT OF REVIEW BY INDEPENDENT ENTITY.—

(A) IN GENERAL.—The Secretary of Defense shall—

(i) seek to enter into an agreement with an entity described in subparagraph (B) to conduct the review required by paragraph (1); and

(ii) ensure that the review is conducted independently of the Department of Defense.

(B) ENTITY DESCRIBED.—An entity described in this subparagraph is—

(i) a federally funded research and development center; or

(ii) an independent, nongovernmental institute that—

(I) is described in section 501(c)(3) of the Internal Revenue Code of 1986;

(II) is exempt from tax under section 501(a) of that Code; and

(III) has recognized credentials and expertise in national security and military affairs.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than October 1, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the results of the review conducted under subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 913. STUDY AND REPORT ON THE ROLE AND ORGANIZATION OF SPACE ASSETS IN THE RESERVE COMPONENTS.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the appropriate role and organization of space-related assets within the reserve components of the Armed Forces.

(b) REPORT.—Not later than March 31, 2022, 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 study conducted under subsection (a).

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

(1) The determinations of the Secretary of Defense with respect to the—

(A) the organization and integration of space-related units within the reserve components of the Armed Forces;

(B) the staffing of such units, including the recruitment and retention of personnel for such units (including any reserve units of the Space force);

(C) the missions of such units; and

(D) the operational requirements applicable to such units.

(2) An analysis of—

(A) the costs of establishing a Space National Guard in accordance with subtitle C of title IX of H.R. 4350, One Hundred Seventeenth Congress, as passed by the House of Representatives on September 23, 2021; and

(B) how a Space National Guard established in accordance with such subtitle would operate as part of the reserve components.

(3) Based on the analysis under paragraph (2), the recommendations of the Secretary with respect to the potential establishment of a Space National Guard.

(4) If applicable, any savings or costs that may result from the preservation of the space-related force structures of the Air National Guard, as such force structures are in effect on the date of the enactment of this Act.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

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 2022 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 $6,000,000,000.

(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. REVISION OF LIMITATION ON FUNDING FOR COMBATANT COMMANDS THROUGH COMBATANT COMMANDER INITIATIVE FUND.

Section 166a(e)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''$20,000,000'' and inserting ''$25,000,000''; and

(B) by striking ''$250,000'' and inserting ''$300,000'';

(2) in subparagraph (B), by striking ''$10,000,000'' and inserting ''$15,000,000''; and

(3) in subparagraph (C), by striking ''$5,000,000'' and inserting ''$10,000,000''.

SEC. 1003. PLAN FOR CONSOLIDATION OF INFORMATION TECHNOLOGY SYSTEMS USED IN DEPARTMENT OF DEFENSE PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION PROCESS.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller), in consultation with the Chief Information Officer and the Chief Data Officer of the Department of Defense, shall submit to the congressional defense committees a plan to consolidate the information technology systems used to manage data and support the planning, programming, budgeting, and execution process of the Department of Defense. The plan shall include the consolidation of such systems used by each of the military departments and such systems used by the Defense Agencies, and shall address the retirement or elimination of such systems.

SEC. 1004. COMMISSION ON PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION REFORM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established an independent commission in the legislative branch to be known as the ''Commission on Planning, Programming, Budgeting, and Execution Reform'' (in this section referred to as the ''Commission'').

(2) DATE OF ESTABLISHMENT.—The Commission shall be established not later 30 days after the date of the enactment of this Act.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 14 civilian individuals not employed by the Federal Government who are recognized experts and have relevant professional experience one or more of the following:

(A) Matters relating to the planning, programming, budgeting, and execution process of the Department of Defense.

(B) Innovative budgeting and resource allocation methods of the private sector.

(C) Iterative design and acquisition process.

(D) Budget or program execution data analysis.

(2) MEMBERS.—The members shall be appointed as follows:

(A) The Secretary of Defense shall appoint two members.

(B) The Majority Leader and the Minority Leader of the Senate shall each appoint one member.

(C) The Speaker of the House of Representatives and the Minority Leader shall each appoint one member.

(D) The Chair and the Ranking Member of the Committee on Armed Services of the Senate shall each appoint one member.

(E) The Chair and the Ranking Member of the Committee on Armed Services of the House of Representatives shall each appoint one member.

(F) The Chair and the Ranking Member of the Committee on Appropriations of the Senate shall each appoint one member.

(G) The Chair and the Ranking Member of the Committee on Appropriations of the House of Representatives shall each appoint one member.

(3) DEADLINE FOR APPOINTMENT.—Not later than 30 days after the date described in subsection (a)(2), members shall be appointed to the Commission.

(4) EXPIRATION OF APPOINTMENT AUTHORITY.—The authority to make appointments under this subsection shall expire on the date described in subsection (a)(2), and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made.

(c) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(d) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the term of the Commission. A vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

(e) PURPOSE.—The purpose of the Commission is to—

(1) examine the effectiveness of the planning, programming, budgeting, and execution process and adjacent practices of the Department of Defense, particularly with respect to facilitating defense modernization;

(2) consider potential alternatives to such process and practices to maximize the ability of the Department of Defense to respond in a timely manner to current and future threats; and

(3) make legislative and policy recommendations to improve such process and practices in order to field the operational capabilities necessary to outpace near-peer competitors, provide data and analytical insight, and support an integrated budget that is aligned with strategic defense objectives.

(f) SCOPE AND DUTIES.—The Commission shall perform the following duties:

(1) Compare the planning, programming, budgeting, and execution process of the Department of Defense, including the development and production of documents including the Defense Planning Guidance (described in section 113(g) of title 10, United States Code), the Program Objective Memorandum, and the Budget Estimate Submission, with similar processes of private industry, other Federal agencies, and other countries.

(2) Conduct a comprehensive assessment of the efficacy and efficiency of all phases and aspects of the planning, programming, budgeting, and execution process, which shall include an assessment of—

(A) the roles of Department officials and the timelines to complete each such phase or aspect;

(B) the structure of the budget of Department of Defense, including the effectiveness of categorizing the budget by program, appropriations account, major force program, budget activity, and line item, and whether this structure supports modern warfighting requirements for speed, agility, iterative development, testing, and fielding;

(C) a review of how the process supports joint efforts, capability and platform lifecycles, and transitioning technologies to production;

(D) the timelines, mechanisms, and systems for presenting and justifying the budget of Department of Defense, monitoring program execution and Department of Defense budget execution, and developing requirements and performance metrics;

(E) a review of the financial management systems of the Department of Defense, including policies, procedures, past and planned investments, and recommendations related to replacing, modifying, and improving such systems to ensure that such systems and related processes of the Department result in—

(i) effective internal controls;

(ii) the ability to achieve auditable financial statements; and

(iii) the ability to meet other financial management and operational needs; and

(F) a review of budgeting methodologies and strategies of near-peer competitors to understand if and how such competitors can address current and future threats more or less successfully than the United States.

(3) Develop and propose recommendations to improve the effectiveness of the planning, programming, budgeting, and execution process.

(g) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) INTERIM REPORT.—Not later than February 6, 2023, the Commission shall submit to the Secretary of Defense and the congressional defense committees an interim report including the following:

(A) An examination of the development of the documents described in subsection (f)(1).

(B) An analysis of the timelines involved in developing an annual budget request and the future-years defense program (as described in section 221 of title 10, United States Code), including the ability to make changes to such request or such program within those timelines.

(C) A review of the sufficiency of the civilian personnel workforce in the Office of the Secretary of Defense and the Office of Cost Assessment and Program Evaluation to conduct budgetary and program evaluation analysis.

(D) An examination of efforts by the Department of Defense to develop new and agile programming and budgeting to enable the United States to more effectively counter near-peer competitors.

(E) A review of the frequency and sufficiency of budget and program execution analysis, to include any existing data analytics tools and any suggested improvements.

(F) Recommendations for internal reform to the Department relating to the planning, programming, budgeting, and execution process for the Department of Defense to make internally.

(G) Recommendations for reform to the planning, programming, budgeting, and execution process that require statutory changes.

(H) Any other matters the Commission considers appropriate.

(2) FINAL REPORT.—Not later than September 1, 2023, the Commission shall submit to the Secretary of Defense and the congressional defense committees a final report that includes the elements required under paragraph (1).

(3) BRIEFINGS.—Not later than 180 days after the date specified in subsection (a)(2), and not later than 30 days after each of the interim and final reports are submitted, the Commission shall provide to the congressional defense committees a briefing on the status of the review and assessment conducted under subsection (f) and include a discussion of any interim or final recommendations.

(4) FORM.—The reports submitted to Congress under paragraphs (1) and (2) shall be submitted in unclassified form but may include a classified annex.

(h) GOVERNMENT COOPERATION.—

(1) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) LIAISON.—The Secretary shall designate at least one officer or employee of the Department of Defense to serve as a liaison between the Department and the Commission.

(3) DETAILEES AUTHORIZED.—The Secretary may provide, and the Commission may accept and employ, personnel detailed from the Department of Defense, without reimbursement.

(4) FACILITATION.—

(A) INDEPENDENT, NON-GOVERNMENT INSTITUTE.—Not later than 45 days after the date specified in subsection (a)(2), the Secretary of Defense shall make available to the Commission the services of an independent, nongovernmental organization, described under section 501(c)(3) of the Internal Revenue Code of 1986 and which is exempt from taxation under section 501(a) of such Code, which has recognized credentials and expertise in national security and military affairs, in order to facilitate the discharge of the duties of the Commission under this section.

(B) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—On request of the Commission, the Secretary of Defense shall make available the services of a federally funded research and development center in order to enhance the discharge of the duties of the Commission under this section.

(i) STAFF.—

(1) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the commission shall be deemed to be Federal employees.

(2) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(3) PAY.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(j) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services the travel expenses of experts or consultants, including transportation and per diem in lieu of subsistence, while such experts or consultants are traveling from their homes or places of business to duty stations.

(2) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing Senate and House employees.

(l) LEGISLATIVE ADVISORY COMMITTEE.—The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App) or section 552b, United States Code (commonly known as the Government in the Sunshine Act).

(m) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

(n) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(o) POSTAL SERVICES.—The Commission may use the United States mail in the same manner and under the same conditions as departments and agencies of the United States.

(p) SPACE FOR USE OF COMMISSION.—Not later than 30 days after the establishment date of the Commission, the Administrator of General Services, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 30-day period, the Commission may lease space to the extent the funds are available.

(q) REMOVAL OF MEMBERS.—A member may be removed from the Commission for cause by the individual serving in the position responsible for the original appointment of such member under subsection (b)(1), provided that notice has first been provided to such member of the cause for removal and voted and agreed upon by three quarters of the members serving. A vacancy created by the removal of a member under this subsection shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment was made.

(r) TERMINATION.—The Commission shall terminate 180 days after the date on which it submits the final report required by subsection (g)(2).

Subtitle B—Counterdrug Activities

SEC. 1007. EXTENSION OF AUTHORITY TO SUPPORT A UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1577), is further amended—

(1) in subsection (a)(1), by striking ''2022'' and inserting ''2023''; and

(2) in subsection (c), by striking ''2022'' and inserting ''2023''.

SEC. 1008. AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) EXTENSION.—Subsection (b) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 271 note) is amended by striking ''2022'' and inserting ''2027''.

(b) CONDITIONS.—Subsection (d) of such section is amended—

(1) by striking paragraph (1);

(2) by striking (2);

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and adjusting the margins accordingly; and

(4) in paragraph (2), as so redesignated, by striking ''subparagraph (A)'' and inserting ''paragraph (1)''.

Subtitle C—Naval Vessels and Shipyards

SEC. 1011. MODIFICATION TO ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.

(a) IN GENERAL.—Section 231 of title 10, United States Code, is amended—

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

''(G) The expected service life of each vessel in the naval vessel force provided for under the naval vessel construction plan, disaggregated by ship class, and the rationale for any changes to such expectations from the previous year's plan.

''(H) A certification by the appropriate Senior Technical Authority designated under section 8669b of this title of the expected service life of each vessel in the naval vessel force provided for under the naval vessel construction plan, disaggregated by ship class, and the rationale for any changes to such expectations from the previous year's plan.

''(I) For each battle force ship planned to be inactivated during the five-year period beginning on the date of the submittal of the report, a description of the planned disposition of each such ship following such inactivation and the potential gaps in warfighting capability that will result from such ship being removed from service.''; and

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

''(6) The term 'expected service life' means the number of years a naval vessel is expected to be in service.''.

(b) REPEAL OF TERMINATION OF ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.—Section 1061(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) is amended by striking paragraph (15).

SEC. 1012. IMPROVING OVERSIGHT OF NAVY CONTRACTS FOR SHIPBUILDING, CONVERSION, AND REPAIR.

(a) IN GENERAL.—Chapter 805 title 10, United States Code, is amended by adding at the end the following new section:

''§ 8039. Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair

''(a) IN GENERAL.—The Secretary of the Navy shall establish and appoint an individual to the position of Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair (in this section referred to as the 'Deputy Commander').

''(b) QUALIFICATIONS.—The Deputy Commander shall be a flag officer of the Navy or an employee of the Navy in a Senior Executive Service position who possesses the expertise required to carry out the responsibilities specified in this section.

''(c) REPORTING.—The Deputy Commander shall report directly to the Commander of the Naval Sea Systems Command.

''(d) GENERAL RESPONSIBILITIES.—The Deputy Commander shall oversee—

''(1) the independent administration and management of the execution of Department of Defense contracts awarded to commercial entities for shipbuilding, conversion, and repair at the facilities of such entities;

''(2) the designated contract administration office of the Department responsible for performing contract administration services for such contracts;

''(3) enforcement of requirements of such contracts to ensure satisfaction of all contractual obligations;

''(4) the work performed on such contracts to facilitate greater quality and economy in the products and services being procured; and

''(5) on-site quality assurance by the Government for such contracts, including inspections.

''(e) NON-CONTRACT ADMINISTRATION SERVICES FUNCTIONS.—The Deputy Commander shall manage the complexities and unique demands of shipbuilding, conversion, and repair by overseeing the performance of the following non-contract administration services functions for Navy Program Executives Offices, fleet commanders, and the Naval Sea Systems Command headquarters:

''(1) Project oversight, including the following:

''(A) Coordinating responses to non-contractual emergent problems, as assigned by the Commander of Naval Sea Systems Command.

''(B) Jointly coordinating activities of precommissioning crews and ship's force, and other Government activities.

''(C) Communicating with customers and higher authority regarding matters that may affect project execution.

''(D) Contract planning and procurement, including participation in acquisition planning and pre-award activities, including assessment of contractor qualifications.

''(2) Technical authority, including the following:

''(A) Execution of the technical authority responsibilities by the Waterfront Chief Engineer.

''(B) Execution of the waterfront technical authority responsibilities of the Naval Sea Systems Command for providing Government direction and coordination in the resolution of technical issues.

''(f) COMPREHENSIVE CONTRACT MANAGEMENT.—The Deputy Commander shall maintain direct relationships with the Director of the Defense Contract Management Agency and the Director of the Defense Contract Audit Agency to facilitate comprehensive contract management and oversight of commercial entities awarded a contract described in subsection (d)(1) and subcontractors (at any tier).

''(g) SUBCONTRACTOR AUDITS.—The Deputy Commander shall request that the Director of

the Defense Contract Audit Agency perform periodic audits of subcontractors that perform cost-type subcontracts or incentive subcontracts—

''(1) that are valued at $50,000,000 or more; and

''(2) for which the Deputy Commander oversees the designated contract administration office of the Department pursuant to subsection (d)(2).

''(h) ANNUAL WRITTEN ASSESSMENT.—(1) Not later than March 1 of each year, the Deputy Commander shall submit to the congressional defense committees a written assessment summarizing the activities and results associated with the contracts for which the Deputy Commander oversees the designated contract administration office of the Department.

''(2) Each written assessment required by paragraph (1) shall include the following:

''(A) A summary of shipbuilding performance that—

''(i) includes common critical process metrics documented by the appropriate Navy supervisor of shipbuilding, conversion, and repair for each commercial entity described in subsection (d)(1);

''(ii) outlines corrective action requests for critical defects and any actions planned or taken to address them;

''(iii) indicates waivers approved to support acceptance trials, combined trials, and Navy acceptance of ship delivery from the commercial entity described in subsection (d)(1), to include the conditions requiring the approval of each waiver; and

''(iv) includes information on the extent to which letters of delegation are used for each shipbuilding program to provide for quality assurance oversight of subcontractors (at any tier) by the Defense Contract Management Agency.

''(B) A summary of any significant deficiencies in contractor business systems or other significant contract discrepancies documented by the appropriate Navy supervisor of shipbuilding, conversion, and repair, the Defense Contract Management Agency, or the Defense Contract Audit Agency for such contracts, and any actions planned or taken in response.

''(C) A summary of the results from audits and inspections completed by Naval Sea Systems Command that evaluate the performance of the appropriate Navy supervisor of shipbuilding, conversion, and repair in executing their quality assurance and contract administration responsibilities.

''(D) A summary of any dedicated evaluation, such as a review by a task force or working group, of the organizational structure and resourcing plans and requirements that support the supervision of shipbuilding, conversion, and repair, that—

''(i) includes key findings, recommendations, and implementation plans; and

''(ii) indicates any additional support needed from other organizations of the Department, such as the Defense Contract Audit Agency and the Defense Contract Management Agency, for implementation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 805 of such title is amended by adding at the end the following new item:

''8039. Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair.''.

(c) EFFECTIVE DATE.—On the date that is 30 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2023—

(1) this section and the amendments made by this section shall take effect; and

(2) the Secretary of the Navy shall appoint an individual to the position of Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair and notify the congressional defense committees of such appointment.

SEC. 1013. CODIFICATION OF REQUIREMENT FOR ASSESSMENTS PRIOR TO START OF CONSTRUCTION ON FIRST SHIP OF A SHIPBUILDING PROGRAM.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, is amended by inserting after section 8669b the following new section:

''§ 8669c. Assessments required prior to start of construction on first ship of a shipbuilding program

''(a) IN GENERAL.—The Secretary of the Navy may not approve the start of construction of the first ship for any major shipbuilding program until a period of 30 days has elapsed following the date on which the Secretary—

''(1) submits a report to the congressional defense committees on the results of any production readiness review;

''(2) certifies to the congressional defense committees that the findings of any such review support commencement of construction; and

''(3) certifies to the congressional defense committees that the basic and functional design of the vessel is complete.

''(b) REPORT.—The report required by subsection (a)(1) shall include, at a minimum, an assessment of each of the following:

''(1) The maturity of the ship's design, as measured by stability of the ship contract specifications and the degree of completion of detail design and production design drawings.

''(2) The maturity of developmental command and control systems, weapon and sensor systems, and hull, mechanical and electrical systems.

''(3) The readiness of the shipyard facilities and workforce to begin construction.

''(4) The Navy's estimated cost at completion and the adequacy of the budget to support the estimate.

''(5) The Navy's estimated delivery date and description of any variance to the contract delivery date.

''(6) The extent to which adequate processes and metrics are in place to measure and manage program risks.

''(c) DEFINITIONS.—For the purposes of subsection (a):

''(1) BASIC AND FUNCTIONAL DESIGN.—The term 'basic and functional design', when used with respect to a vessel, means design through computer aided models, that—

''(A) fixes the major hull structure of the vessel;

''(B) sets the hydrodynamics of the vessel; and

''(C) routes major portions of all distributive systems of the vessel, including electricity, water, and other utilities.

''(2) FIRST SHIP.—The term 'first ship' applies to a ship if—

''(A) the ship is the first ship to be constructed under that shipbuilding program; or

''(B) the shipyard at which the ship is to be constructed has not previously started construction on a ship under that shipbuilding program.

''(3) MAJOR SHIPBUILDING PROGRAM.—The term 'major shipbuilding program' means a program for the construction of combatant and support vessels required for the naval vessel force, as reported within the annual naval vessel construction plan required by section 231 of this title.

''(4) PRODUCTION READINESS REVIEW.—The term 'production readiness review' means a formal examination of a program prior to the start of construction to determine if the design is ready for production, production engineering problems have been resolved, and the producer has accomplished adequate planning for the production phase.

''(5) START OF CONSTRUCTION.—The term 'start of construction' means the beginning of fabrication of the hull and superstructure of the ship.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8669b the following new item:

''8669c. Assessments required prior to start of construction on first ship of a shipbuilding program.''.

(c) CONFORMING REPEAL.—Section 124 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 28; 10 U.S.C. 8661 note) is repealed.

SEC. 1014. LIMITATION ON DECOMMISSIONING OR INACTIVATING A BATTLE FORCE SHIP BEFORE THE END OF EXPECTED SERVICE LIFE.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, is amended by inserting after section 8678 the following new section:

''§ 8678a. Limitation on decommissioning or inactivating a battle force ship before the end of expected service life

''(a) LIMITATION.—The Secretary of the Navy may not decommission or inactivate a battle force ship before the end of the expected service life of the ship.

''(b) WAIVER.—The Secretary of the Navy may waive the limitation under subsection (a) with respect to a battle force ship if—

''(1) the Secretary submits to the congressional defense committees the certification described in subsection (c) with respect to such ship; and

''(2) a period of 30 days has elapsed following the date on which such certification was submitted.

''(c) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification that—

''(1)(A) maintaining the battle force ship in a reduced operating status is not feasible;

''(B) maintaining the ship with reduced capability is not feasible;

''(C) maintaining the ship as a Navy Reserve unit is not feasible;

''(D) transferring the ship to the Coast Guard is not feasible; and

''(E) maintaining the ship is not required to support the most recent national defense strategy required by section 113(g) of this title; and

''(2) includes an explanation of—

''(A) the options assessed and the rationale for the determinations under subparagraphs (A) through (D) of paragraph (1); and

''(B) the rationale for the determination under subparagraph (E) of such paragraph.

''(d) FORM.—A certification submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

''(e) DEFINITIONS.—In this section:

''(1) The term 'battle force ship' means the following:

''(A) A commissioned United States Ship warship capable of contributing to combat operations.

''(B) A United States Naval Ship that contributes directly to Navy warfighting or support missions.

''(2) The term 'expected service life' means the number of years a naval vessel is expected to be in service.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of such title is amended by inserting after the item relating to section 8678 the following new item:

''8678a. Limitation on decommissioning or inactivating a battle force ship before the end of expected service life.''.

SEC. 1015. BIENNIAL REPORT ON SHIPBUILDER TRAINING AND THE DEFENSE INDUSTRIAL BASE.

(a) TECHNICAL CORRECTION.—The second section 8692 of title 10, United States Code, as added by section 1026 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is redesignated as section 8693 and the table of sections at the beginning of chapter 863 of such title is conformed accordingly.

(b) MODIFICATION OF REPORT.—Such section is further amended—

(1) by striking ''Not later'' and inserting ''(a) IN GENERAL.—Not later'';

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

''(7) An analysis of the potential benefits of multi-year procurement contracting for the stability of the shipbuilding defense industrial base.''; and

(3) by adding at the end the following new subsection:

''(b) SOLICITATION AND ANALYSIS OF INFORMATION.—In order to carry out subsection (a)(2), the Secretary of the Navy and Secretary of Labor shall—

''(1) solicit information regarding the age demographics and occupational experience level from the private shipyards of the shipbuilding defense industrial base; and

''(2) analyze such information for findings relevant to carrying out subsection (a)(2), including findings related to the current and projected defense shipbuilding workforce, current and projected labor needs, and the readiness of the current and projected workforce to supply the proficiencies analyzed in subsection (a)(1).''.

SEC. 1016. ANNUAL REPORT ON SHIP MAINTENANCE.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8694. Annual report on ship maintenance

''(a) REPORT REQUIRED.—Not later than October 15 of each year, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth each of the following:

''(1) A description of all ship maintenance planned for the fiscal year during which the report is submitted, by hull.

''(2) The estimated cost of the maintenance described pursuant to paragraph (1).

''(3) A summary of all ship maintenance conducted by the Secretary during the previous fiscal year.

''(4) A detailed description of any ship maintenance that was deferred during the previous fiscal year, including specific reasons for the delay or cancellation of any availability.

''(5) A detailed description of the effect of each of the planned ship maintenance actions that were delayed or cancelled during the previous fiscal year, including—

''(A) a summary of the effects on the costs and schedule for each delay or cancellation; and

''(B) the accrued operational and fiscal cost of all the deferments over the fiscal year.

''(b) FORM OF REPORT.— Each report submitted under subsection (a) shall be submitted in unclassified form and made publicly available on an appropriate internet website in a searchable format, but may contain a classified annex.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new section:

''8694. Annual report on ship maintenance.''.

SEC. 1017. NAVY BATTLE FORCE SHIP ASSESSMENT AND REQUIREMENT REPORTING.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, as amended by section 1023, is further amended by adding at the end the following new section:

''SEC. 8695. NAVY BATTLE FORCE SHIP ASSESSMENT AND REQUIREMENT REPORTING.

''(a) IN GENERAL.—Not later than 180 days after the date on which a covered event occurs, the Chief of Naval Operations shall submit to the congressional defense committees a battle force ship assessment and requirement.

''(b) ASSESSMENT.—Each assessment required by subsection (a) shall include the following:

''(1) A review of the strategic guidance of the Federal Government, the Department of Defense, and the Navy for identifying priorities, missions, objectives, and principles, in effect as of the date on which the assessment is submitted, that the force structure of the Navy must follow.

''(2) An identification of the steady-state demand for maritime security and security force assistance activities.

''(3) An identification of the force options that can satisfy the steady-state demands for activities required by theater campaign plans of combatant commanders.

''(4) A force optimization analysis that produces a day-to-day global posture required to accomplish peacetime and steady-state tasks assigned by combatant commanders.

''(5) A modeling of the ability of the force to fight and win scenarios approved by the Department of Defense.

''(6) A calculation of the number and global posture of each force element required to meet steady-state presence demands and warfighting response timelines.

''(c) REQUIREMENT.—(1) Each requirement required by subsection (a) shall—

''(A) be based on the assessment required by subsection (b); and

''(B) identify, for each of the fiscal years that are five, 10, 15, 20, 25, and 30 years from the date of the covered event—

''(i) the total number of battle force ships required;

''(ii) the number of battle force ships required in each of the categories described in paragraph (2);

''(iii) the classes of battle force ships included in each of the categories described in paragraph (2); and

''(iv) the number of battle force ships required in each class.

''(2) The categories described in this paragraph are the following:

''(A) Aircraft carriers.
''(B) Large surface combatants.
''(C) Small surface combatants.
''(D) Amphibious warfare ships.
''(E) Attack submarines.
''(F) Ballistic missile submarines.
''(G) Combat logistics force.
''(H) Expeditionary fast transport.
''(I) Expeditionary support base.
''(J) Command and support.
''(K) Other.

''(d) DEFINITIONS.—In this section:

''(1) The term 'battle force ship' means the following:

''(A) A commissioned United States Ship warship capable of contributing to combat operations.

''(B) A United States Naval Ship that contributes directly to Navy warfighting or support missions.

''(2) The term 'covered event' means a significant change to any of the following:

''(A) Strategic guidance that results in changes to theater campaign plans or warfighting scenarios.

''(B) Strategic laydown of vessels or aircraft that affects sustainable peacetime presence or warfighting response timelines.

''(C) Operating concepts, including employment cycles, crewing constructs, or operational tempo limits, that affect peacetime presence or warfighting response timelines.

''(D) Assigned missions that affect the type or quantity of force elements.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of such title is further amended by adding at the end the following new item:

''8695. Navy battle force ship assessment and requirement reporting.''.

(c) BASELINE ASSESSMENT AND REQUIREMENT REQUIRED.—The date of the enactment of this Act is deemed to be a covered event for the purposes of establishing a baseline battle force ship assessment and requirement under section 8695 of title 10, United States Code, as added by subsection (a).

SEC. 1018. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF MARK VI PATROL BOATS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Navy may be obligated or expended to retire, prepare to retire, or place in storage any Mark VI patrol boat.

(b) REPORT.—Not later than February 15, 2022, the Secretary of the Navy, in consultation with the Commandant of the Marine Corps, shall submit to the congressional defense committees a report that includes each of the following:

(1) The rationale for the retirement of existing Mark VI patrol boats, including an operational analysis of the effect of such retirements on the warfighting requirements of the commanders of each of the combatant commands.

(2) A review of how the Fifth Fleet requirements, which are currently being met by Mark VI patrol boats, will continue to be met without such boats, including an evaluation of the cumulative effect of eliminating Mark VI patrol boats in addition to other recent reductions in Navy riverine force structure, such as riverine command boats, in the theater.

(3) An update on the implementation of the corrective actions and lessons learned from the Navy's investigation of the January 12, 2016, incident in which 10 United States sailors were detained by Iranian forces near Farsi Island, the extent to which retiring existing Mark VI patrol boats will affect such implementation, and how such implementation will be sustained in the absence of Mark VI patrol boats.

(4) A review of operating concepts for escorting high value units without Mark VI patrol boats.

(5) A description of the manner and concept of operations in which the Marine Corps could use Mark VI patrol boats to support distributed maritime operations, advanced expeditionary basing operations, and persistent presence near maritime choke points and strategic littorals in the Indo-Pacific region.

(6) An assessment of the potential for modification, and the associated costs, of the Mark VI patrol boat for the inclusion of loitering munitions or anti-ship cruise missiles, such as the Long Range Anti-Ship Missile and the Naval Strike Missile, particularly to support the concept of operations described in paragraph (5).

(7) A description of resources required for the Marine Corps to possess, man, train, and maintain Mark VI patrol boats in the performance of the concept of operations described in paragraph (5) and modifications described in paragraph (6).

(8) A determination of whether the Marine Corps should take possession of the Mark VI patrol boats effective on or before September 30, 2022.

(9) Such other matters the Secretary determines appropriate.

SEC. 1019. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF GUIDED MISSILE CRUISERS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense may be obligated or expended to retire, prepare to retire, inactivate, or place in storage more than 5 guided missile cruisers.

SEC. 1020. REVIEW OF SUSTAINMENT KEY PERFORMANCE PARAMETERS FOR SHIPBUILDING PROGRAMS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall initiate a review of the Joint Capabilities Integration and Development System policy related to the setting of sustainment key performance parameters and key system attributes for shipbuilding programs to ensure such parameters and attributes account for a comprehensive range of factors that could affect the operational availability and materiel availability of a ship. Such review shall include the extent to which—

(1) the term ''operational availability'' should be redefined by mission area and to include equipment failures that affect the ability of a ship to perform primary missions; and

(2) the term ''materiel availability'' should be redefined to take into account factors that could result in a ship being unavailable for operations, including unplanned maintenance, unplanned losses, and training.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to congressional defense committees a report on the findings and recommendations of the review required under paragraph (a).

SEC. 1021. ASSESSMENT OF SECURITY OF GLOBAL MARITIME CHOKEPOINTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the security of global maritime chokepoints from the threat of hostile kinetic attacks, cyber disruptions, and other form of sabotage. The report shall include an assessment of each of the following with respect to each global maritime chokepoint covered by the report:

(1) The expected length of time and resources required for operations to resume at the chokepoint in the event of attack, sabotage, or other disruption of regular maritime operations.

(2) The security of any secondary chokepoint that could be affected by a disruption at the global maritime chokepoint.

(3) Options to mitigate any vulnerabilities resulting from a hostile kinetic attack, cyber disruption, or other form of sabotage at the chokepoint.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(c) GLOBAL MARITIME CHOKEPOINT.—In this section, the term ''global maritime chokepoint'' means any of the following:

(1) The Panama Canal.
(2) The Suez Canal.
(3) The Strait of Malacca.
(4) The Strait of Hormuz.
(5) The Bab el-Mandeb Strait.
(6) Any other chokepoint determined appropriate by the Secretary.

SEC. 1022. REPORT ON ACQUISITION, DELIVERY, AND USE OF MOBILITY ASSETS THAT ENABLE IMPLEMENTATION OF EXPEDITIONARY ADVANCED BASE OPERATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that includes a detailed description of each of the following:

(1) The doctrine, organization, training, materiel, leadership and education, personnel, and facilities required to operate and maintain a force of 24 to 35 Light Amphibious Warships, including—

(A) the estimated timeline for procuring and delivering such warships;

(B) the estimated cost to procure, man, train, operate, maintain, and modernize such warships for each of the 10 years following the year in which the report is submitted, together with the notional Department of Defense appropriations account associated with each such cost; and

(C) the feasibility of accelerating the current Light Amphibius Warship procurement plan and delivery schedule.

(2) The specific number, type, and mix of manned and unmanned platforms required to support distributed maritime operations and expeditionary advanced base operations.

(3) The feasibility of Marine Littoral Regiments using other joint and interagency mobility platforms prior to, in addition to, or in lieu of the operational availability of Light Amphibious Warships, including—

(A) Army LCU-2000, Runnymede-class and General Frank S. Besson-class logistics support vessels;

(B) Navy LCU-1610 or LCU-1700, Landing Craft Air Cushioned, and Ship-to-Shore Connector vessels;

(C) commercial vessel options that—

(i) are available as of the date of the enactment of this Act; and

(ii) meet Marine Littoral Regiment requirements for movement, maneuver, sustainment, training, interoperability, and cargo capacity and delivery;

(D) maritime prepositioning force vessels; and

(E) Coast Guard vessels.

(4) The specific number, type, and mix of long range unmanned surface vessel platforms required to support distributed maritime operations, expeditionary advanced base operations, along with their operational interaction with the warfighting capabilities of the fleet, including—

(A) the estimated timeline for procuring and delivering such platforms; and

(B) the estimated cost to procure, man, train, operate, maintain, and modernize such platforms for each of the 10 years following the year in which the report is submitted, together with the notional Department of Defense appropriations account associated with each such cost.

(5) The feasibility of integrating Marine Littoral Regiments with—

(A) special operations activities;

(B) joint and interagency planning;

(C) information warfare operations; and

(D) command, control, communications, computer, intelligence, surveillance and reconnaissance, and security cooperation activities.

(6) The projected cost and timeline for deploying Marine Littoral Regiments, including—

(A) the extent to which such regiments will deploy with the capabilities listed in paragraphs (1) through (5) during each of the 10 years following the year in which the report is submitted; and

(B) options to accelerate such deployments or increase the capabilities of such regiments if additional resources are available, together with a description of such resources.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in a publicly accessible, unclassified form, but may contain a classified annex.

Subtitle D—Counterterrorism

SEC. 1031. INCLUSION IN COUNTERTERRORISM BRIEFINGS OF INFORMATION ON USE OF MILITARY FORCE IN COLLECTIVE SELF-DEFENSE.

Section 485(a) of title 10, United States Code, is amended by inserting after ''activities'' the following: '', including the use of military force under the notion of collective self-defense of foreign partners''.

SEC. 1032. 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 most recently amended by section 1043 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking ''December 31, 2021'' and inserting ''December 31,2022''.

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 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 most recently amended by section 1041 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking ''December 31, 2021'' and inserting ''December 31, 2022''.

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 most recently amended by section 1042 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking ''December 31, 2021'' and inserting ''December 31, 2022''.

SEC. 1035. 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 1044 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking ''fiscal years 2018 through 2021'' and inserting ''any of fiscal years 2018 through 2022''.

SEC. 1036. REPORT ON MEDICAL CARE PROVIDED TO DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Chief Medical Officer of United States Naval Station, Guantanamo Bay (in this section referred to as the ''Chief Medical Officer''), shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the provision of medical care to individuals detained at Guantanamo.

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

(1) An assessment of the quality of medical care provided to individuals detained at Guantanamo, including whether such care meets applicable standards of care.

(2) A description of the medical facilities and resources at United States Naval Station, Guantanamo Bay, Cuba, available to individuals detained at Guantanamo.

(3) A description of the medical facilities and resources not at United States Naval Station, Guantanamo Bay, that would be made available to individuals detained at Guantanamo as necessary to meet applicable standards of care.

(4) A description of the range of medical conditions experienced by individuals detained at Guantanamo as of the date on which the report is submitted.

(5) A description of the range of medical conditions likely to be experienced by individuals detained at Guantanamo, given the medical conditions of such individuals as of the date on which the report is submitted and the likely effects of aging.

(6) An assessment of any gaps between—

(A) the medical facilities and resources described in paragraphs (2) and (3); and

(B) the medical facilities and resources required to provide medical care necessary to meet applicable standards of care for the medical conditions described in paragraphs (4) and (5).

(7) The plan of the Chief Medical Officer to address the gaps described in paragraph (6), including the estimated costs associated with addressing such gaps.

(8) An assessment of whether the Chief Medical Officer has secured from the Department of Defense access to individuals, information, or other assistance that the Chief Medical Officer considers necessary to enable the Chief Medical Officer to carry out the Chief Medical Officer's duties, including full and expeditious access to the following:

(A) Any individual detained at Guantanamo.

(B) Any medical records of any individual detained at Guantanamo.

(C) Medical professionals of the Department who are working, or have worked, at United States Naval Station, Guantanamo Bay.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section, the terms ''individual detained at Guantanamo'', ''medical care'', and ''standard of care'' have the meanings given those terms in section 1046(e) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1586; 10 U.S.C. 801 note).

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. CONGRESSIONAL OVERSIGHT OF ALTERNATIVE COMPENSATORY CONTROL MEASURES.

(a) LIMITATION ON AVAILABILITY OF FUNDS PENDING SUBMISSION OF REPORT.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense for the Office of the Under Secretary of Defense for Policy, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report required under section 119a(a) for 2021.

(b) CONGRESSIONAL OVERSIGHT.—Section 119a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) CONGRESSIONAL OVERSIGHT.—(1) Neither the Secretary of Defense nor the Director of National Intelligence may take any action that would have the effect of limiting the access of the congressional defense committees to—

''(A) any classified program, or any information about any classified program, to which such committees have access as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022; or

''(B) any classified program established, or any information about any classified program that becomes available, after the date of the enactment of such Act that is within the jurisdiction of such committees.

''(2) In this subsection, the term 'classified program' includes any special access program, alternative compensatory control measure, or any other controlled access program.''.

SEC. 1042. MODIFICATION OF NOTIFICATION REQUIREMENTS FOR SENSITIVE MILITARY OPERATIONS.

Section 130f(d) of title 10, United States Code, is amended—

(1) by striking ''(1) Except as provided in paragraph (2), in'' and inserting ''In'';

(2) by striking paragraph (2);

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) in paragraph (1), as so redesignated, by striking ''; or'' and inserting a semicolon;

(5) in paragraph (2), as so redesignated, by striking the period at the end and inserting ''; or''; and

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

''(3) an operation conducted by the armed forces to free an individual from the control of hostile foreign forces.''.

SEC. 1043. AUTHORITY TO PROVIDE SPACE AND SERVICES TO MILITARY WELFARE SOCIETIES.

Section 2566 of title 10, United States Code is amended—

(1) in subsection (a), by striking ''of a military department'' and inserting ''concerned''; and

(2) in subsection (b)(1), by adding at the end the following new subparagraph:

''(D) The Coast Guard Mutual Assistance.''.

SEC. 1044. CONGRESSIONAL NOTIFICATION OF SIGNIFICANT ARMY FORCE STRUCTURE CHANGES.

(a) NOTIFICATION REQUIREMENT.—

(1) IN GENERAL.—Chapter 711 of title 10, United States Code, is amended by inserting after section 7101 the following new section:

''§ 7102. Congressional notification of significant Army force structure changes

''(a) NOTIFICATION REQUIRED.—Except as provided in subsection (c), the Secretary of the Army shall submit to the congressional defense committees written notification of any decision to make a significant change to Army force structure prior to implementing or announcing such change.

''(b) CONTENTS.—A notification required under subsection (a) shall include each of the following:

''(1) The justification for the planned change.

''(2) A description of the details of the planned change and timing for implementation.

''(3) A description of the operational implications of the planned change.

''(4) The estimated costs of such change.

''(c) EXCEPTION.—The notification requirement under subsection (a) shall not apply if the Secretary of Defense certifies to the congressional defense committees in advance that the planned Army force structure change must be implemented immediately for reasons of military urgency.

''(d) DEFINITION OF SIGNIFICANT CHANGE TO ARMY FORCE STRUCTURE.—In this section, the term 'significant change to Army force structure' means—

''(1) a change in the number, type, or component of brigade-level organizations or higher-echelon headquarters;

''(2) a change in the number or component of theater-level capabilities, such as a multi-domain task force, Terminal High Altitude Area Defense, long range fires unit, or headquarters; or

''(3) a permanent or temporary activation or inactivation of an experimental unit or brigade-size or higher task force.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7101 the following new item:

''7102. Congressional notification of significant Army force structure changes.''.

(b) BRIEFING ON ARMY STRUCTURE MEMORANDUM.—Prior to issuing the Army Structure Memorandum derived from the Total Army Analysis, the Secretary of the Army shall provide to the congressional defense committees a briefing on the memorandum. The briefing shall include a description of each of the following:

(1) The guidance and direction provided to the Army by the Secretary of Defense in the Defense Planning Guidance or other directives.

(2) Any scenarios and assumptions used to conduct the analysis.

(3) Any significant force design updates incorporated in the analysis.

(4) Any significant Army force structure changes directed in the Army Structure Memorandum.

(5) Any substantive changes of assessed risk associated with changes directed in the memorandum.

SEC. 1045. PROHIBITION ON USE OF NAVY, MARINE CORPS, AND SPACE FORCE AS POSSE COMITATUS.

(a) IN GENERAL.—Section 1385 of title 18, United States Code, is amended—

(1) by striking ''or'' after ''Army'' and inserting '', the Navy, the Marine Corps,'';

(2) by inserting '', or the Space Force'' after ''Air Force''; and

(3) in the section heading, by striking ''**Army and Air Force**'' and inserting ''**Army, Navy, Marine Corps, Air Force, and Space Force**''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by striking the item relating to section 1385 and inserting the following new item:

''1385. Use of Army, Navy, Marine Corps, Air Force, and Space Force as posse comitatus''.

SEC. 1046. COMPARATIVE TESTING REPORTS FOR CERTAIN AIRCRAFT.

(a) MODIFICATION OF LIMITATION.—Section 134(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2037) is amended by striking ''the report under subsection (e)(2)'' and inserting ''a report that includes the information described in subsection (e)(2)(C)''.

(b) COMPARATIVE TESTING REPORTS REQUIRED.—

(1) REPORT FROM DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Not later than 53 days after the date of the enactment of this Act, the Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that includes the information described in section 134(e)(1)(B) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2038).

(2) REPORT FROM SECRETARY OF THE AIR FORCE.—Not later than 53 days after the date of the submission of the report under paragraph (1), the Secretary of the Air Force shall submit to the congressional defense committees a report that includes the information described in section 134(e)(2)(C) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2038).

SEC. 1047. SPECIAL OPERATIONS FORCES JOINT OPERATING CONCEPT FOR COMPETITION AND CONFLICT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, 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 a Special Operations Forces joint operating concept for competition and conflict.

(b) ELEMENTS.—The joint operating concept required by subsection (a) shall include the following:

(1) A detailed description of the manner in which special operations forces will be expected to operate in the future across the spectrum of operations, including operations below the threshold of traditional armed conflict, crisis, and armed conflict.

(2) An explanation of the roles and responsibilities of the national mission force and the theater special operations forces, including how such forces will be integrated with each other and with general purpose forces.

(3) An articulation of the required capabilities of the special operations forces.

(4) An explanation of the manner in which the joint operating concept relates to and fits within the joint warfighting concept produced by the Joint Chiefs of Staff.

(5) An explanation of the manner in which the joint operating concept relates to and integrates into the operating concepts of the Armed Forces.

(6) Any other matter the Assistant Secretary and the Commander consider relevant.

SEC. 1048. LIMITATION ON AVAILABILITY OF CERTAIN FUNDING FOR OPERATION AND MAINTENANCE.

Of the amounts authorized to be appropriated by this Act for fiscal year 2022 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 submits to the congressional defense committees the following:

(1) The first quarterly report identifying and summarizing all execute orders approved by the Secretary of Defense or the commander of a combatant command in effect for the Department of Defense as required by section 1744(c) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 113 note).

(2) The report on the policy of the Department of Defense relating to civilian casualties resulting from United States military operations required by section 936(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 134 note).

SEC. 1049. LIMITATION ON USE OF CERTAIN FUNDS PENDING SUBMISSION OF REPORT, STRATEGY, AND POSTURE REVIEW RELATING TO INFORMATION ENVIRONMENT.

Of the amounts authorized to be appropriated for fiscal year 2022 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, not more than 75 percent shall be available until the date on which all of the following are submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services House of Representatives:

(1) The report required by subsection (h)(1) of section 1631 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) The strategy and posture review required by subsection (g) of such section.

SEC. 1050. BRIEFING BY COMPTROLLER GENERAL AND LIMITATION ON USE OF FUNDS PENDING COMPLIANCE WITH REQUIREMENT FOR INDEPENDENT STUDIES REGARDING POTENTIAL COST SAVINGS.

(a) BRIEFING REQUIREMENT.—Not later than March 31, 2022, the Comptroller General of the United States shall provide to the congressional defense committees a briefing on the status of the ongoing efforts of the Comptroller General with respect to the effectiveness of each of the following:

(1) Department of Defense programming and planning for the nuclear enterprise.

(2) Department of Defense processes for identifying the relevance of legacy military systems.

(3) Defense weapon system acquisition and contracting.

(b) LIMITATION ON AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Office of the Secretary of Defense for travel expenses, not more than 90 percent may be obligated or expended before the date on which the Secretary of Defense has entered into agreements for the conduct of the independent reviews required under section 1753 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1852).

SEC. 1051. SURVEY ON RELATIONS BETWEEN MEMBERS OF THE ARMED FORCES AND MILITARY COMMUNITIES.

(a) SURVEY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall conduct a survey of covered individuals regarding relations between covered individuals and covered communities.

(2) CONTENTS OF SURVEY.—The survey shall be designed to solicit information from covered individuals regarding each of the following:

(A) The rank, age, racial, ethnic, and gender demographics of the covered individuals.

(B) Relationships between covered individuals and the covered community, including support services and acceptance of the military community.

(C) The availability of housing, health care, mental health services, and education for covered individuals, employment opportunities for military spouses, and other relevant issues.

(D) Initiatives of local government and community organizations with respect to covered individuals and covered communities.

(E) The physical safety of covered individuals while in a covered community but outside the military installation located in such covered community.

(F) Any other matters designated by the Secretary of Defense.

(3) LOCATIONS.—For purposes of conducting the survey under this subsection, the Secretary of Defense shall select ten geographically diverse military installations where the survey will be conducted.

(b) ADDITIONAL ACTIVITIES.—In the course of conducting surveys under this section, the Secretary may carry out any of the following activities with respect to covered individuals and covered communities:

(1) Facilitating local listening sessions and information exchanges.

(2) Developing educational campaigns.

(3) Supplementing existing local and national defense community programs.

(4) Sharing best practices and activities.

(c) COORDINATION.—To support activities under this section, the Secretary of Defense may coordinate with local governments and not-for-profit organizations that represent covered individuals.

(d) BRIEFING.—Not later than September 30, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the survey conducted under subsection (a). Such briefing shall include—

(1) with respect to each covered community—

(A) the results of the survey; and

(B) the activities conducted to address racial inequity in the community;

(2) the aggregate results of the survey; and

(3) best practices for creating positive relationships between covered individuals and covered communities.

(e) DEFINITIONS.—In this section:

(1) The term ''covered community'' means a military installation and any geographic area within 10 miles of such military installation.

(2) The term ''covered individual'' means any of the following individuals who live in a covered community or work on a military installation in a covered community:

(A) A member of the Armed Forces.

(B) A family member of an individual described in subparagraph (A).

(3) The term ''military installation'' has the meaning given such term in section 2801 of title 10, United States Code.

SEC. 1052. LIMITATION ON USE OF FUNDS PENDING COMPLIANCE WITH CERTAIN STATUTORY REPORTING REQUIREMENTS.

(a) LIMITATION.—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 for the Office of the Secretary of Defense for travel expenses, not more than 90 percent may be obligated or expended before the date on which all of the following reports are submitted to Congress and the unclassified portions thereof made publicly available:

(1) The report required under section 589F(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(2) The reports required under section 1299H(d) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(3) The report required under section 888(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(4) The report required under section 1752(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(b) BRIEFING REQUIREMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on obstacles to compliance with congressional mandated reporting requirements.

SEC. 1053. NAVY COORDINATION WITH COAST GUARD AND SPACE FORCE ON AIRCRAFT, WEAPONS, TACTICS, TECHNIQUE, ORGANIZATION, AND EQUIPMENT OF JOINT CONCERN.

Section 8062(d) of title 10, United States Code, is amended by inserting ''the Coast Guard, the Space Force,'' after ''the Air Force,''.

Subtitle F—Studies and Reports

SEC. 1061. INCLUSION OF SUPPORT SERVICES FOR GOLD STAR FAMILIES IN QUADRENNIAL QUALITY OF LIFE REVIEW.

(a) TECHNICAL AMENDMENT.—

(1) IN GENERAL.—The second section 118a of title 10, United States Code (relating to the quadrennial quality of life review) is redesignated as section 118b.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to the second section 118a and inserting the following new item:

''118b. Quadrennial quality of life review.''.

(b) INCLUSION IN REVIEW.—Subsection (c) of section 118b of title 10, United States Code, as redesignated under subsection (a), is amended by adding at the end the following new paragraph:

''(15) Support services for Gold Star families.''.

SEC. 1062. PUBLIC AVAILABILITY OF SEMI-ANNUAL SUMMARIES OF REPORTS.

(a) IN GENERAL.—Section 122a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) SEMI-ANNUAL SUMMARIES.—Not later than January 1 and July 1 of each year, the Secretary of Defense shall make publicly available on an appropriate internet website a summary of all reports submitted to Congress by the Department of Defense for the preceding six-month period that are required to be submitted by statute. Each such summary shall include, for each report covered by the summary, the title of report, the date of delivery, and the section of law under which such report is required.''.

(b) APPLICABILITY.—Subsection (c) of section 122a of title 10, United States Code, as added by subsection (a), shall apply beginning on the date that is one year after the date of the enactment of this Act.

SEC. 1063. EXTENSION OF REPORTING REQUIREMENT REGARDING ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.

Section 1014(d)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2023''.

SEC. 1064. CONTINUATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

Section 1061 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 111 note) is amended—

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

''(E) The submission of the report required under section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5).

''(F) The submission of the report required under section 2504 of title 10, United States Code.'';

(2) in subsection (c), by striking paragraph (47); and

(3) in subsection (i), by striking paragraph (30).

SEC. 1065. UPDATED REVIEW AND ENHANCEMENT OF EXISTING AUTHORITIES FOR USING AIR FORCE AND AIR NATIONAL GUARD MODULAR AIRBORNE FIRE-FIGHTING SYSTEMS AND OTHER DEPARTMENT OF DEFENSE ASSETS TO FIGHT WILDFIRES.

Section 1058 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 31 U.S.C. 1535 note) is amended by adding at the end the following new subsection:

''(g) UPDATED REVIEW AND ENHANCEMENT OF AUTHORITIES.—(1) Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Director shall—

''(A) conduct a second review under subsection (a) and make a second determination under subsection (b); and

''(B) submit to Congress a report that includes—

''(i) the results of the second review and second determination required by subparagraph (A); and

''(ii) a description, based on such second determination, of any new modifications proposed to be made to existing authorities under subsection (c) or (d), including whether there is a need for legislative changes to further improve the procedures for using Department of Defense assets to fight wildfires.

''(2) Pursuant to the second determination under subsection (b) required by paragraph (1)(A), the Director shall develop and implement such modifications, regulations, policies, and interagency procedures as the Director determines appropriate pursuant to subsections (c) and (d). Any such modification, regulation, policy, or interagency procedure shall not take effect until the end of the 30-day period beginning on the date on which the report is submitted to Congress under paragraph (1)(B).''.

SEC. 1066. GEOGRAPHIC COMBATANT COMMAND RISK ASSESSMENT OF AIR FORCE AIRBORNE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE MODERNIZATION PLAN.

(a) IN GENERAL.—Not later than March 31, 2022, each commander of a geographic combatant command shall submit to the congressional defense committees a report containing an assessment of the level of operational risk to that command posed by the plan of the Air Force to modernize and restructure airborne intelligence, surveillance, and reconnaissance capabilities to meet near-, mid-, and far-term contingency and steady-state operational requirements against adversaries in support of the objectives of the current national defense strategy.

(b) PLAN ASSESSED.—The plan of the Air Force referred to in subsection (a) is the plan required under section 142 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(c) ASSESSMENT OF RISK.—In assessing levels of operational risk for purposes of subsection (a), a commander shall use the military risk matrix of the Chairman of the Joint Chiefs of Staff, as described in CJCS Instruction 3401.01E.

(d) GEOGRAPHIC COMBATANT COMMAND.—In this section, the term ''geographic combatant command'' means each of the following:

(1) United States European Command.
(2) United States Indo-Pacific Command.
(3) United States Africa Command.
(4) United States Southern Command.
(5) United States Northern Command.
(6) United States Central Command.

SEC. 1067. BIENNIAL ASSESSMENTS OF AIR FORCE TEST CENTER.

Not later than December 1 of each of 2022, 2024, and 2026, the Secretary of the Air Force shall submit to the congressional defense committees an assessment of the Air Force Test Center. Each such assessment shall include, for the period covered by the assessment, a description of—

(1) any challenges of the Air Force Test Center with respect to completing its mission; and

(2) the plan of the Secretary to address such challenges.

SEC. 1068. REPORT ON 2019 WORLD MILITARY GAMES.

(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 Committees on Armed Services of the Senate and House of Representatives a report on the participation of the United States in the 2019 World Military Games. Such report shall include a detailed description of each of the following:

(1) The number of United States athletes and staff who attended the 2019 World Military Games and became ill with COVID–19-like symptoms during or shortly after their return to the United States.

(2) The results of any blood testing conducted on athletes and staff returning from the 2019 World Military Games, including whether those blood samples were subsequently tested for COVID–19.

(3) The number of home station Department of Defense facilities of the athletes and staff who participated in the 2019 World Military Games that experienced outbreaks of illnesses consistent with COVID–19 symptoms upon the return of members of the Armed Forces from Wuhan, China.

(4) The number of Department of Defense facilities visited by team members after returning from Wuhan, China, that experienced COVID–19 outbreaks during the first quarter of 2020, including in relation to the share of other Department of Defense facilities that experienced COVID–19 outbreaks through March 31, 2020.

(5) Whether the Department tested members of the Armed Forces who traveled to Wuhan, China, for the World Military Games for COVID–19 antibodies, and if so, what portion, if any, of those results were positive, and when such testing was conducted.

(6) Whether there are, or have been, any investigations, including under the auspices of an Inspector General, across the Department of Defense or the military departments into possible connections between United States athletes who traveled to Wuhan, China, and the outbreak of COVID–19.

(7) Whether the Department has engaged with the militaries of allied or partner countries about illnesses surrounding the 2019 World Military Games, and if so, how many participating militaries have indicated to the Department that their athletes or staff may have contracted COVID–19-like symptoms during or immediately after the Games.

(b) FORM OF REPORT.—Except to the extent prohibited by law, the report required under this section shall be submitted in unclassified form and made publicly available on an internet website in a searchable format, but may contain a classified annex.

SEC. 1069. REPORTS ON OVERSIGHT OF AFGHANISTAN.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter until December 31, 2026, the Secretary of Defense, in coordination with the Director of National Intelligence and consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report on Afghanistan. Each such report shall address, with respect to Afghanistan, the following matters:

(1) An up-to-date assessment of the over-the-horizon capabilities of the United States.

(2) A description of the concept of force with respect to the over-the-horizon force of the United States.

(3) The size of such over-the-horizon force.

(4) The location of such over-the-horizon force, including the locations of the forces as of the date of the submission of the report and any plans to adjust such locations.

(5) The chain of command for such over-the-horizon force.

(6) The launch criteria for such over-the-horizon force.

(7) Any plans to expand or adjust such over-the-horizon force capabilities in the future, to account for evolving terrorist threats in Afghanistan.

(8) An assessment of the terrorist threat in Afghanistan.

(9) An assessment of the quantity and types of United States military equipment remaining in Afghanistan, including an indication of whether the Secretary plans to leave, recover, or destroy such equipment.

(10) Contingency plans for the retrieval or hostage rescue of United States citizens located in Afghanistan.

(11) Contingency plans related to the continued evacuation of Afghans who hold special immigrant visa status under section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) or who have filed a petition for such status, following the withdrawal of the United States Armed Forces from Afghanistan.

(12) A concept of logistics support to support the over-the-horizon force of the United States, including all basing and transportation plans.

(13) An assessment of changes in the ability of al-Qaeda and ISIS-K to conduct operations within Taliban-held Afganistan or outside of Afghanistan against the United States and allies of the United States.

(14) An assessment of the threat posed by prisoners released by the Taliban from the Pul-e-Charkhi prison and Parwan detention facility, Afghanistan, in August 2021, including, for each such prisoner—

(A) the country of origin of the prisoner;

(B) any affiliation of the prisoner with a foreign terrorist organization; and

(C) in the case of any such prisoner determined to pose a risk for external operations outside of Afghanistan, the assessed location of the prisoner.

(15) The status of any military cooperation between the Taliban and China, Russia, or Iran.

(16) Any other matters the Secretary determines appropriate.

(b) FORM.—Each report required under this section may be submitted in either unclassified or classified form, as determined appropriate by the Secretary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

SEC. 1070. STUDY AND REPORT ON DEPARTMENT OF DEFENSE EXCESS PERSONAL PROPERTY PROGRAM.

(a) STUDY.—The Director of the Defense Logistics Agency shall conduct a study on the excess personal property program of the Department of Defense under section 2576a of title 10, United States Code, and the administration of such program by the Law Enforcement Support Office. Such study shall include—

(1) an analysis of the degree to which personal property transferred under such program has been distributed equitably between larger, well-resourced municipalities and units of government and smaller, less well-resourced municipalities and units of government; and

(2) an identification of potential reforms to such program to ensure that such property is transferred in a manner that provides adequate opportunity for participation by smaller, less well-resourced municipalities and units of government.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report on the results of a study required under subsection (a).

SEC. 1071. OPTIMIZATION OF IRREGULAR WARFARE TECHNICAL SUPPORT DIRECTORATE.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall submit to the congressional defense committees a plan for improving the support provided by the Irregular Warfare Technical Support Directorate to meet military requirements. Such plan shall include the following:

(1) Specific actions to—

(A) ensure adequate focus on rapid fielding of required capabilities;

(B) improve metrics and methods for tracking projects that have transitioned into programs of record; and

(C) minimize overlap with other research, development, and acquisition efforts.

(2) Such other matters as the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict considers relevant.

(b) DEPARTMENT OF DEFENSE INSTRUCTION REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, in coordination with the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, and the Secretaries of the military departments, shall publish an updated Department of Defense Instruction in order to—

(1) define the objectives, organization, mission, customer base, and role of the Irregular Warfare Technical Support Directorate;

(2) ensure coordination with external program managers assigned to the military departments and the United States Special Operations Command;

(3) facilitate adequate oversight by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment; and

(4) address such other matters as the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict considers relevant.

SEC. 1072. ASSESSMENT OF REQUIREMENTS FOR AND MANAGEMENT OF ARMY THREE-DIMENSIONAL GEOSPATIAL DATA.

(a) JOINT ASSESSMENTS AND DETERMINATIONS.—The Vice Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Intelligence and Security, and the Secretary of the Army, in consultation with other appropriate officials of the Department of Defense, shall jointly carry out each of the following:

(1) An assessment of the requirements of the joint force with respect to three-dimensional geospatial data in order to achieve Combined Joint All-Domain Command and Control, including the use of such data for each of the following:

(A) Training.

(B) Planning.

(C) Modeling and simulation.

(D) Mission rehearsal.

(E) Operations.

(F) Intelligence, including geolocation support to intelligence collection systems.

(G) Dynamic and precision targeting.

(H) After action reviews.

(2) A determination of whether three-dimensional geospatial data derived from Government sources, commercial sources, or both (referred to as ''derivative three-dimensional geospatial data'') meets the accuracy, resolution, community sensor model compliance, and currency required for precision targeting.

(3) A determination of the optimum management, joint funding structure, and resources required for the collection, tasking, acquisition, production, storage, and consumption of three-dimensional geospatial data, including a consideration of—

(A) designating the Army as the Executive Agent for warfighter collection, production, and consumption of three-dimensional geospatial content at the point-of-need;

(B) designating the National Geospatial Intelligence Agency, in its role as the Geospatial Intelligence Functional Manager, as the Executive Agent for quality assessment, testing, evaluation, validation, and enterprise storage and retrieval of derivative three-dimensional geospatial data;

(C) existing governance structures across the Department of Defense and the National Geospatial Intelligence Agency for the procurement and production of three-dimensional geospatial data and the development of tools and plans, from either commercial or Government sources; and

(D) identifying potential commercial and Government capabilities that could be established as a three-dimensional geospatial intelligence program of record.

(b) ARMY MANAGEMENT CONSIDERATIONS.—If the Vice Chairman, the Under Secretary, and the Secretary of the Army determine that the Army should serve as the Executive Agent for Department of Defense three-dimensional geospatial data, the Secretary shall determine the respective roles within the Army.

(c) ADDITIONAL ARMY DETERMINATIONS.—The Secretary of the Army shall determine whether operational use of the Integrated Visual Augmentation System and Army intelligence and mission command systems require three-dimensional geospatial data for assigned operational missions, including targeting.

(d) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Vice Chairman, the Under Secretary, and the Secretary of the Army shall complete the assessments and determinations required by this section and provide to the congressional defense committees a briefing on such assessments and determinations.

SEC. 1073. REQUIRED REVIEW OF DEPARTMENT OF DEFENSE UNMANNED AIRCRAFT SYSTEMS CATEGORIZATION.

(a) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment shall initiate a process—

(1) to review the system used by the Department of Defense for categorizing unmanned aircraft systems, as described in Joint Publication 3–30 titled ''Joint Air Operations''; and

(2) to determine whether modifications should be made in the Department of Defense grouping of unmanned aerial systems into five broad categories, as in effect on the date of the enactment of this Act.

(b) REQUIRED ELEMENTS FOR REVISION.—If the Under Secretary determines under subsection (a) that the characteristics associated with any of the five categories of unmanned aircraft systems should be revised, the Under Secretary shall consider the effect a revision would have on—

(1) the future capability and employment needs to support current and emerging warfighting concepts;

(2) advanced systems and technologies available in the current commercial marketplace;

(3) the rapid fielding of unmanned aircraft systems technology; and

(4) the integration of unmanned aircraft systems into the National Airspace System.

(c) CONSULTATION REQUIREMENTS.—In carrying out the review required under subsection (a), the Under Secretary shall consult with—

(1) the Secretary of each of the military departments;

(2) the Chairman of the Joint Chiefs of Staff;

(3) the Secretary of State; and

(4) the Administrator of the Federal Aviation Administration.

(d) REPORT REQUIRED.—Not later than October 1, 2022, the Under Secretary shall submit to the congressional defense committees, the Committee on Transportation and Infrastructure and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate a report that includes a description of—

(1) the results of the review initiated under subsection (a);

(2) any revisions planned to the system used by the Department of Defense for categorizing unmanned aircraft systems as a result of such review;

(3) the costs and benefits of any planned revisions; and

(4) a proposed implementation plan and timelines for such revisions.

SEC. 1074. ANNUAL REPORT AND BRIEFING ON GLOBAL FORCE MANAGEMENT ALLOCATION PLAN.

(a) IN GENERAL.—Not later than October 31, 2022, and annually thereafter through 2024, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a classified report and a classified briefing on the Global Force Management Allocation Plan and its implementation.

(b) REPORT.—Each report required by subsection (a) shall include a summary describing the Global Force Management Allocation Plan being implemented as of October 1 of the year in which the report is provided.

(c) BRIEFING.—Each briefing required by subsection (a) shall include the following:

(1) A summary of the major modifications to global force allocation made during the preceding fiscal year that deviated from the Global Force Management Allocation Plan for that fiscal year as a result of a shift in strategic priorities, requests for forces, or other contingencies, and an explanation for such modifications.

(2) A description of the major differences between the Global Force Management Allocation Plan for the current fiscal year and the Global Force Management Allocation Plan for the preceding fiscal year.

(3) A description of any difference between the actual global allocation of forces, as of October 1 of the year in which the briefing is provided, and the forces stipulated in the Global Force Management Allocation Plan being implemented on that date.

SEC. 1075. REPORT ON WORLD WAR I AND KOREAN WAR ERA SUPERFUND FACILITIES.

(a) IN GENERAL.—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 active Superfund facilities where a hazardous substance originated from Department of Defense activities occurring between the beginning of World War I and the end of the Korean War. Such report shall include a description of such Superfund facilities as well as any actions, planned actions, communication with communities, and cooperation with relevant agencies, including the Environmental Protection Agency, carried out or planned to be carried out by the Department of Defense.

(b) SUPERFUND FACILITY.—In this section, the term ''Superfund facility'' means a facility included on the National Priorities List pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

SEC. 1076. REPORT ON IMPLEMENTATION OF IRREGULAR WARFARE STRATEGY.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through fiscal year 2027, the Secretary of Defense shall submit to the congressional defense committees a report on the activities and programs of the Department of Defense to implement the irregular warfare strategy consistent with the 2019 Irregular Warfare Annex to the National Defense Strategy, as amended by any subsequent national defense strategy.

(b) ELEMENTS OF REPORT.—Each report required by subsection (a) shall include the following elements for the year covered by the report:

(1) A description and assessment of efforts to institutionalize the approach of the Department of Defense to irregular warfare and maintain a baseline of capabilities and expertise in irregular warfare in both conventional and special operations forces, including efforts to—

(A) institutionalize irregular warfare in force development and design;

(B) transform the approach of the Department of Defense to prioritize investments in, and development of, human capital for irregular warfare;

(C) ensure an approach to irregular warfare that is agile, efficient, and effective by investing and developing capabilities in a cost-informed and resource-sustainable manner; and

(D) integrate irregular warfare approaches into operational plans and warfighting concepts for competition, crisis, and conflict.

(2) A description and assessment of efforts to operationalize the approach of the Department of Defense to irregular warfare to meet the full

range of challenges posed by adversaries and competitors, including efforts to—

(A) execute proactive, enduring campaigns using irregular warfare capabilities to control the tempo of competition, shape the environment, and increase the cost of hostilities against the United States and its allies;

(B) adopt a resource-sustainable approach to countering violent extremist organizations and consolidating gains against the enduring threat from these organizations;

(C) improve the ability of the Department of Defense to understand and operate within the networked, contested, and multi-domain environment in which adversaries and competitors operate;

(D) foster and sustain unified action in irregular warfare including through collaboration and support of interagency partners in the formulation of assessments, plans, and the conduct of operations; and

(E) expand networks of allies and partners, including for the purpose of increasing the ability and willingness of allies and partners to defend their sovereignty, contribute to coalition operations, and advance common security initiatives.

(3) A description of—

(A) the status of the plan required to be produced by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Chairman of the Joint Chiefs of Staff, in coordination with the combatant commands and the Secretaries of the military departments, to implement the objectives described in the 2019 Irregular Warfare Annex to the National Defense Strategy; and

(B) the efforts by the relevant components of the Department of Defense to expeditiously implement such plan, including the allocation of resources to implement the plan.

(4) An assessment by the Secretary of Defense of the resources, plans, and authorities required to establish and sustain irregular warfare as a fully-integrated core competency for the Joint Forces.

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

SEC. 1077. STUDY ON PROVIDING END-TO-END ELECTRONIC VOTING SERVICES FOR ABSENT UNIFORMED SERVICES VOTERS IN LOCATIONS WITH LIMITED OR IMMATURE POSTAL SERVICE.

(a) STUDY.—In consultation with the Chief Information Officer of the Department of Defense, the Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.) shall conduct a study on providing end-to-end electronic voting services (including services for registering to vote, requesting an electronic ballot, completing the ballot, and returning the ballot) in participating States for absent uniformed services voters under such Act who are deployed or mobilized to locations with limited or immature postal service (as determined by the Presidential designee).

(b) SPECIFICATIONS.—In conducting the study under subsection (a), the Presidential designee shall include—

(1) methods that would ensure voters have the opportunity to verify that their ballots are received and tabulated correctly by the appropriate State and local election officials;

(2) methods that would generate a verifiable and auditable vote trail for the purposes of any recount or audit conducted with respect to an election;

(3) a plan of action and milestones on steps that would need to be achieved prior to implementing end-to-end electronic voting services for absentee uniformed services voters;

(4) an assessment of whether commercially available technologies may be used to carry out any of the elements of the plan; and

(5) an assessment of the resources needed to implement the plan of action and milestones referred to in paragraph (3).

(c) CONSULTATION WITH STATE AND LOCAL ELECTION OFFICIALS.—The Presidential designee shall conduct the study under subsection (a) in consultation with appropriate State and local election officials.

(d) USE OF CONTRACTORS.—To the extent the Presidential designee determines to be appropriate, the Presidential designee may include in the study conducted under subsection (a) an analysis of the potential use of contractors to provide voting services and how such contractors could be used to carry out the elements of the plan referred to in subsection (b)(3).

(e) BRIEFING; REPORT.—

(1) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Presidential designee shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the interim results of the study conducted under subsection (a).

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Presidential designee shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study conducted under subsection (a).

SEC. 1078. REPORT ON AIR FORCE STRATEGY FOR ACQUISITION OF COMBAT RESCUE AIRCRAFT AND EQUIPMENT.

Not later than June 1, 2022, the Secretary of the Air Force shall submit to the congressional defense committees a report containing—

(1) a strategy for the acquisition of combat rescue aircraft and equipment that aligns with the stated capability and capacity requirements of the Air Force; and

(2) an analysis of how such strategy meets the requirements of the national defense strategy required under section 113(g) of title 10, United States Code.

Subtitle G—Other Matters

SEC. 1081. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of chapters at the beginning of part I of subtitle A is amended by striking the item relating to the second chapter 19 (relating to cyber matters).

(2) The table of sections at the beginning of chapter 2 is amended by striking the item relating to section 118 and inserting the following new item:

''118. Materiel readiness metrics and objectives for major weapon systems.''.

(3) The second section 118a, as added by section 341 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is redesignated as section 118b, and the table of sections at the beginning of chapter 2 of such title is conformed accordingly.

(4) Section 138(b)(2)(A)(i) is amended by striking the semicolon.

(5) Section 196(d) is amended by striking '',,'' and inserting '',''.

(6) Section 231a(e)(2) is amended by striking ''include the following,'' and inserting ''include''.

(7) Section 240b(b)(1)(B)(xiii) is amended by striking ''An'' and inserting ''A''.

(8) Section 240g(a)(3) is amended by striking ''; and'' and inserting '';''.

(9) Section 393(b)(2)(D) is amended by inserting a period at the end.

(10) Section 483(f)(3) is amended by inserting ''this'' before ''title''.

(11) Section 651(a) is amended by inserting a comma after ''3806(d)(1))''.

(12) The table of sections at the beginning of chapter 39 is amended by adding a period at the end of the item relating to section 691.

(13) Section 823(a)(2) (article 23(a)(2) of the Uniform Code of Military Justice) is amended by inserting a comma after ''Army''.

(14) Section 856(b) (article 56(b) of the Uniform Code of Military Justice) is amended by striking ''subsection (d) of section 853a'' and inserting ''subsection (c) of section 853a''.

(15) Section 1044e(g) is amended by striking ''number of Special Victims' Counsel'' and inserting ''number of Special Victims' Counsels''.

(16) The table of sections at the beginning of chapter 54 is amended by striking the item relating to section 1065 and inserting the following new item:

''1065. Use of commissary stores and MWR facilities: certain veterans, caregivers for veterans, and Foreign Service officers.''.

(17) Section 1463(a)(4) is amended by striking ''that that'' and inserting ''that''.

(18) Section 1465(b)(2) is amended by striking ''the the'' and inserting ''the''.

(19) Section 1466(a) is amended, in the matter preceding paragraph (1), by striking ''Coast guard'' and inserting ''Coast Guard''.

(20) Section 1554a(g)(2) is amended by striking ''..'' and inserting ''.''.

(21) Section 1599h is amended—

(A) in subsection (a), by redesignating the second paragraph (7) and paragraph (8) as paragraphs (8) and (9), respectively; and

(B) in subsection (b)(1), by redesignating the second subparagraph (G) and subparagraph (H) as subparagraphs (H) and (I), respectively.

(22) Section 1705(a) is amended by striking ''a fund'' and inserting ''an account''.

(23) Section 1722a(a) is amended by striking '',,'' and inserting '','',

(24) Section 1788a(e) is amended—

(A) in paragraph (3), by striking ''section 167(i)'' and inserting ''section 167(j)'';

(B) in paragraph (4), by striking ''covered personnel'' and inserting ''covered individuals''; and

(C) in paragraph (5), in the matter preceding subparagraph (A), by striking '''covered personnel''' and inserting '''covered individuals'''.

(25) The table of chapters at the beginning of part III of subtitle A is amended, in the item relating to chapter 113, by striking the period after ''2200g''.

(26) Section 2107(a) is amended by striking ''or Space Force''.

(27) Section 2279b(b) is amended by redesignating the second paragraph (11) as paragraph (12).

(28) Section 2321(f) is amended by striking ''the item'' both places it appears and inserting ''the commercial product''.

(29) The second section 2350m (relating to execution of projects under the North Atlantic Treaty Organization Security Investment Program), as added by section 2503 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is redesignated as section 2350q and the table of sections at the beginning of subchapter II of chapter 138 is conformed accordingly.

(30) Section 2534(a) is amended—

(A) in paragraph (3), by striking ''subsection (j)'' and inserting ''subsection (k)''; and

(B) in paragraph (5), by striking ''principle'' and inserting ''principal''.

(31) Section 2891a(e)(1) is amended by striking ''the any'' and inserting ''the''.

(32) The table of sections at the beginning of chapter 871 is amended—

(A) by striking the item relating to section 8749 and inserting the following new item:

''8749. Civil service mariners of Military Sealift Command: release of drug and alcohol test results to Coast Guard.''; and

(B) by striking the item relating to section 8749a and inserting the following new item:

''8749a. Civil service mariners of Military Sealift Command: alcohol testing.''.

(33) The second section 9084, as added by section 1601 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is transferred to appear after section 9085 and redesignated as

section 9086, and the table of sections at the beginning of chapter 908 of such title is conformed accordingly.

(34) The second section 9132 (relating to Regular Air Force and Regular Space Force: reenlistment after service as an officer) is redesignated as section 9138 (and the table of sections at the beginning of chapter 913 is conformed accordingly).

(35) The section heading for section 9401 is amended to read as follows (and the table of sections at the beginning of chapter 951 is conformed accordingly):

''§ 9401. Members of Air Force and Space Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals''.

(36) The section heading for section 9402 is amended to read as follows (and the table of sections at the beginning of chapter 951 is conformed accordingly):

''§ 9402. Enlisted members of Air Force or Space Force: schools''.

(37) Section 9840 is amended in the second sentence by striking ''He'' and inserting ''The officer''.

(b) NDAA FOR FISCAL YEAR 2021.—Effective as of January 1, 2021, and as if included therein as enacted, section 1 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''This Act''; and

(2) by adding at the end the following:

''(b) REFERENCES.—Any reference in this or any other Act to the 'National Defense Authorization Act for Fiscal Year 2021' shall be deemed to be a reference to the 'William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021'.''.

(c) NDAA FOR FISCAL YEAR 2020.—Effective as of December 20, 2019, and as if included therein as enacted, section 1739(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking ''VI'' and inserting ''VII''.

(d) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

SEC. 1082. MODIFICATION TO REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—Section 342(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) The Ted Stevens Center for Arctic Security Studies, established in 2021 and located in Anchorage, Alaska.''.

(b) ACCEPTANCE OF GIFTS AND DONATIONS.—Section 2611(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) The Ted Stevens Center for Arctic Security Studies.''.

SEC. 1083. IMPROVEMENT OF TRANSPARENCY AND CONGRESSIONAL OVERSIGHT OF CIVIL RESERVE AIR FLEET.

(a) DEFINITIONS.—

(1) SECRETARY.—Paragraph (10) of section 9511 of title 10, United States Code, is amended to read as follows:

''(10) The term 'Secretary' means the Secretary of Defense.''.

(2) CONFORMING AMENDMENTS.—Chapter 961 of title 10, United States Code, as amended by paragraph (1), is further amended—

(A) in section 9511a by striking ''Secretary of Defense'' each place it appears and inserting ''Secretary'';

(B) in section 9512(e), by striking ''Secretary of Defense'' and inserting ''Secretary''; and

(C) in section 9515, by striking ''Secretary of Defense'' each place it appears and inserting ''Secretary''.

(b) ANNUAL REPORT ON CIVIL RESERVE AIR FLEET.—Section 9516 of title 10, United States Code, is amended—

(1) in subsection (d), by striking ''When the Secretary'' and inserting ''Subject to subsection (e), when the Secretary'';

(2) by redesignating subsection (e) as subsection (f); and

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

''(e) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that—

''(1) identifies each contract for airlift services awarded in the preceding fiscal year to a provider that does not meet the requirements set forth in subparagraphs (A) and (B) of subsection (a)(1); and

''(2) for each such contract—

''(A) specifies the dollar value of the award; and

''(B) provides a detailed explanation of the reasons for the award.''.

(c) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Chapter 961 of title 10, United States Code, as amended by subsections (a) and (b), is further amended—

(A) by redesignating sections 9511a and 9512 as sections 9512 and 9513, respectively;

(B) in section 9511, by striking ''section 9512'' each place it appears and inserting ''section 9513''; and

(C) in section 9514, by redesignating subsection (g) as subsection (f).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 9511a and 9512 and inserting the following new items:

''9512. Civil Reserve Air Fleet contracts: payment rate.

''9513. Contracts for the inclusion or incorporation of defense features.''.

(d) CHARTER AIR TRANSPORTATION OF MEMBERS OF THE ARMED FORCES OR CARGO.—

(1) IN GENERAL.—Section 2640 of title 10, United States Code, is amended—

(A) in the section heading, by inserting ''**or cargo**'' after ''**armed forces**'';

(B) in subsection (a)(1), by inserting ''or cargo'' after ''members of the armed forces'';

(C) in subsection (b), by inserting ''or cargo'' after ''members of the armed forces'';

(D) in subsection (d)(1), by inserting ''or cargo'' after ''members of the armed forces'';

(E) in subsection (e)—

(i) by inserting ''or cargo'' after ''members of the armed forces''; and

(ii) by inserting ''or cargo'' before the period at the end;

(F) in subsection (f), by inserting ''or cargo'' after ''members of the armed forces''; and

(G) in subsection (j)(1), by inserting '' 'cargo','' after '' 'air transportation','.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 157 of title 10, United States Code, is amended by striking the item relating to section 2640 and inserting the following new item:

''2640. Charter air transportation of members of the armed forces or cargo.''.

SEC. 1084. OBSERVANCE OF NATIONAL ATOMIC VETERANS DAY.

(a) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 146. National Atomic Veterans Day

''The President shall issue each year a proclamation calling on the people of the United States to—

''(1) observe Atomic Veterans Day with appropriate ceremonies and activities; and

''(2) remember and honor the atomic veterans of the United States whose brave service and sacrifice played an important role in the defense of the Nation.''.

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

''146. National Atomic Veterans Day.''.

SEC. 1085. UPDATE OF JOINT PUBLICATION 3-68: NONCOMBATANT EVACUATION OPERATIONS.

Not later than July 1, 2022, the Chairman of the Joint Chiefs of Staff shall update Joint Publication 3-68: Noncombatant Evacuation Operations.

SEC. 1086. NATIONAL MUSEUM OF THE SURFACE NAVY.

(a) DESIGNATION.—The Battleship IOWA Museum, located in Los Angeles, California, and managed by the Pacific Battleship Center, shall be designated as the ''National Museum of the Surface Navy''.

(b) PURPOSES.—The purposes of the National Museum of the Surface Navy shall be to—

(1) provide and support—

(A) a museum dedicated to the United States Surface Navy community; and

(B) a platform for education, community, and veterans programs;

(2) preserve, maintain, and interpret artifacts, documents, images, stories, and history collected by the museum; and

(3) ensure that the people of the United States understand the importance of the Surface Navy in the continued freedom, safety, and security of the United States.

SEC. 1087. AUTHORIZATION FOR MEMORIAL FOR MEMBERS OF THE ARMED FORCES KILLED IN ATTACK ON HAMID KARZAI INTERNATIONAL AIRPORT.

The Secretary of Defense may establish a commemorative work on Federal land owned by the Department of Defense in the District of Columbia and its environs to commemorate the 13 members of the Armed Forces who died in the bombing attack on Hamid Karzai International Airport, Kabul, Afghanistan, on August 26, 2021.

SEC. 1088. TREATMENT OF OPERATIONAL DATA FROM AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) an immense amount of operational data and intelligence has been developed over the past two decades of war in Afghanistan; and

(2) this information is valuable and must be appropriately retained.

(b) OPERATIONAL DATA.—The Secretary of Defense shall—

(1) archive and standardize operational data from Afghanistan across the myriad of defense information systems; and

(2) ensure the Afghanistan operational data is structured, searchable, and usable across the joint force.

(c) BRIEFING.—Not later than March 4, 2022, the Under Secretary of Defense for Intelligence and Security shall provide to the Committee on Armed Services of the House of Representatives a briefing on how the Department of Defense has removed, retained, and assured long-term access to operational data from Afghanistan across each military department and command. Such briefing shall address the manner in which the Department of Defense—

(1) is standardizing and archiving intelligence and operational data from Afghanistan across the myriad of defense information systems; and

(2) ensuring access to such data across the joint force.

SEC. 1089. RESPONSIBILITIES FOR NATIONAL MOBILIZATION; PERSONNEL REQUIREMENTS.

(a) EXECUTIVE AGENT FOR NATIONAL MOBILIZATION.—The Secretary of Defense shall designate a senior civilian official within the Office of the Secretary of Defense as the Executive Agent for National Mobilization. The Executive Agent for National Mobilization shall be responsible for—

(1) developing, managing, and coordinating policy and plans that address the full spectrum

of military mobilization readiness, including full mobilization of personnel from volunteers to other persons inducted into the Armed Forces under the Military Selective Service Act (50 U.S.C. 3801 et seq.);

(2) providing Congress and the Selective Service System with updated requirements and timelines for obtaining inductees in the event of a national emergency requiring mass mobilization and induction of personnel under the Military Selective Service Act for training and service in the Armed Forces; and

(3) providing Congress with a plan, developed in coordination with the Selective Service System, to induct large numbers of volunteers who may respond to a national call for volunteers during an emergency.

(b) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for obtaining inductees as part of a mobilization timeline for the Selective Service System. The plan shall include a description of resources, locations, and capabilities of the Armed Forces required to train, equip, and integrate personnel inducted into the Armed Forces under the Military Selective Service Act into the total force, addressing scenarios that would include 300,000, 600,000, and 1,000,000 new volunteer and other personnel inducted into the Armed Forces under the Military Selective Service Act. The plan may be provided in classified form.

SEC. 1090. INDEPENDENT ASSESSMENT WITH RESPECT TO ARCTIC REGION.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commander of the United States Northern Command, in consultation and coordination with the Commander of the United States Indo-Pacific Command, the Commander of the United States European Command, the military services, and the defense agencies, shall complete an independent assessment with respect to the activities and resources required, for fiscal years 2023 through 2027, to achieve the following objectives:

(A) The implementation of the National Defense Strategy and military service-specific strategies with respect to the Arctic region.

(B) The maintenance or restoration of the comparative military advantage of the United States in response to great power competitors in the Arctic region.

(C) The reduction of the risk of executing operation and contingency plans of the Department of Defense.

(D) To maximize execution of Department operation and contingency plans, in the event deterrence fails.

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

(A) An analysis of, and recommended changes to achieve, the required force structure and posture of assigned and allocated forces within the Arctic region for fiscal year 2027 necessary to achieve the objectives described in paragraph (1), which shall be informed by—

(i) a review of United States military requirements based on operation and contingency plans, capabilities of potential adversaries, assessed gaps or shortfalls of the Armed Forces within the Arctic region, and scenarios that consider—

(I) potential contingencies that commence in the Arctic region and contingencies that commence in other regions but affect the Arctic region;

(II) use of near-, mid-, and far-time horizons to encompass the range of circumstances required to test new concepts and doctrine;

(III) supporting analyses that focus on the number of regionally postured military units and the quality of capability of such units;

(ii) a review of current United States military force posture and deployment plans within the Arctic region, especially of Arctic-based forces that provide support to, or receive support from, the United States Northern Command, the United States Indo-Pacific Command, or the United States European Command;

(iii) an analysis of potential future realignments of United States forces in the region, including options for strengthening United States presence, access, readiness, training, exercises, logistics, and pre-positioning; and

(iv) any other matter the Commander of the United States Northern Command considers appropriate.

(B) A discussion of any factor that may influence the United States posture, supported by annual wargames and other forms of research and analysis.

(C) An assessment of capabilities requirements to achieve such objectives.

(D) An assessment of logistics requirements, including personnel, equipment, supplies, storage, and maintenance needs to achieve such objectives.

(E) An assessment and identification of required infrastructure and military construction investments to achieve such objectives.

(3) REPORT.—

(A) IN GENERAL.—Upon completion of the assessment required by paragraph (1), the Commander of the United States Northern Command shall submit to the Secretary of Defense a report on the assessment.

(B) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives the report under subparagraph (A), the Secretary shall provide to the congressional defense committees—

(i) a copy of the report, in its entirety; and

(ii) any additional analysis or information, as the Secretary considers appropriate.

(C) FORM.—The report required by subparagraph (A), and any additional analysis or information provided under subparagraph (B)(i)(II), may be submitted in classified form, but shall include an unclassified summary.

(b) ARCTIC SECURITY INITIATIVE.—

(1) PLAN.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Secretary receives the report under subsection (a)(3)(A), the Secretary shall provide to the congressional defense committees a briefing on the plan to carry out a program of activities to enhance security in the Arctic region.

(B) OBJECTIVES.—The plan required by subparagraph (A) shall be—

(i) consistent with the objectives described in paragraph (1) of subsection (a); and

(ii) informed by the assessment required by that paragraph.

(C) ACTIVITIES.—The plan shall include, as necessary, the following prioritized activities to improve the design and posture of the joint force in the Arctic region:

(i) Modernize and strengthen the presence of the Armed Forces, including those with advanced capabilities.

(ii) Improve logistics and maintenance capabilities and the pre-positioning of equipment, munitions, fuel, and materiel.

(iii) Conduct exercises, wargames, education, training, experimentation, and innovation for the joint force.

(iv) Improve infrastructure to enhance the responsiveness and resiliency of the Armed Forces.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—Not earlier than 30 days after the submittal of the plan required by paragraph (1), the Secretary may establish a program of activities to enhance security in the Arctic region, to be known as the ''Arctic Security Initiative'' (in this paragraph referred to as the ''Initiative'').

(B) FIVE-YEAR PLAN FOR THE INITIATIVE.—

(i) IN GENERAL.—If the Initiative is established, the Secretary, in consultation with the Commander of the United States Northern Command, shall submit to the congressional defense committees a future years plan for the activities and resources of the Initiative that includes the following:

(I) A description of the activities and resources for the first fiscal year beginning after the date on which the Initiative is established, and the plan for not fewer than the four subsequent fiscal years, organized by the activities described in paragraph (1)(C).

(II) A summary of progress made toward achieving the objectives described in subsection (a)(1).

(III) A summary of the activity, resource, capability, infrastructure, and logistics requirements necessary to achieve progress in reducing risk to the ability of the joint force to achieve objectives in the Arctic region, including, as appropriate, investments in—

(aa) active and passive defenses against—

(AA) manned aircraft, surface vessels, and submarines;

(BB) unmanned naval systems;

(CC) unmanned aerial systems; and

(DD) theater cruise, ballistic, and hypersonic missiles;

(bb) advanced long-range precision strike systems;

(cc) command, control, communications, computers, intelligence, surveillance, and reconnaissance systems;

(dd) training and test range capacity, capability, and coordination;

(ee) dispersed resilient and adaptive basing to support distributed operations, including expeditionary airfields and ports, space launch facilities, and command posts;

(ff) advanced critical munitions;

(gg) pre-positioned forward stocks of fuel, munitions, equipment, and materiel;

(hh) distributed logistics and maintenance capabilities;

(ii) strategic mobility assets, including icebreakers;

(jj) improved interoperability, logistics, transnational supply lines and infrastructure, and information sharing with allies and partners, including scientific missions; and

(kk) information operations capabilities.

(IV) A detailed timeline for achieving the requirements identified under subclause (III).

(V) A detailed explanation of any significant modification to such requirements, as compared to—

(aa) the assessment required by subsection (a)(1) for the first fiscal year; and

(bb) the plans previously submitted for each subsequent fiscal year.

(VI) Any other matter the Secretary considers necessary.

(ii) FORM.—A plan under clause (i) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1091. NATIONAL SECURITY COMMISSION ON EMERGING BIOTECHNOLOGY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established, as of the date specified in paragraph (2), an independent commission in the legislative branch to be known as the ''National Security Commission on Emerging Biotechnology'' (in this section referred to as the ''Commission'').

(2) DATE OF ESTABLISHMENT.—The date of establishment referred to in paragraph (1) is 30 days after the date of the enactment of this Act.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members appointed as follows:

(A) Two members appointed by the Chair of the Committee on Armed Services of the Senate, one of whom is a Member of the Senate and one of whom is not.

(B) Two members appointed by the ranking minority member of the Committee on Armed Services of the Senate, one of whom is a Member of the Senate and one of whom is not.

(C) Two members appointed by the Chair of the Committee on Armed Services of the House of Representatives, one of whom is a Member of

the House of Representatives and one of whom is not.

(D) Two members appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives, one of whom is a Member of the House of Representatives and one of whom is not.

(E) One member appointed by the Speaker of the House of Representatives.

(F) One member appointed by the Minority Leader of the House of Representatives.

(G) One member appointed by the Majority Leader of the Senate.

(H) One member appointed by the Minority Leader of the Senate.

(2) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 45 days after the Commission establishment date specified under subsection (a)(2).

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made.

(4) QUALIFICATIONS.—The members of the Commission who are not members of Congress and who are appointed under subsection (b)(1) shall be individuals from private civilian life who are recognized experts and have relevant professional experience in matters relating to—

(A) emerging biotechnology and associated technologies;

(B) use of emerging biotechnology and associated technologies by national policy makers and military leaders; or

(C) the implementation, funding, or oversight of the national security policies of the United States.

(c) CHAIR AND VICE CHAIR.—

(1) CHAIR.—The Chair of the Committee on Armed Services of the Senate and the Chair of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Commission to serve as Chair of the Commission.

(2) VICE CHAIR.—The ranking minority member of the Committee on Armed Services of the Senate and the ranking minority member of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Commission to serve as Vice Chair of the Commission.

(d) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

(e) PURPOSE.—The purpose of the Commission is to examine and make recommendations with respect to emerging biotechnology as it pertains to current and future missions and activities of the Department of Defense.

(f) SCOPE AND DUTIES.—

(1) IN GENERAL.—The Commission shall carry out a review of advances in emerging biotechnology and associated technologies. In carrying out such review, the Commission shall consider the methods, means, and investments necessary to advance and secure the development of biotechnology, biomanufacturing, and associated technologies by the United States to comprehensively address the national security and defense needs of the United States.

(2) SCOPE OF THE REVIEW.—In conducting the review described in this subsection, the Commission shall consider the following:

(A) The global competitiveness of the United States in biotechnology, biomanufacturing, and associated technologies, including matters related to national security, defense, public-private partnerships, and investments.

(B) Means, methods, and investments for the United States to maintain and protect a technological advantage in biotechnology, biomanufacturing, and associated technologies related to national security and defense.

(C) Developments and trends in international cooperation and competitiveness, including foreign investments in biotechnology, biomanufacturing, and associated technologies that are scientifically and materially related to national security and defense.

(D) Means by which to foster greater emphasis and investments in basic and advanced research to stimulate government, industry, academic and combined initiatives in biotechnology, biomanufacturing, and associated technologies, to the extent that such efforts have application scientifically and materially related to national security and defense.

(E) Means by which to foster greater emphasis and investments in advanced development and test and evaluation of biotechnology-enabled capabilities to stimulate the growth of the United States bioeconomy and commercial industry, while also supporting and improving acquisition and adoption of biotechnologies for national security purposes.

(F) Workforce and education incentives and programs to attract, recruit, and retain leading talent in fields relevant to the development and sustainment of biotechnology and biomanufacturing, including science, technology, engineering, data science and bioinformatics, and biology and related disciplines.

(G) Risks and threats associated with advances in military employment of biotechnology and biomanufacturing.

(H) Associated ethical, legal, social, and environmental considerations related to biotechnology, biomanufacturing, and associated technologies as it will be used for future applications related to national security and defense.

(I) Means to establish international standards for the tools of biotechnology, biomanufacturing, related cybersecurity, and digital biosecurity.

(J) Means to establish data sharing capabilities within and amongst government, industry, and academia to foster collaboration and accelerate innovation, while maintaining privacy and security for data as required for national security and personal protection purposes.

(K) Consideration of the transformative potential and rapidly-changing developments of biotechnology and biomanufacturing innovation and appropriate mechanisms for managing such technology related to national security and defense.

(L) Any other matters the Commission deems relevant to national security.

(g) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) FINAL REPORT.—Not later than 2 years after the Commission establishment date specified in subsection (a)(2), the Commission shall submit to the congressional defense committees and the President a final report on the findings of the Commission and such recommendations that the Commission may have for action by Congress and the Federal Government.

(2) INTERIM REPORT.—Not later than 1 year after the Commission establishment date specified in subsection (a)(2), the Commission shall submit to the congressional defense committees and the President an interim report on the status of the Commission's review and assessment, including a discussion of any interim recommendations.

(3) FORM.—The report submitted to Congress under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) GOVERNMENT COOPERATION.—

(1) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense and other Federal departments and agencies in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) LIAISON.—The Secretary of Defense shall designate at least one officer or employee of the Department of Defense to serve as a liaison officer between the Department and the Commission.

(3) DETAILEES AUTHORIZED.—The Secretary of Defense and the heads of other departments and agencies of the Federal Government may provide, and the Commission may accept and employ, personnel detailed from the Department of Defense and such other departments and agencies, without reimbursement.

(4) FACILITATION.—

(A) INDEPENDENT, NONGOVERNMENT INSTITUTE.—Not later than 45 days after the Commission establishment date specified in subsection (a)(2), the Secretary of Defense may make available to the Commission the services of an independent, nongovernmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code, that has recognized credentials and expertise in national security and military affairs in order to facilitate the Commission's discharge of its duties under this section.

(B) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—On request of the Commission, the Secretary of Defense shall make available the services of a federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense in order to enhance the Commission's efforts to discharge its duties under this section.

(5) EXPEDITION OF SECURITY CLEARANCES.—The Office of Senate Security and the Office of House Security shall ensure the expedited processing of appropriate security clearances under processes developed for the clearance of legislative branch employees for any personnel appointed to the Commission by their respective offices of the Senate and House of Representatives and any personnel appointed by the Executive Director appointed under subsection (i).

(6) SERVICES.—

(A) DOD SERVICES.—The Secretary of Defense may provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission's duties under this section.

(B) OTHER AGENCIES.—In addition to any support provided under paragraph (1), the heads of other Federal departments and agencies may provide to the Commission such services, funds, facilities, staff, and other support as the heads of such departments and agencies determine advisable and as may be authorized by law.

(i) STAFF.—

(1) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, any member of the Commission who is not a Member of Congress shall be considered to be a Federal employee.

(2) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(3) PAY.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(j) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily

rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from nonfederal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, members of the Commission shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing employees of the Senate and House of Representatives.

(l) LEGISLATIVE ADVISORY COMMITTEE.—The Commission shall operate as a legislative advisory committee.

(m) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

(n) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(o) POSTAL SERVICES.—The Commission may use the United States mail in the same manner and under the same conditions as Federal departments and agencies.

(p) SPACE FOR USE OF COMMISSION.—Not later than 30 days after the establishment date of the Commission, the Administrator of General Services, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 30-day period, the Commission may lease space to the extent the funds are available.

(q) REMOVAL OF MEMBERS.—A member may be removed from the Commission for cause by the individual serving in the position responsible for the original appointment of such member under subsection (b)(1), provided that notice has first been provided to such member of the cause for removal and voted and agreed upon by three quarters of the members serving. A vacancy created by the removal of a member under this subsection shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment was made.

(r) TERMINATION.—The Commission shall terminate 18 months after the date on which it submits the final report required by subsection (g).

SEC. 1092. QUARTERLY SECURITY BRIEFINGS ON AFGHANISTAN.

(a) IN GENERAL.—Not later than January 15, 2022, and every 90 days thereafter through December 31, 2025, the Under Secretary of Defense for Policy, in consultation with the Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Intelligence and Security, shall provide to the congressional defense committees an unclassified and classified briefing on the security situation in Afghanistan and ongoing Department of Defense efforts to counter terrorist groups in Afghanistan.

(b) ELEMENTS.—Each briefing required by subsection (a) shall include an assessment of each of the following:

(1) The security situation in Afghanistan.

(2) The disposition of the Taliban, al-Qaeda, the Islamic State of Khorasan, and associated forces, including the respective sizes and geographic areas of control of each such group.

(3) The international terrorism ambitions and capabilities of the Taliban, al-Qaeda, the Islamic State of Khorasan, and associated forces, and the extent to which each such group poses a threat to the United States and its allies.

(4) The capability and willingness of the Taliban to counter the Islamic State of Khorasan.

(5) The capability and willingness of the Taliban to counter al-Qaeda.

(6) The extent to which the Taliban have targeted, and continue to target, Afghan nationals who assisted the United States and coalition forces during the United States military operations in Afghanistan between 2001 and 2021.

(7) Basing, overflight, or other cooperative arrangements between the United States and regional partners as part of the over-the-horizon counterterrorism posture for Afghanistan.

(8) The capability and effectiveness of the over-the-horizon counterterrorism posture of the United States for Afghanistan.

(9) The disposition of United States forces in the area of operations of United States Central Command, including the force posture and associated capabilities to conduct operations in Afghanistan.

(10) The activities of regional actors as they relate to promoting stability and countering threats from terrorist groups in Afghanistan, including—

(A) military operations conducted by foreign countries in the region as such operations relate to Afghanistan;

(B) the capabilities of the militaries of foreign countries to execute operations in Afghanistan; and

(C) the relationships between the militaries of foreign countries and the Taliban or foreign terrorist organizations inside Afghanistan.

(11) Any other matter the Under Secretary considers appropriate.

SEC. 1093. TRANSITION OF FUNDING FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to transition the funding of non-conventional assisted recovery capabilities from the authority provided under section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578) to the authority provided under section 127f of title 10, United States Code.

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

(A) An identification of the non-conventional assisted recovery capabilities to be transitioned to the authority provided by such section 127f.

(B) An identification of any legislative changes to such section 127f necessary to accommodate the transition of capabilities currently funded under such section 943.

(C) A description of the manner in which the Secretary plans to ensure appropriate transparency of activities for non-conventional assisted recovery capabilities, and related funding, in the annual report required under subsection (e) of such section 127f.

(D) Any other matter the Secretary considers relevant.

(b) MODIFICATION OF AUTHORITY FOR EXPENDITURE OF FUNDS FOR CLANDESTINE ACTIVITIES THAT SUPPORT OPERATIONAL PREPARATION OF THE ENVIRONMENT.—Section 127f of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—Funding used to establish, develop, and maintain non-conventional assisted recovery capabilities under this section may only be obligated and expended with the concurrence of the relevant Chief of Mission or Chiefs of Mission.''.

SEC. 1094. AFGHANISTAN WAR COMMISSION ACT OF 2021.

(a) SHORT TITLE.—This section may be cited as the ''Afghanistan War Commission Act of 2021''.

(b) DEFINITIONS.—In this section:

(1) The term ''applicable period'' means the period beginning June 1, 2001, and ending August 30, 2021.

(2) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Armed Services of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Permanent Select Committee on Intelligence of the House of Representatives; and

(H) the Committee on Appropriations of the House of Representatives.

(3) The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(c) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established in the legislative branch an independent commission to be known as the Afghanistan War Commission (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 16 members of whom—

(i) 1 shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(ii) 1 shall be appointed by the ranking member of the Committee on Armed Services of the Senate;

(iii) 1 shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives;

(iv) 1 shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives;

(v) 1 shall be appointed by the Chairman of the Committee on Foreign Relations of the Senate;

(vi) 1 shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(vii) 1 shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives;

(viii) 1 shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;

(ix) 1 shall be appointed by the Chairman of the Select Committee on Intelligence of the Senate;

(x) 1 shall be appointed by the Vice Chairman of the Select Committee on Intelligence of the Senate.

(xi) 1 shall be appointed by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives;

(xii) 1 shall be appointed by the ranking member of the Permanent Select Committee on Intelligence of the House of Representatives;

(xiii) 1 shall be appointed by the Majority leader of the Senate;

(xiv) 1 shall be appointed by the Minority leader of the Senate;

(xv) 1 shall be appointed by the Speaker of the House of Representatives; and

(xvi) 1 shall be appointed by the Minority Leader of the House of Representatives.

(B) QUALIFICATIONS.—It is the sense of Congress that each member of the Commission appointed under subparagraph (A) should—

(i) have significant professional experience in national security, such as a position in—

(I) the Department of Defense;

(II) the Department of State;

(III) the intelligence community;

(IV) the United States Agency for International Development; or

(V) an academic or scholarly institution; and

(ii) be eligible to receive the appropriate security clearance to effectively execute their duties.

(C) PROHIBITIONS.—A member of the Commission appointed under subparagraph (A) may not—

(i) be a current member of Congress;

(ii) be a former member of Congress who served in Congress after January 3, 2001;

(iii) be a current or former registrant under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(iv) have previously investigated Afghanistan policy or the war in Afghanistan through employment in the office of a relevant inspector general;

(v) have been the sole owner or had a majority stake in a company that held any United States or coalition defense contract providing goods or services to activities by the United States Government or coalition in Afghanistan during the applicable period; or

(vi) have served, with direct involvement in actions by the United States Government in Afghanistan during the time the relevant official served, as—

(I) a cabinet secretary or national security adviser to the President; or

(II) a four-star flag officer, Under Secretary, or more senior official in the Department of Defense or the Department of State.

(D) DATE.—

(i) IN GENERAL.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(ii) FAILURE TO MAKE APPOINTMENT.—If an appointment under subparagraph (A) is not made by the appointment date specified in clause (i)—

(I) the authority to make such appointment shall expire; and

(II) the number of members of the Commission shall be reduced by the number equal to the number of appointments not made.

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the first meeting of the Commission.

(B) FREQUENCY.—The Commission shall meet at the call of the Co-Chairpersons.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CO-CHAIRPERSONS.—Co-Chairpersons of the Commission shall be selected by the Leadership of the Senate and the House of Representatives as follows:

(A) 1 Co-Chairperson selected by the Majority Leader of the Senate and the Speaker of the House of Representatives from the members of the Commission appointed by chairpersons of the appropriate congressional committees, the Majority Leader of the Senate, and the Speaker of the House of Representatives; and

(B) 1 Co-Chairperson selected by the Minority Leader of the Senate and the Minority Leader of the House of Representatives from the members of the Commission appointed by the ranking members of the appropriate congressional committees, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(d) PURPOSE OF COMMISSION.— The purpose of the Commission is—

(1) to examine the key strategic, diplomatic, and operational decisions that pertain to the war in Afghanistan during the relevant period, including decisions, assessments, and events that preceded the war in Afghanistan; and

(2) to develop a series of lessons learned and recommendations for the way forward that will inform future decisions by Congress and policymakers throughout the United States Government.

(e) DUTIES OF COMMISSION.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a thorough study of all matters relating to combat operations, reconstruction and security force assistance activities, intelligence activities, and diplomatic activities of the United States pertaining to the Afghanistan during the period beginning June 1, 2001, and ending August 30, 2021.

(B) MATTERS STUDIED.—The matters studied by the Commission shall include—

(i) for the time period specified under subparagraph (A)—

(I) the policy objectives of the United States Government, including—

(aa) military objectives;

(bb) diplomatic objectives; and

(cc) development objectives;

(II) significant decisions made by the United States, including the development of options presented to policymakers;

(III) the efficacy of efforts by the United States Government in meeting the objectives described in clause (i), including an analysis of—

(aa) military efforts;

(bb) diplomatic efforts;

(cc) development efforts; and

(dd) intelligence efforts; and

(IV) the efficacy of counterterrorism efforts against al Qaeda, the Islamic State Khorasan Province, and other foreign terrorist organizations in degrading the will and capabilities of such organizations—

(aa) to mount external attacks against the United States or its allies and partners; or

(bb) to threaten stability in Afghanistan, neighboring countries, and the region;

(ii) the efficacy of metrics, measures of effectiveness, and milestones used to assess progress of diplomatic, military, and intelligence efforts;

(iii) the efficacy of interagency planning and execution process by the United States Government;

(iv) factors that led to the collapse of the Afghan National Defense Security Forces in 2021, including—

(I) training and mentoring from the institutional to the tactical levels within the Afghan National Defense Security Forces;

(II) assessment methodologies, including any transition from different methodologies and the consistency of implementation and reporting;

(III) the determination of how to establish and develop the Afghan National Defense Security Forces, including the Afghan Air Force, and what determined the security cooperation model used to build such force;

(IV) reliance on technology and logistics support;

(V) corruption; and

(VI) reliance on warfighting enablers provided by the United States;

(v) the challenges of corruption across the entire spectrum of the Afghan Government and efficacy of counter-corruption efforts to include linkages to diplomatic lines of effort, linkages to foreign and security assistance, and assessment methodologies;

(vi) the efficacy of counter-narcotic efforts to include alternative livelihoods, eradication, interdiction, and education efforts;

(vii) the role of countries neighboring Afghanistan in contributing to the stability or instability of Afghanistan;

(viii) varying diplomatic approaches between Presidential administrations;

(ix) the extent to which the intelligence community did or did not fail to provide sufficient warning about the probable outcomes of a withdrawal of coalition military personnel from Afghanistan, including as it relates to—

(I) the capability and sustainability of the Afghanistan National Defense Security Forces;

(II) the sustainability of the Afghan central government, absent coalition support;

(III) the extent of Taliban control over Afghanistan over time with respect to geographic territory, population centers, governance, and influence; and

(IV) the likelihood of the Taliban regaining control of Afghanistan at various levels of United States and coalition support, including the withdrawal of most or all United States or coalition support;

(x) the extent to which intelligence products related to the state of the conflict in Afghanistan and the effectiveness of the Afghanistan National Defense Security Forces complied with intelligence community-wide analytic tradecraft standards and fully reflected the divergence of analytic views across the intelligence community;

(xi) an evaluation of whether any element of the United States Government inappropriately restricted access to data from elements of the intelligence community, Congress, or the Special Inspector General for Afghanistan Reconstruction (SIGAR) or any other oversight body such as other inspectors general or the Government Accountability Office, including through the use of overclassification; and

(xii) the extent to which public representations of the situation in Afghanistan before Congress by United States Government officials differed from the most recent formal assessment of the intelligence community at the time those representations were made.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—

(i) ANNUAL REPORT.—

(I) IN GENERAL.—Not later than 1 year after the date of the initial meeting of the Commission, and annually thereafter, the Commission shall submit to the appropriate congressional committees a report describing the progress of the activities of the Commission as of the date of such report, including any findings, recommendations, or lessons learned endorsed by the Commission.

(II) ADDENDA.—Any member of the Commission may submit an addendum to a report required under subclause (I) setting forth the separate views of such member with respect to any matter considered by the Commission.

(III) BRIEFING.—On the date of the submission of each report, the Commission shall brief Congress.

(ii) FINAL REPORT.—

(I) SUBMISSION.—Not later than 3 years after the date of the initial meeting of the Commission, the Commission shall submit to Congress a report that contains a detailed statement of the findings, recommendations, and lessons learned endorsed by the Commission.

(II) ADDENDA.—Any member of the Commission may submit an addendum to the report required under subclause (I) setting forth the separate views of such member with respect to any matter considered by the Commission.

(III) EXTENSION.—The Commission may submit the report required under subclause (I) at a date that is not more than 1 year later than the date specified in such clause if agreed to by the chairperson and ranking member of each of the appropriate congressional committees.

(B) FORM.—The report required by paragraph (1)(B) shall be submitted and publicly released on a Government website in unclassified form but may contain a classified annex.

(C) SUBSEQUENT REPORTS ON DECLASSIFICATION.—

(i) IN GENERAL.—Not later than 4 years after the date that the report required by subparagraph (A)(ii) is submitted, each relevant agency of jurisdiction shall submit to the committee of jurisdiction a report on the efforts of such agency to declassify such annex.

(ii) CONTENTS.—Each report required by clause (i) shall include—

(I) a list of the items in the classified annex that the agency is working to declassify at the time of the report and an estimate of the timeline for declassification of such items;

(II) a broad description of items in the annex that the agency is declining to declassify at the time of the report; and

(III) any justification for withholding declassification of certain items in the annex and an estimate of the timeline for declassification of such items.

(f) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, take such testimony, and receive such evidence as the Commission considers necessary to carry out its purpose and functions under this section.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—

(i) IN GENERAL.—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this section.

(ii) FURNISHING INFORMATION.—Upon receipt of a written request by the Co-Chairpersons of the Commission, the head of the department or agency shall expeditiously furnish the information to the Commission.

(B) SPACE FOR COMMISSION.—

(i) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Architect of the Capitol, in consultation with the Commission, shall identify suitable space to house the operations of the Commission, which shall include—

(I) a dedicated sensitive compartmented information facility or access to a sensitive compartmented information facility; and

(II) the ability to store classified documents.

(ii) AUTHORITY TO LEASE.—If the Architect of the Capitol is not able to identify space in accordance with clause (i) within the 30-day period specified in clause (i), the Commission may lease space to the extent that funds are available for such purpose.

(C) COMPLIANCE BY INTELLIGENCE COMMUNITY.—Elements of the intelligence community shall respond to requests submitted pursuant to paragraph (2) in a manner consistent with the protection of intelligence sources and methods.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate.

(5) ETHICS.—

(A) IN GENERAL.—The members and employees of the Commission shall be subject to the ethical rules and guidelines of the Senate.

(B) REPORTING.—For purposes of title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), each member and employee of the Commission—

(i) shall be deemed to be an officer or employee of the Congress (as defined in section 109(13) of such title); and

(ii) shall file any report required to be filed by such member or such employee (including by virtue of the application of subsection (g)(1)) under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) with the Secretary of the Senate.

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the commission shall be deemed to be Federal employees.

(B) EXECUTIVE DIRECTOR.—The Co-Chairpersons of the Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(C) PAY.—The Executive Director, with the approval of the Co-Chairpersons of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(D) SECURITY CLEARANCES.—All staff must have or be eligible to receive the appropriate security clearance to conduct their duties.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee, with the appropriate security clearance to conduct their duties, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairpersons of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(6) PAY.—The pay of each employee of the Commission and any member of the Commission who receives pay in accordance with paragraph (1) shall be disbursed by the Secretary of the Senate.

(h) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report required under subsection (e)(2)(A)(ii).

SEC. 1095. COMMISSION ON THE NATIONAL DEFENSE STRATEGY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established, as of the date specified in paragraph (2), an independent commission in the legislative branch to be known as the Commission on the National Defense Strategy for the United States (in this subtitle referred to as the ''Commission'').

(2) DATE OF ESTABLISHMENT.—The date of establishment referred to in paragraph (1) is the date that is not later than 30 days after the date on which the Secretary of Defense provides a national defense strategy as required by section 113(g) of title 10, United States Code.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 8 members from private civilian life who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(A) The Majority Leader of the Senate shall appoint 1 member.

(B) The Minority Leader of the Senate shall appoint 1 member.

(C) The Speaker of the House of Representatives shall appoint 1 member.

(D) The Minority Leader of the House of Representatives shall appoint 1 member.

(E) The Chair of the Committee on Armed Services of the Senate shall appoint 1 member.

(F) The Ranking Member of the Committee on Armed Services of the Senate shall appoint 1 member.

(G) The Chair of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(H) The Ranking Member of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(2) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 45 days after the Commission establishment date specified under subsection (a)(2).

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made.

(c) CHAIR AND VICE CHAIR.—

(1) CHAIR.—The Chair of the Committee on Armed Services of the Senate and the Chair of the Committee on Armed Services of the House of Representatives, with the concurrence of the Majority Leader of the Senate and the Speaker of the House of Representatives, shall jointly designate 1 member of the Commission to serve as Chair of the Commission.

(2) VICE CHAIR.—The Ranking Member of the Committee on Armed Services of the Senate and the Ranking Member of the Committee on Armed Services of the House of Representatives, with the concurrence of the Minority Leader of the Senate and the Minority Leader of the House of Representatives, shall jointly designate 1 member of the Commission to serve as Vice Chair of the Commission.

(d) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(e) PURPOSE.—The purpose of the Commission is to examine and make recommendations with respect to the national defense strategy for the United States.

(f) SCOPE AND DUTIES.—In order to provide the fullest understanding of the matters required under subsection (e), the Commission shall perform the following duties:

(1) NATIONAL DEFENSE STRATEGY REVIEW.—The Commission shall review the most recent national defense strategy of the United States including the assumptions, strategic objectives, priority missions, major investments in defense capabilities, force posture and structure, operational concepts, and strategic and military risks associated with the strategy.

(2) ASSESSMENT.—The Commission shall conduct a comprehensive assessment of the strategic environment to include the threats to the national security of the United States, including both traditional and non-traditional threats, the size and shape of the force, the readiness of the force, the posture, structure, and capabilities of the force, allocation of resources, and the strategic and military risks in order to provide recommendations on the national defense strategy for the United States.

(g) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than one year after the Commission establishment date specified under subsection (a)(2), the Commission shall transmit to the President and Congress a report containing the review and assessment conducted under subsection (f), together with any recommendations of the Commission. The report shall include the following elements:

(A) An appraisal of the strategic environment, including an examination of the traditional and non-traditional threats to the United States, and the potential for conflicts arising from such threats and security challenges.

(B) An evaluation of the strategic objectives of the Department of Defense for near-peer competition in support of the national security interests of the United States.

(C) A review of the military missions for which the Department of Defense should prepare, including missions that support the interagency and a whole-of-government strategy.

(D) Identification of any gaps or redundancies in the roles and missions assigned to the Armed Forces necessary to carry out military missions identified in subparagraph (C), as well as the roles and capabilities provided by other Federal agencies and by allies and international partners.

(E) An assessment of how the national defense strategy leverages other elements of national power across the interagency to counter near-peer competitors.

(F) An evaluation of the resources necessary to support the strategy, including budget recommendations.

(G) An examination of the Department's efforts to develop new and innovative operational concepts to enable the United States to more effectively counter near-peer competitors.

(H) An analysis of the force planning construct, including—

(i) the size and shape of the force;

(ii) the posture, structure, and capabilities of the force;

(iii) the readiness of the force;

(iv) infrastructure and organizational adjustments to the force;

(v) modifications to personnel requirements, including professional military education; and

(vi) other elements of the defense program necessary to support the strategy.

(I) An assessment of the risks associated with the strategy, including the relationships and tradeoffs between missions, risks, and resources.

(J) Any other elements the Commission considers appropriate.

(2) INTERIM BRIEFINGS.—

(A) Not later than 180 days after the Commission establishment date specified in subsection (a)(2), the Commission shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of its review and assessment to include a discussion of any interim recommendations.

(B) At the request of the Chair and Ranking Member of the Committee on Armed Services of the Senate, or the Chair and Ranking Member of the Committee on Armed Services of the House of Representatives, the Commission shall provide the requesting Committee with interim briefings in addition to the briefing required by subparagraph (2)(A).

(3) FORM.—The report submitted to Congress under paragraph (1) of this subsection shall be submitted in unclassified form, but may include a classified annex.

(h) GOVERNMENT COOPERATION.—

(1) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) LIAISON.—The Secretary shall designate at least 1 officer or employee of the Department of Defense to serve as a liaison officer between the Department and the Commission.

(3) DETAILEES AUTHORIZED.—The Secretary may provide, and the commission may accept and employ, personnel detailed from the Department of Defense, without reimbursement.

(4) FACILITATION.—

(A) INDEPENDENT, NON-GOVERNMENT INSTITUTE.—Not later than 45 days after the Commission establishment date specified in subparagraph (a)(2), the Secretary of Defense shall make available to the Commission the services of an independent, non-governmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code, that has recognized credentials and expertise in national security and military affairs in order to facilitate the Commission's discharge of its duties under this section.

(B) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—On request of the Commission, the Secretary of Defense shall make available the services of a federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense in order to enhance the Commission's efforts to discharge its duties under this section.

(5) EXPEDITION OF SECURITY CLEARANCES.—The Office of Senate Security and the Office of House Security shall ensure the expedited processing of appropriate security clearances for personnel appointed to the commission by their respective Senate and House offices under processes developed for the clearance of legislative branch employees.

(i) STAFF.—

(1) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the commission shall be deemed to be Federal employees.

(2) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(3) PAY.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(j) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the United States Senate and the Committee on Ethics of the House of Representatives governing Senate and House employees.

(l) FUNDING.—Of the amounts authorized to be appropriated by this Act for fiscal year 2022 for the Department of Defense, up to $5,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

(m) LEGISLATIVE ADVISORY COMMITTEE.—The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App) or section 552b, United States Code (commonly known as the Government in the Sunshine Act).

(n) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

(o) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(p) POSTAL SERVICES.—The Commission may use the United States mail in the same manner and under the same conditions as departments and agencies of the United States.

(q) SPACE FOR USE OF COMMISSION.—Not later than 30 days after the establishment date of the Commission, the Administrator of General Services, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 30-day period, the Commission may lease space to the extent the funds are available.

(r) REMOVAL OF MEMBERS.—A member may be removed from the commission for cause by the individual serving in the position responsible for the original appointment of such member under subsection (b)(1), provided that notice has first been provided to such member of the cause for removal, voted and agreed upon by three quarters of the members serving. A vacancy created by the removal of a member under this section shall not affect the powers of the commission, and shall be filled in the same manner as the original appointment was made.

(s) TERMINATION.—The Commission shall terminate 90 days after the date on which it submits the report required by subsection (g).

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AMENDMENT TO DIVERSITY AND INCLUSION REPORTING.

Section 113 of title 10, United States Code, as amended by section 551 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended—

(1) in subsection (c)(2), by inserting ''of members and civilian employees'' after ''inclusion'';

(2) in subsection (l)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) efforts to reflect, across the civilian workforce of the Department and of each armed force, the diversity of the population of the United States; and''; and

(B) in paragraph (2)(B), by inserting ''and civilian employees of the Department'' after ''members of the armed forces''; and

(3) in subsection (m)—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph (7):

''(7) The number of civilian employees of the Department, disaggregated by military department, gender, race, and ethnicity—

''(A) in each grade of the General Schedule;

''(B) in each grade of the Senior Executive Service;

''(C) paid at levels above grade GS-15 of the General Schedule but who are not members of the Senior Executive Service;

''(D) paid under the Federal Wage System, and

''(E) paid under alternative pay systems.''.

SEC. 1102. CIVILIAN PERSONNEL MANAGEMENT.

Section 129(a) of title 10, United States Code, is amended—

(1) in the first sentence, by striking ''primarily'' and inserting ''solely''; and

(2) in the second sentence, by striking ''solely''.

SEC. 1103. MODIFICATION OF TEMPORARY AUTHORITY TO APPOINT RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.

Section 1108(b)(1)(A) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended to read as follows:

''(A)(i) at any defense industrial base facility (as that term is defined in section 2208(u)(3) of title 10, United States Code) that is part of the core logistics capabilities (as described in section 2464(a) of such title); or

''(ii) at any Major Range and Test Facility Base (as that term is defined in section 196(i) of such title); and''.

SEC. 1104. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES.

Section 1595(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) The Defense Institute of International Legal Studies.''.

SEC. 1105. CONSIDERATION OF EMPLOYEE PERFORMANCE IN REDUCTIONS IN FORCE FOR CIVILIAN POSITIONS IN THE DEPARTMENT OF DEFENSE.

Section 1597(e) title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting ''CONSIDERATION OF EMPLOYEE PERFORMANCE IN REDUCTIONS''; and

(2) by striking ''be made primarily on the basis of'' and inserting '', among other factors as determined by the Secretary, account for employee''.

SEC. 1106. REPEAL OF 2-YEAR PROBATIONARY PERIOD.

(a) REPEAL.—

(1) IN GENERAL.—Effective December 31, 2022, section 1599e of title 10, United States Code, is repealed.

(2) APPLICATION.—The modification of probationary periods for covered employees (as that term is defined in such section 1599e as in effect on the date immediately preceding the date of enactment of this Act) by operation of the amendment made by paragraph (1) shall only apply to an individual appointed as such an employee on or after the effective date specified in paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 10.—The table of sections for chapter 81 of title 10, United States Code, is amended by striking the item relating to section 1599e.

(2) TITLE 5.—Title 5, United States Code, is amended—

(A) in section 3321(c), by striking '', or any individual covered by section 1599e of title 10'';

(B) in section 3393(d), by striking the second sentence;

(C) in section 7501(1), by striking '', except as provided in section 1599e of title 10,'';

(D) in section 7511(a)(1)(A)(ii), by striking ''except as provided in section 1599e of title 10,''; and

(E) in section 7541(1)(A), by striking ''or section 1599e of title 10''.

SEC. 1107. MODIFICATION OF DARPA PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT SCIENCE AND ENGINEERING EXPERTS.

Section 1599h(b) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

''(A) in the case of employees appointed pursuant to paragraph (1)(B)—

''(i) to any of 5 positions designated by the Director of the Defense Advanced Research Projects Agency for purposes of this clause, at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at Level I of the Executive Schedule under section 5312 of title 5; and

''(ii) to any other position designated by the Director for purposes of this clause, at rates not in excess of the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3;''; and

(B) in subparagraph (B), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) during any fiscal year, pay up to 15 individuals newly appointed pursuant to paragraph (1)(B) the travel, transportation, and relocation expenses and services described under sections 5724, 5724a, and 5724c of title 5.''.

SEC. 1108. EXPANSION OF RATE OF OVERTIME PAY AUTHORITY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK OVERSEAS ON NAVAL VESSELS.

Section 5542(a)(6)(A) of title 5, United States Code, is amended—

(1) by inserting ''outside the United States'' after ''temporary duty'';

(2) by striking ''the nuclear aircraft carrier that is forward deployed in Japan'' and inserting ''naval vessels'';

(3) by inserting ''of 1938'' after ''Fair Labor Standards Act''; and

(4) by striking ''the overtime'' and all that follows through the period at the end and inserting ''the employee shall be coded and paid overtime as if the employee's exemption status under that Act is the same as it is at the employee's permanent duty station.''.

SEC. 1109. REPEAL OF CREDITING AMOUNTS RECEIVED AGAINST PAY OF FEDERAL EMPLOYEE OR DC EMPLOYEE SERVING AS A MEMBER OF THE NATIONAL GUARD OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Section 5519 of title 5, United States Code, is amended by striking ''or (c)''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any amounts credited, by operation of such section 5519, against the pay of an employee or individual described under section 6323(c) of such title on or after the date of enactment of this Act.

SEC. 1110. TREATMENT OF HOURS WORKED UNDER A QUALIFIED TRADE-OF-TIME ARRANGEMENT.

Section 5542 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1)(A) Notwithstanding any other provision of this section or section 5545b, any hours worked by a firefighter under a qualified trade-of-time arrangement shall be disregarded for purposes of any determination relating to eligibility for, or the amount of, any overtime pay under this section, including overtime pay under the Fair Labor Standards Act in accordance with subsection (c).

''(B) The Director of the Office of Personnel Management—

''(i) shall identify the situations in which a firefighter shall be deemed to have worked hours actually worked by a substituting firefighter under a qualified trade-of-time arrangement; and

''(ii) may adopt necessary policies governing the treatment of both a substituting and substituted firefighter under a qualified trade-of-time arrangement, without regard to how those firefighters would otherwise be treated under other provisions of law or regulation.

''(2) In this subsection—

''(A) the term 'firefighter' means an employee—

''(i) the work schedule of whom includes 24-hour duty shifts; and

''(ii) who—

''(I) is a firefighter, as defined in section 8331(21) or 8401(14);

''(II) in the case of an employee who holds a supervisory or administrative position and is subject to subchapter III of chapter 83, but who does not qualify to be considered a firefighter within the meaning of section 8331(21), would so qualify if such employee had transferred directly to such position after serving as a firefighter within the meaning of such section;

''(III) in the case of an employee who holds a supervisory or administrative position and is subject to chapter 84, but who does not qualify to be considered a firefighter within the meaning of section 8401(14), would so qualify if such employee had transferred directly to such position after performing duties described in section 8401(14)(A) and (B) for at least 3 years; and

''(IV) in the case of an employee who is not subject to subchapter III of chapter 83 or chapter 84, holds a position that the Office of Personnel Management determines would satisfy subclause (I), (II), or (III) if the employee were subject to subchapter III of chapter 83 or chapter 84; and

''(B) the term 'qualified trade-of-time arrangement' means an arrangement under which 2 firefighters who are subject to the supervision of the same fire chief agree, solely at their option and with the approval of the employing agency, to substitute for one another during scheduled work hours in the performance of work in the same capacity.''.

SEC. 1111. PARENTAL BEREAVEMENT LEAVE.

(a) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

''§ 6329d. Parental bereavement leave

''(a) DEFINITIONS.—In this section—

''(1) the terms 'employee' and 'son or daughter' have the meanings given those terms in section 6381; and

''(2) the term 'paid leave' means, with respect to an employee, leave without loss of or reduction in—

''(A) pay;

''(B) leave to which the employee is otherwise entitled under law; or

''(C) credit for time or service.

''(b) BEREAVEMENT LEAVE.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), an employee shall be entitled to a total of 2 administrative workweeks of paid leave during any 12-month period because of the death of a son or daughter of the employee.

''(2) LIMITATION.—Leave under paragraph (1) may not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employing agency of the employee agree otherwise.

''(3) NOTICE.—In any case in which the necessity for leave under this subsection is foreseeable, the employee shall provide the employing agency with such notice as is reasonable and practicable.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

''6329d. Parental bereavement leave.''.

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 William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking ''through 2021'' and inserting ''through 2022''.

SEC. 1113. EXTENSION OF AUTHORITY FOR TEMPORARY PERSONNEL FLEXIBILITIES FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE CIVILIAN PERSONNEL.

Section 1132 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 1580 note prec.) is amended—

(1) in subsection (a), by striking ''through 2021'' and inserting ''through 2026'';

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

''(f) DATA COLLECTION REQUIREMENT.—The Secretary of Defense shall develop and implement a plan to collect and analyze data on the pilot program for the purposes of—

''(1) developing and sharing best practices; and

''(2) providing information to the leadership of the Department and Congress on the implementation of the pilot program and related policy issues.

''(g) BRIEFING.—Not later than 90 days after the end of each of fiscal years 2022 through 2026, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate including—

''(1) a description of the effect of this section on the management of civilian personnel at domestic defense industrial base facilities and Major Range and Test Facilities Base during the most recently ended fiscal year; and

''(2) the number of employees—

''(A) hired under such section during such fiscal year; and

''(B) expected to be hired under such section during the fiscal year in which the briefing is provided.''.

SEC. 1114. 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 1106 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking ''2022'' and inserting ''2023''.

SEC. 1115. ASSESSMENT OF ACCELERATED PROMOTION PROGRAM SUSPENSION.

(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 conduct an assessment of the impacts resulting from the Navy's suspension in 2016 of the Accelerated Promotion Program (in this section referred to as the ''APP''). The Inspector General may consult with the Secretary of the Navy in carrying out such assessment, but the Navy may not play any other role in such assessment.

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

(1) An identification of the employees who were hired at the four public shipyards between January 23, 2016, and December 22, 2016, covering the period in which APP was suspended, and who would have otherwise been eligible for APP had the program been in effect at the time they were hired.

(2) An assessment for each employee identified in paragraph (1) to determine the difference between wages earned from the date of hire to the date on which the wage data would be collected and the wages which would have been earned during this same period should that employee have participated in APP from the date of hire and been promoted according to the average promotion timeframe for participants hired in the five-year period prior to the suspension.

(3) An assessment for each employee identified in paragraph (1) to determine at what grade and step each effected employee would be at on October 1, 2020, had that employee been promoted according to the average promotion timeframe for participants hired in the five-year period prior to the suspension.

(4) An evaluation of existing authorities available to the Secretary to determine whether the Secretary can take measures using those authorities to provide the pay difference and corresponding interest, at a rate of the federal short–term interest rate plus 3 percent, to each effected employee identified in paragraph (2) and directly promote the employee to the grade and step identified in paragraph (3).

(c) REPORT.—The Inspector General of the Department of Defense shall submit, to the congressional defense committees, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a report on the results of the evaluation by not later than 270 days after the date of enactment of this Act, and shall provide interim briefings upon request.

SEC. 1116. INCREASE IN ALLOWANCE BASED ON DUTY AT REMOTE WORKSITES.

(a) ASSESSMENT AND RATE.—Not later than March 31, 2022, the Director of the Office of Personnel Management shall complete an assessment of the remote site pay allowance under section 5942 of title 5, United States Code, and propose a new rate of such allowance, adjusted for inflation, and submit such assessment and rate to the President and to Congress.

(b) APPLICATION.—Beginning on the first day of the first pay period beginning after the date the Director submits the assessment and rate under subsection (a), such rate shall, notwithstanding subsection (a) of such section 5942, be the rate of such allowance.

SEC. 1117. ENHANCEMENT OF RECUSAL FOR CONFLICTS OF PERSONAL INTEREST REQUIREMENTS FOR DEPARTMENT OF DEFENSE OFFICERS AND EMPLOYEES.

(a) IN GENERAL.—Except as provided in subsection (b), in addition to the prohibition set forth in section 208 of title 18, United States Code, an officer or employee of the Department of Defense may not knowingly participate personally and substantially in any particular matter involving specific parties where any of the following organizations is a party or represents a party to the matter:

(1) Any organization, including a trade organization, for which the officer or employee has served as an employee, officer, director, trustee, or general partner in the past 2 years.

(2) Any organization with which the officer or employee is seeking employment.

(b) AUTHORIZATION.—An agency designee may authorize the officer or employee to participate in a matter described in paragraph (a) based on a determination, made in light of all relevant circumstances, that the interest of the Government in the officer or employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations.

(c) CONSTRUCTION.—Nothing in this section shall be construed to terminate, alter, or make inapplicable any other prohibition or limitation in law or regulation on the participation of officers or employees of the Department of Defense in particular matters having an effect on their or related financial or other personal interests.

SEC. 1118. OCCUPATIONAL SERIES FOR DIGITAL CAREER FIELDS.

Not later than 270 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall, pursuant to chapter 51 of title 5, United States Code, establish or update one or more occupational series covering Federal Government positions in the fields of software development, software engineering, data science, and data management.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Subtitle B—Matters Relating to Afghanistan and Pakistan

Subtitle A—Assistance and Training

SEC. 1201. ADMINISTRATIVE SUPPORT AND PAYMENT OF CERTAIN EXPENSES FOR COVERED FOREIGN DEFENSE PERSONNEL.

(a) IN GENERAL.—Subchapter IV of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 334. Administrative support and payment of certain expenses for covered foreign defense personnel

''(a) IN GENERAL.—The Secretary of Defense may—

''(1) provide administrative services and support to the United Nations Command for the performance of duties by covered foreign defense personnel during the period in which the covered foreign defense personnel are assigned to the United Nations Command or the Neutral Nations Supervisory Commission in accordance with the Korean War Armistice Agreement of 1953; and

''(2) pay the expenses specified in subsection (b) for covered foreign defense personnel who are—

''(A) from a developing country; and

''(B) assigned to the headquarters of the United Nations Command.

''(b) TYPES OF EXPENSES.—The types of expenses that may be paid under the authority of subsection (a)(2) are the following:

''(1) Travel and subsistence expenses directly related to the duties of covered foreign defense personnel described in subsection (a)(2) in connection with the assignment of such covered foreign defense personnel.

''(2) Personal expenses directly related to carrying out such duties.

''(3) Expenses for medical care at a military medical facility.

''(4) Expenses for medical care at a civilian medical facility, if—

''(A) adequate medical care is not available to such covered foreign defense personnel at a local military medical treatment facility;

''(B) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

''(C) medical care is not otherwise available to such covered foreign defense personnel pursuant to a treaty or any other international agreement.

''(5) Mission-related travel expenses, if—

''(A) such travel is in direct support of the national interests of the United States; and

''(B) the Commander of the United Nations Command directs round-trip travel from the headquarters of the United Nations Command to one or more locations.

''(c) REIMBURSEMENT.—The Secretary may provide the administrative services and support and pay the expenses authorized by subsection (a) with or without reimbursement.

''(d) DEFINITIONS.—In this section:

''(1) The term 'administrative services and support' means base or installation support services, facilities use, base operations support, office space, office supplies, utilities, copying services, computer support, communication services, fire and police protection, postal services, bank services, transportation services, housing and temporary billeting (including ancillary services), specialized clothing required to perform assigned duties, temporary loan of special equipment, storage services, training services, and repair and maintenance services.

''(2) The term 'covered foreign defense personnel' means members of the military of a foreign country who are assigned to—

''(A) the United Nations Command; or

''(B) the Neutral Nations Supervisory Commission.

''(3) The term 'developing country' has the meaning given the term in section 301(4) of this title.

''(4) The term 'Neutral Nations Supervisory Commission' means the delegations from Sweden and Switzerland (or successor delegations) appointed in accordance with the Korean War Armistice Agreement of 1953 or its subsequent agreements.

''(5) The term 'United Nations Command' means the headquarters of the United Nations Command, the United Nations Command Military Armistice Commission, the United Nations Command-Rear, and the United Nations Command Honor Guard.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 16 of title 10, United States Code, is amended by adding at the end the following new item:

''334. Administrative support and payment of certain expenses for covered foreign defense personnel.''.

SEC. 1202. AUTHORITY FOR CERTAIN REIMBURSABLE INTERCHANGE OF SUPPLIES AND SERVICES.

Section 2571 of title 10, United States Code, is amended—

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

''(b)(1) If its head approves, a department or organization within the Department of Defense may, upon request, perform work and services for, or furnish supplies to, any other of those departments or organizations, with or without reimbursement or transfer of funds.

''(2) Use of the authority under this section for reimbursable support is limited to support for the purpose of providing assistance to a foreign partner pursuant to section 333 and section 345 of this title.''; and

(2) by adding at the end the following new subsection:

''(e)(1) An order placed by a department or organization on a reimbursable basis pursuant to subsection (b) shall be considered to be an obligation in the same manner as an order placed under section 6307 of title 41.

''(2) Amounts received as reimbursement shall be credited in accordance with section 2205 of this title to the appropriation of the supporting department or organization used in incurring the obligation in the year or years that support is provided.''.

SEC. 1203. EXTENSION OF SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.

Section 1202(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1639) is amended by striking ''2023'' and inserting ''2025''.

SEC. 1204. MODIFICATION AND EXTENSION OF BIENNIAL COMPTROLLER GENERAL OF THE UNITED STATES AUDITS OF PROGRAMS TO BUILD THE CAPACITY OF FOREIGN SECURITY FORCES.

Section 1205(f) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended—

(1) in paragraph (1)—

(A) by striking ''and 2020'' and inserting '', 2020, and 2022''; and

(B) by striking ''section 2282 of title 10, United States Code (as so added)'' and inserting ''subsections (a)(1) and (e)(7)(B) of section 333 of title 10, United States Code''; and

(2) in paragraph (2)—

(A) by redesignating subparagraph (E) as subparagraph (H); and

(B) by inserting after subparagraph (D) the following:

''(E) An evaluation of coordination by the Department of Defense with foreign countries under the program or programs, as applicable.

''(F) A description and evaluation of the methodology used by the Department of Defense to evaluate the effectiveness of training under the program or programs.

''(G) An analysis of the methodology used by the Department of Defense to evaluate the effectiveness of the program or programs to develop the institutional capacity of the foreign countries.''.

SEC. 1205. TEMPORARY AUTHORITY TO PAY FOR TRAVEL AND SUBSISTENCE EXPENSES OF FOREIGN NATIONAL SECURITY FORCES PARTICIPATING IN THE TRAINING PROGRAM OF THE UNITED STATES-COLOMBIA ACTION PLAN FOR REGIONAL SECURITY.

(a) AUTHORITY.—For fiscal year 2022, the Secretary of Defense is authorized to pay for the travel, subsistence, and similar personnel expenses of the national security forces of a friendly foreign country to participate in the training program of the United States-Colombia Action Plan for Regional Security conducted at a facility in Colombia.

(b) NOTIFICATION.—Not later than 15 days before the exercise of the authority under subsection (a), the Secretary shall provide to the congressional defense committees a written notification that includes the following:

(1) An identification of the foreign country, and the specific unit of the national security forces of such country, the capacity of which will be built by participating in such training program.

(2) The amount of support to be provided under that subsection.

(3) An identification of the United States equipment purchased or acquired by such foreign country, for the use of which training is being provided under such training program.

(4) A description of the specific capabilities to be built through such training program with such support.

(5) A detailed description of the manner in which building the capabilities of such country through such training program advances the national security interests of the United States.

(6) A detailed assessment of the effectiveness of such training program in meeting Department of Defense requirements for building the capacity of such country.

(c) SOURCE OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2022 for the Department of Defense for operation and maintenance, Defense-wide, the Secretary may obligate or expend not more than $2,000,000 to pay for expenses described in subsection (a) for such fiscal year.

(d) LIMITATION.—The provision of support under subsection (a) shall be subject to section 362 of title 10, United States Code.

SEC. 1206. SECURITY COOPERATION STRATEGY FOR CERTAIN COMBATANT COMMANDS.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall develop and implement a security cooperation strategy for each covered combatant command, which shall apply to the security cooperation programs and activities of the Department of Defense (as defined in section 301 of title 10, United States Code).

(b) ELEMENTS.—The strategy for each covered combatant command required by subsection (a) shall include the following:

(1) A discussion of how the strategy will—

(A) support and advance United States national security interests in strategic competition with near-peer rivals;

(B) prioritize and build key capabilities of allied and partner security forces so as to enhance bilateral and multilateral interoperability and responsiveness;

(C) prioritize and build the capabilities of foreign partner security forces to secure their own territory, including through operations against violent extremist groups;

(D) promote and build institutional capabilities for observance of, and respect for—

(i) the law of armed conflict;

(ii) human rights and fundamental freedoms;

(iii) the rule of law; and

(iv) civilian control of the military; and

(E) support the programs and activities of law enforcement and civilian agencies, as appropriate, to counter the threat of and reduce risks from illicit drug trafficking and other forms of transnational organized crime.

(2) A statement of the security cooperation strategic objectives for—

(A) the covered combatant command; and

(B) the covered combatant command in conjunction with other covered combatant commands.

(3) A description of the primary security cooperation lines of effort for achieving such strategic objectives, including prioritization of foreign partners within the covered combatant command.

(4) A description of the Department of Defense authorities to be used for each such line of effort and the manner in which such authorities will contribute to achieving such strategic objectives.

(5) A description of the institutional capacity-building programs and activities within the covered combatant command and an assessment of the manner in which such programs and activities contribute to achieving such strategic objectives.

(6) A description of Department of Defense educational programs and institutions, and international institutions, relevant to the combatant command and an assessment of the manner in which such programs and institutions contribute to achieving such strategic objectives.

(7) A discussion of the manner in which the development, planning, and implementation of programs or activities under Department of Defense security cooperation authorities are coordinated and deconflicted with security assistance and other assistance authorities of the Department of State and other civilian agencies.

(c) REPORTS.—

(1) INITIAL 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 on the security cooperation strategy for each covered combatant command developed under subsection (a).

(2) SUBSEQUENT REPORTS.—Beginning in fiscal year 2023, and annually thereafter through fiscal year 2027, concurrently with the submittal of the report required by section 386(a) of title 10, United States Code, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the security cooperation strategy for each covered combatant command developed under subsection (a).

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—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.

(2) COVERED COMBATANT COMMAND.—The term ''covered combatant command'' means—

(A) the United States European Command;

(B) the United States Indo-Pacific Command;

(C) the United States Central Command;

(D) the United States Africa Command;

(E) the United States Southern Command; and

(F) the United States Northern Command.

SEC. 1207. REPORT ON SECURITY COOPERATION PROGRAMS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report that—

(1) reviews the existing requirements for conducting human rights training of foreign national security forces pursuant to security cooperation authorities under chapter 16 of title 10, United States Code;

(2) reviews current Department of Defense practices and procedures for collecting data under such authorities for purposes of assessing, monitoring, and evaluating the effectiveness of such human rights training programs and assessing compliance with section 362 of title 10, United States Code; and

(3) evaluates the effectiveness of human rights training described in paragraph (1) to contribute to United States national security objectives.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) may include recommendations for measures to improve the effectiveness of human rights training or to promote observation of and respect for human rights and fundamental freedoms, the rule of law, and civilian control of the military.

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

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. SENSE OF CONGRESS ON THE SERVICE OF UNITED STATES ARMED FORCES SERVICEMEMBERS IN AFGHANISTAN.

It is the sense of Congress that—

(1) the servicemembers of the United States Armed Forces who served in Afghanistan represent the very best of the United States;

(2) the service of those who returned home from war with wounds seen and unseen and those who died in defense of the Nation are not forgotten;

(3) the United States honors these brave members of the Armed Forces and their families; and

(4) the United States shall never forget the services they rendered and the sacrifices they and their families made in the defense of a grateful Nation.

SEC. 1212. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

Section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393) is amended—

(1) in subsection (a), by striking ''for the period beginning on October 1, 2020, and ending on December 31, 2021'' and inserting ''for the period beginning on October 1, 2021, and ending on December 31, 2022''; and

(2) in subsection (d)—

(A) by striking ''during the period beginning on October 1, 2020, and ending on December 31, 2021'' and inserting ''during the period beginning on October 1, 2021, and ending on December 31, 2022''; and

(B) by striking ''$180,000,000'' and inserting ''$60,000,000''.

SEC. 1213. PROHIBITION ON TRANSFER OF DEPARTMENT OF DEFENSE FUNDS OR RESOURCES TO THE TALIBAN.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available—

(1) to provide any funds or resources to the Taliban; or

(2) to conduct any military cooperation or sharing of military intelligence with the Taliban, unless the Secretary of Defense determines that such cooperation or sharing advances the national security interests of the United States.

(b) NOTIFICATION.———

(1) SUBMISSION REQUIRED.—If the Secretary makes an affirmative determination described in subsection (1)(a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written description of the military cooperation or military intelligence that was shared with the Taliban pursuant to such determination, not later than 5 days after the date of such cooperation or sharing. The Secretary shall include with such description any other matter the Secretary determines relevant.

(2) FORM.—The information described in paragraph (1) shall be submitted in an unclassified format and may include a classified annex.

SEC. 1214. PROHIBITION ON TRANSPORTING CURRENCY TO THE TALIBAN OR THE ISLAMIC EMIRATE OF AFGHANISTAN.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available for the operation of any aircraft of the Department of Defense to transport currency or other items of value to the Taliban, the Islamic Emirate of Afghanistan, or any subsidiary, agent, or instrumentality of either the Taliban or the Islamic Emirate of Afghanistan.

SEC. 1215. PROHIBITION ON REMOVAL OF PUBLICLY AVAILABLE ACCOUNTINGS OF MILITARY ASSISTANCE PROVIDED TO THE AFGHAN SECURITY FORCES.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2022 may be used to remove from the website of the Department of Defense or any other agency publicly available accountings of military assistance provided to the Afghan security forces that was publicly available online as of July 1, 2021.

SEC. 1216. JOINT REPORT ON USING THE SYNCHRONIZED PREDEPLOYMENT AND OPERATIONAL TRACKER (SPOT) DATABASE TO VERIFY AFGHAN SIV APPLICANT INFORMATION.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to appropriate congressional committees a joint report on the use of the Department of Defense Synchronized Predeployment and Operational Tracker database (in this section referred to as the ''SPOT database'') to verify the existence, for the purpose of determining eligibility for special immigrant visa (SIV) program, of—

(1) Department of Defense contracts;

(2) employment of Afghans who worked for the United States Government; and

(3) biographic data.

(b) ELEMENTS OF JOINT REPORT.—The joint report required under subsection (a) shall—

(1) evaluate the improvements in the SIV process following the use of the SPOT database to verify SIV applications, including the extent to which use of SPOT expedited SIV processing, reduced the risk of fraudulent documents, and the extent to which the SPOT database could be used for future SIV programs;

(2) identify obstacles that persisted in documenting the identity and employment of locally employed staff and contractors after the use of the SPOT database in the SIV process; and

(3) recommend the changes to the SPOT database that would be necessary to make it a centralized interagency database of personnel and employment data that can be used to adjudicate SIV eligibility for those employed under United States Government contracts, grants, or cooperative agreements.

(c) CONSULTATION.—For the purposes of preparing the joint report required under this section, the Secretary of Defense and the Secretary of State shall consult with the Administrator of the United States Agency for International Development and the Secretary of Homeland Security.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1217. REPORT AND BRIEFING ON UNITED STATES EQUIPMENT, PROPERTY, AND CLASSIFIED MATERIAL THAT WAS DESTROYED OR ABANDONED IN THE WITHDRAWAL FROM AFGHANISTAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments and the Commander of United States Central Command, shall submit to the congressional defense committees a report regarding the covered United States equipment, property, and classified material and money in cash that was destroyed or abandoned in Afghanistan or removed from Afghanistan during the covered period. Such report shall include each of the following:

(1) A determination of the value of the covered United States equipment, property, and classified material that was destroyed or abandoned, disaggregated by military department and itemized to the most specific feasible level.

(2) An itemized list of destroyed or abandoned aircraft in Afghanistan and the location and condition of aircraft flown out of Afghanistan formerly possessed by the Afghan Air Force or the former government of Afghanistan.

(3) An itemized list of destroyed or abandoned weapons, weapon systems, components of weapons or weapon systems, ammunition, explosives, missiles, ordnance, bombs, mines, or projectiles, disaggregated by military department.

(4) For each item on a list referred to in paragraphs (2) and (3), an explanation of the legal authority relied upon to destroy or abandon that specific item.

(5) An evaluation of the capabilities of the Taliban post-withdrawal as a result of their seizure of abandoned covered United States equipment, property, and classified material, including an evaluation of the capabilities of the Taliban post-withdrawal to monetize through the transfer of abandoned covered United States equipment, property, and classified material to adversaries of the United States.

(6) An assessment of aircraft flown out of Afghanistan formerly possessed by the Afghan Air Force or the former government of Afghanistan that could be returned to the Taliban or to the Islamic Emirate of Afghanistan by other countries.

(7) An assessment of the damage to the national security interests of the United States as a result of the destroyed or abandoned covered United States equipment, property, and classified material.

(8) An assessment of the feasibility of disabling, destroying, recovering, or recapturing abandoned covered United States equipment, property, and classified material in and outside of Afghanistan and any plans to do so.

(9) Available imagery or photography depicting the Taliban or other countries possessing abandoned covered United States equipment, property, and classified material.

(b) EXECUTIVE SUMMARY OF REPORT.—The report required under subsection (a) shall include an executive summary of the report, which shall be unclassified and made publicly available.

(c) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretaries of the military departments, and the Commander of United States Central Command shall provide to the congressional defense committees a briefing on the report required by this section.

(d) DEFINITIONS.—In this section:

(1) COVERED UNITED STATES EQUIPMENT, PROPERTY, AND CLASSIFIED MATERIAL.—The term ''covered United States equipment, property, and classified material'' means any of the following items formerly owned by the Government of the United States or provided by the United States to the former government or military of Afghanistan during the covered period:

(A) Real property, including any lands, buildings, structures, utilities systems, improvements, and appurtenances, thereto, including equipment attached to and made part of buildings and structures, but not movable equipment.

(B) Personal property, including property of any kind or any interest therein, except real property.

(C) Equipment, including all nonexpendable items needed to outfit or equip an individual or organization.

(D) Classified information, in any form, including official information that has been determined to require, in the interests of national security, protection against unauthorized disclosure and which has been so designated.

(2) COVERED PERIOD.—The term ''covered period'' means the period beginning on February 29, 2020, and ending on the date of the enactment of this Act.

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

SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.

(a) EXTENSION.—Subsection (a) of section 1209 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3451) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2022''.

(b) NOTICE BEFORE PROVISION OF ASSISTANCE.—Subsection (b)(2) of such section is amended by striking subparagraph (A) and inserting the following:

''(A) not later than 15 days before the expenditure of each 25 percent of the total amount authorized to be appropriated in any fiscal year under this section; or''.

(c) WAIVER AUTHORITY.—Subsection (l) of such section is amended by adding at the end the following:

''(3) WAIVER AUTHORITY.—

''(A) IN GENERAL.—The President may waive the limitation under paragraph (1)(A) on a per project basis for the purposes of providing support authorized under subsection (a)(4) if the President—

''(i) determines that the waiver is in the national security interest of the United States; and

''(ii) submits to the appropriate congressional committees a notification of the exercise of the waiver.

''(B) NOTICE AND WAIT.—

''(i) IN GENERAL.—A project with respect to which the exercise of a waiver under subparagraph (A) applies may only be carried out after the end of a 15-day period beginning at the date on which the appropriate congressional committees receive the notification required by subparagraph (A)(ii).

''(ii) MATTERS TO BE INCLUDED.—The notification required by subparagraph (A)(ii) shall include the following:

''(I) A detailed plan and cost estimate for the project.

''(II) A certification by the President that facilities and activities relating to the project comply with—

''(aa) the law of armed conflict;

''(bb) internationally recognized human rights;

''(cc) the principle of non-refoulement;

''(dd) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment

or Punishment (done at New York on December 10, 1984); and

''(ee) the United Nations Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST6223)).

''(III) An explanation of the national security interest addressed by the project.

''(iii) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subparagraph, the term 'appropriate congressional committees' means—

''(I) the congressional defense committees; and

''(II) the Committee on Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

''(C) UPDATE TO PLAN AND COST ESTIMATE.—Upon obligation of any funds to carry out a project with respect to which the exercise of a waiver under subparagraph (A) applies, the Secretary of Defense shall submit to the congressional defense committees an update to the plan and cost estimate for the project as required by subparagraph (B)(ii)(I).

''(D) SUNSET.—The waiver authority under this paragraph shall expire on December 31, 2022.''.

(d) TECHNICAL AMENDMENT.—The table of contents for the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3293) is amended by striking the item relating to section 1209 and inserting the following:

''Sec. 1209. Authority to provide assistance to vetted Syrian groups and individuals.''.

SEC. 1222. DEFENSE AND DIPLOMATIC STRATEGY FOR SYRIA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President, acting through the Secretary of State and in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a report that contains a description of the United States defense and diplomatic strategy for Syria.

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

(1) A United States diplomatic strategy for Syria, including a description of the desired diplomatic objectives for advancing United States national interests in Syria, desired end-goals, and a description of the intended diplomatic and related foreign policy means to achieve such objectives, including engagement with key foreign actors operating in Syria such as Russia and Turkey.

(2) A United States defense strategy for Syria, including a description of the security objectives the United States aims to achieve, including the objectives and desired end-state for the United States military presence in northeast Syria, envisioned transition timeline for security responsibilities to the Syrian Democratic Forces (SDF), and status of remaining ISIS elements, strategy to mitigate Turkish-SDF tensions, and a long-term approach to managing the threat of Iranian-aligned militias and forces operating in Syria to United States partners and interests.

(3) A description of United States strategy and objectives for United States military support to and coordination with the Jaysh Maghawir al-Thawra (''MaT'') including transition plan and operational needs in and around Al-Tanf.

(4) A plan for enduring security of ISIS detainees currently held in SDF secured facilities (including so-called ''third country fighters'' as well as Iraqi and Syrian national ISIS detainees) accounting for security of personnel and facilities involved.

(5) A diplomatic strategy for securing the repatriation of remaining ISIS ''third country fighters'' to countries of origin, including a comprehensive breakdown of each country of origin and number of detainees yet to be repatriated.

(6) A plan for the resettlement and disposition of ISIS connected women and children in remaining detention facilities, including roles and responsibilities of counter-ISIS coalition partners.

(7) A detailed assessment of the security and humanitarian situation at the internally displaced persons camp at Rukban, including an overview of international efforts to reduce the camp's population and United States policy options to ameliorate the situation.

(8) A plan for diplomatic and humanitarian engagement with regional partners and multilateral institutions to ensure successful and safe delivery of continued humanitarian assistance to non-regime held areas of Syria.

(9) An assessment of United States efforts to prevent normalization and rehabilitation of the Assad regime, to include addressing recent outreach to the Assad regime by United States partners.

(10) An assessment of United States diplomatic efforts to prevent Syria's re-entry into the Arab League.

(11) An assessment of progress towards meeting the criteria specified in paragraphs (1) through (7) of section 7431(a) of the Caesar Syria Civilian Protection Act of 2019 (Public Law 116–92; 133 Stat. 2297), required for suspension of sanctions against the Assad regime.

(12) An assessment of United States efforts to seek accountability for the Assad regime's crimes against the Syrian people, to include unlawful detention, forced disappearance, torture, starvation, and the use of chemical weapons.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' 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. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) IN GENERAL.—Subsection (a) of section 1236 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2022''.

(b) FUNDING.—Subsection (g) of such section is amended—

(1) by striking ''fiscal year 2021'' and inserting ''fiscal year 2022''; and

(2) by striking ''$322,500,000'' and inserting ''$345,000,000''.

(c) ASSESSMENT AND AUTHORITY TO ASSIST DIRECTLY CERTAIN COVERED GROUPS.—Subsection (l)(1)(B) of such section is amended—

(1) by striking clause (ii);

(2)(A) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively; and

(B) by redesignating clause (vii) as clause (xi);

(3) in clause (iv), as redesignated, by striking '', and once established, the Iraqi Sunni National Guard''; and

(4) by inserting after clause (v), as redesignated, the following:

''(vi) Whether the Shia militias are gaining new malign capabilities or improving such capabilities, and whether the Government of Iraq is acting to counter or suppress those capabilities.

''(vii) Whether the Government of Iraq is acting to ensure the safety of United States Government personnel and citizens, as well as the safety of United States facilities.

''(viii) Whether the Government of Iraq is ensuring the safe and voluntary return of ethno-religious minority populations to their home communities in the Nineveh Plains region of Iraq.

''(ix) Whether the Government of Iraq has provided support and funding to institutionalize and make permanent local, representative, and regionally-based security forces.

''(x) An assessment of the impact of the Iraq and Syria Genocide Relief and Accountability Act of 2018 (Public Law 115–300) on return rates of vulnerable, indigenous, ethno-religious groups, including Assyrians and Yazidis, in those areas of the Nineveh Plains region of Iraq in which assistance has been provided pursuant to subsection (a).''.

(d) WAIVER AUTHORITY.—Such section, as so amended, is further amended by adding at the end the following:

''(o) WAIVER AUTHORITY.—

''(1) IN GENERAL.—The President may waive the dollar amount limitation in subsection (a) with respect to a construction, repair, or renovation project for the purposes of providing the support described in paragraph (2) if the President—

''(A) determines that the waiver is in the national security interest of the United States; and

''(B) submits to the appropriate congressional committees a notification of the exercise of the waiver.

''(2) SUPPORT DESCRIBED.—The support described in this paragraph is support relating to temporary humane detention of Islamic State of Iraq and Syria foreign terrorist fighters in accordance with all laws and obligations relating to the provision of such support, including, as applicable—

''(A) the law of armed conflict;

''(B) internationally recognized human rights;

''(C) the principle of non-refoulement;

''(D) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984); and

''(E) the United Nations Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST6223)).

''(3) NOTICE AND WAIT.—

''(A) IN GENERAL.—A project with respect to which the exercise of a waiver under paragraph (1) applies may only be carried out after the end of a 15-day period beginning at the date on which the appropriate congressional committees receive the notification required by paragraph (1)(B).

''(B) MATTERS TO BE INCLUDED.—The notification required by paragraph (1)(B) shall include the following:

''(i) A detailed plan and cost estimate for the project.

''(ii) A certification by the President that facilities and activities relating to the project comply with the laws and obligations described in paragraph (2).

''(iii) An explanation of the national security interest addressed by the project.

''(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term 'appropriate congressional committees' means—

''(i) the congressional defense committees; and

''(ii) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

''(4) UPDATE TO PLAN AND COST ESTIMATE.—Upon obligation of any funds to carry out a project with respect to which the exercise of a waiver under paragraph (1) applies, the Secretary of Defense shall submit to the congressional defense committees an update to the plan and cost estimate for the project as required by paragraph (3)(B)(i).

''(5) SUNSET.—The waiver authority under this subsection shall expire on December 31, 2022.''.

(e) RESTRICTION ON COUNTER-ISIS TRAIN AND EQUIP FUND.—Amounts authorized to be appropriated by this Act or the amendments made by this Act or otherwise made available for any fiscal year to the Counter-Islamic State of Iraq and Syria Train and Equip Fund are authorized to be made available only in support of partner

forces eligible to receive assistance under section 1209(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541) or subsection (a) of section 1236 of such Act, as amended by subsection (a) of this section.

(f) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the heads of other relevant Federal departments and agencies, shall submit to appropriate congressional committees a report that contains the following:

(A) A comprehensive strategy and plan to train and build lasting and sustainable military capabilities of the Iraqi security forces, including the Kurdish Peshmerga, using existing authorities, which may include a memorandum of understanding with the Ministry of Peshmerga Affairs in coordination with the Government of Iraq.

(B) A plan to engage the Government of Iraq and the Kurdistan Regional Government in security sector reform and strengthen and sustainably build the capacity of Iraq's national defense and security institutions, including the Kurdish Peshmerga.

(C) A description of the current status, capabilities, and operational capacity of remaining Islamic State of Iraq and Syria elements active in Iraq and Syria.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1224. 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 2012 (10 U.S.C. 113 note) is amended by striking ''fiscal year 2021'' and inserting ''fiscal year 2022''.

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended by striking ''fiscal year 2021'' and inserting ''fiscal year 2022''.

(c) LIMITATION ON AVAILABILITY OF FUNDS.—Subsection (h) of such section is amended to read as follows:

''(h) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by this Act for fiscal year 2022 to carry out this section, not more than $10,000,000 may be obligated or expended for the Office of Security Cooperation in Iraq until the date on which the Secretary of Defense provides to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that—

''(1) details further steps to reorganize the Office in a manner similar to that of other security cooperation offices in the region and indicates whether such reorganization will be achieved by 2023;

''(2) describes progress made toward the continuation of bilateral engagement with the Government of Iraq, with the objective of establishing a joint mechanism for security assistance planning;

''(3) includes a five-year security assistance roadmap for developing sustainable military capacity and capabilities and enabling defense institution building and reform; and

''(4) describes progress made toward, and a timeline for, the transition of the preponderance of funding for the activities of the Office from current sources to the Foreign Military Financing Administrative Fund and the Foreign Military Sales Trust Fund Administrative Surcharge Account in future years.''.

SEC. 1225. PROHIBITION ON TRANSFERS TO BADR ORGANIZATION.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available, directly or indirectly, to the Badr Organization.

SEC. 1226. PROHIBITION ON TRANSFERS TO IRAN.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available to transfer or facilitate a transfer of pallets of currency, currency, or other items of value to the Government of Iran, any subsidiary of such Government, or any agent or instrumentality of Iran.

SEC. 1227. REPORT ON THE MILITARY CAPABILITIES OF IRAN AND RELATED ACTIVITIES.

(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 appropriate congressional committees a report that includes the following:

(1) A detailed description of each of the following:

(A) Advancements in the military capabilities of Iran, including capabilities of the Islamic Revolutionary Guard Corps, the Quds Force, the Artesh, and the Basij.

(B) All known instances of the supply, sale, or transfer of arms or related materiel, including spare parts, to or from Iran.

(C) All known instances of missile launches by Iran, including for the purposes of testing and development or use in military operations.

(D) Changes to the military capabilities of Iran-backed groups, most notably Lebanese Hezbollah, Asa'ib ahl al-Haq, Harakat Hezbollah al-Nujaba, Kata'ib Sayyid al-Shuhada, Kata'ib al-Imam Ali, Kata'ib Hezbollah, the Badr Organization, the Fatemiyoun, the Zainabiyoun, and Ansar Allah (also known as the Houthis).

(2) An assessment of each of the following:

(A) Impacts that the imposition or revocation of unilateral United States economic sanctions on Iran may have on the military capabilities of entities described in subparagraphs (A) and (D) of paragraph (1).

(B) Acts of violence and intimidation that Iranian-backed militias in Iraq have committed against Iraqi civilians.

(C) The threat that Iranian-backed militias in Iraq pose to United States personnel in Iraq and in the Middle East, including United States Armed Forces and diplomats.

(D) The threat Iranian-backed militias in Iraq pose to United States partners in the region.

(E) The role that Iranian-backed militias in Iraq, including the Badr Organization, play in Iraq's armed forces and security services, including Iraq's Popular Mobilization Forces.

(F) The United Nations arms embargo on Iran's ability to supply, sell, or transfer, directly or indirectly, arms or related materiel while the embargo was in effect.

(G) Iran's use of kidnapping operations against United States citizens and an analysis of opportunities to counter such actions or impose costs on Iran.

(b) TIME PERIOD.—Except as otherwise provided, the report required by subsection (a) shall cover developments during the period beginning in June 2018 and ending on the day before the date on which the report is submitted.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(3) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1228. SENSE OF CONGRESS ON ENRICHMENT OF URANIUM BY IRAN.

It is the sense of Congress that—

(1) the Government of Iran's decision to enrich uranium up to 60 percent purity is a further escalation and shortens the breakout time to produce enough highly enriched uranium to develop a nuclear weapon; and

(2) the Government of Iran should immediately abandon any pursuit of a nuclear weapon.

Subtitle D—Matters Relating to Russia

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) is amended by striking ''2020, or 2021'' and inserting ''2020, 2021, or 2022''.

SEC. 1232. 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) is amended as follows:

(1) In subsection (c)—

(A) in paragraph (1), by striking ''funds available for fiscal year 2021 pursuant to subsection (f)(6)'' and inserting ''funds available for fiscal year 2022 pursuant to subsection (f)(7)'';

(B) in paragraph (3), by striking ''fiscal year 2021'' and inserting ''fiscal year 2022''; and

(C) in paragraph (5), by striking ''Of the funds available for fiscal year 2021 pursuant to subsection (f)(6)'' and inserting ''Of the funds available for fiscal year 2022 pursuant to subsection (f)(7)''.

(2) In subsection (f), by adding at the end the following:

''(7) For fiscal year 2022, $300,000,000.''.

(3) In subsection (h), by striking ''December 31, 2023'' and inserting ''December 31, 2024''.

SEC. 1233. 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) is amended—

(1) in the first sentence, by striking ''December 31, 2023'' and inserting ''December 31, 2024''; and

(2) in the second sentence, by striking ''the period beginning on October 1, 2015, and ending on December 31, 2023'' and inserting ''the period beginning on October 1, 2015, and ending on December 31, 2024.''.

SEC. 1234. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the 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. 1235. REPORT ON RUSSIAN INFLUENCE OPERATIONS AND CAMPAIGNS TARGETING MILITARY ALLIANCES AND PARTNERSHIPS OF WHICH THE UNITED STATES IS A MEMBER.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act and biennially thereafter until April 1, 2024, the Secretary of Defense and the Secretary of State, in coordination with the Director of National Intelligence and the heads of any other appropriate departments or agencies, shall jointly submit to the appropriate congressional committees a report on Russian influence operations and campaigns that target United States military alliances and partnerships.

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

(1) An assessment of Russia's objectives for influence operations and campaigns targeting United States military alliances and partnerships, including the North Atlantic Treaty Organization, its allies, and partner countries, and how such operations and campaigns relate to Russia's broader strategic aims.

(2) The activities and roles of the Department of Defense and Department of State in the United States Government strategy to counter such Russian influence operations and campaigns.

(3) A comprehensive list of specific Russian state and non-state entities, or those of any other country with which Russia may cooperate, involved in supporting such Russian influence operations and campaigns and the role of each such entity in such support.

(4) An identification of the tactics, techniques, and procedures used in previous Russian influence operations and campaigns.

(5) An assessment of the impact of previous Russian influence operations and campaigns targeting United States military alliances and partnerships, including the views of senior Russian officials about the effectiveness of such operations and campaigns in achieving Russian objectives.

(6) An identification of each United States ally and partner, and each military alliance of which the United States is a member, that has been targeted by Russian influence operations and campaigns.

(7) An identification of each United States ally and partner, and each military alliance of which the United States is a member, that may be targeted in future Russian influence operations and campaigns, and an assessment of the likelihood that each such ally, partner, or alliance will be targeted.

(8) An assessment of the capacity and efforts of each United States ally and partner, and each military alliance of which the United States is a member, to counter Russian influence operations and campaigns.

(9) An identification of tactics, techniques, and procedures likely to be used in future Russian influence operations and campaigns targeting United States military alliances and partnerships.

(10) Recommended authorities or activities for the Department of Defense and Department of State in the United States Government strategy to counter such Russian influence operations and campaigns.

(11) Any other matters the Secretaries determine appropriate.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form and in a manner appropriate for release to the public, but may include a classified annex.

(d) DEFINITIONS.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and

(3) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 1241. EXTENSION AND MODIFICATION OF INDO-PACIFIC MARITIME SECURITY INITIATIVE.

(a) ASSISTANCE AND TRAINING.—Subsection (a)(1) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended, in the matter preceding subparagraph (A), by striking ''for the purpose of'' and all that follows through ''Indian Ocean'' and inserting ''with the primary goal of increasing multilateral maritime security cooperation and maritime domain awareness of foreign countries in the area of responsibility of the United States Indo-Pacific Command''.

(b) RECIPIENT COUNTRIES.—Subsection (b) of such section is amended to read as follows:

''(b) RECIPIENT COUNTRIES.—The foreign countries that may be provided assistance and training under subsection (a) are the countries located within the area of responsibility of the United States Indo-Pacific Command.''.

(c) TYPES OF ASSISTANCE AND TRAINING.—Subsection (c)(1) of such section is amended by striking ''small-scale military construction'' and inserting ''small-scale construction (as defined in section 301 of title 10, United States Code)''.

(d) PRIORITIES FOR ASSISTANCE AND TRAINING.—Subsection (d) of such section is amended to read as follows:

''(d) PRIORITIES FOR ASSISTANCE AND TRAINING.—In developing programs for assistance or training to be provided under subsection (a), the Secretary of Defense shall prioritize assistance, training, or both, to enhance—

''(1) multilateral cooperation and coordination among recipient countries; or

''(2) the capabilities of a recipient country to more effectively participate in a regional organization of which the recipient country is a member.''.

(e) INCREMENTAL EXPENSES OF PERSONNEL OF CERTAIN OTHER COUNTRIES FOR TRAINING.—Subsection (e) of such section is amended to read as follows:

''(e) INCREMENTAL EXPENSES OF PERSONNEL OF RECIPIENT COUNTRIES FOR TRAINING.—If the Secretary of Defense determines that the payment of incremental expenses (as defined in section 301 of title 10, United States Code) in connection with training described in subsection (a)(1)(B) will facilitate the participation in such training of organization personnel of recipient countries described in subsection (b), the Secretary may use amounts available under subsection (f) for assistance and training under subsection (a) for the payment of such incremental expenses.''.

(f) AVAILABILITY OF FUNDS.—Subsection (f) of such section is amended to read as follows:

''(f) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for each of fiscal years 2022 through 2027 for the Department of Defense, Operation and Maintenance, Defense-wide, $50,000,000 may be made available for the provision of assistance and training under subsection (a).''.

(g) LIMITATIONS.—Such section is further amended—

(1) by striking subsection (i);

(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(3) by inserting after subsection (f) the following new subsection (g):

''(g) LIMITATIONS.—

''(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (c) that is otherwise prohibited by any provision of law.

''(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of title 10, United States Code.

''(3) SECURITY COOPERATION.—Assistance, training, and exercises with recipient countries described in subsection (b) shall be planned and prioritized consistent with applicable guidance relating to the security cooperation program and activities of the Department of Defense.

''(4) ASSESSMENT, MONITORING, AND EVALUATION.—The provision of assistance and training pursuant to a program under subsection (a) shall be subject to the provisions of section 383 of title 10, United States Code.''.

(h) NOTICE TO CONGRESS ON ASSISTANCE AND TRAINING.—Subsection (h)(1) of such section, as so redesignated, is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) A detailed justification of the program for the provision of the assistance or training concerned, its relationship to United States security interests, and an explanation of the manner in which such assistance or training will increase multilateral maritime security cooperation or maritime domain awareness.''; and

(2) in subparagraph (G) by striking ''the geographic combatant command concerned'' and inserting ''the United States Indo-Pacific Command''.

(i) ANNUAL MONITORING REPORT.—Subsection (i) of such section, as so redesignated, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''March 1, 2020'' and inserting ''March 1, 2022'';

(B) by redesignating subparagraphs (A) through (G) as subparagraphs (B) through (H), respectively;

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) The overall strategy for improving multilateral maritime security cooperation and maritime domain awareness across the theater, including an identification of the following:

''(i) Priority countries and associated capabilities across the theater.

''(ii) Strategic objectives for the Indo-Pacific Maritime Security Initiative across the theater, lines of effort, and desired end results for such lines of effort.

''(iii) Significant challenges to improving multilateral maritime security cooperation and maritime domain awareness across the theater and the manner in which the United States Indo-Pacific Command is seeking to address such challenges.''; and

(D) in subparagraph (B), as so redesignated—

(i) in clause (ii), by striking the semicolon and inserting ''; and''; and

(ii) by adding at the end the following new clause:

''(iii) how such capabilities can be leveraged to improve multilateral maritime security cooperation and maritime domain awareness.''; and

(2) in paragraph (2), by striking ''subsection (g)(2)'' and inserting ''subsection (h)(2)''.

(j) EXPIRATION.—Subsection (j) of such section is amended by striking ''December 31, 2025'' and inserting ''December 31, 2027''.

SEC. 1242. EXTENSION AND MODIFICATION OF PACIFIC DETERRENCE INITIATIVE.

(a) EXTENSION.—Subsection (c) of section 1251 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended to read as follows:

''(c) FUNDING.—Of the amounts authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2022 for the Department of Defense for fiscal year 2022, there is authorized to be appropriated for the Pacific Deterrence Initiative such sums as may be necessary, as indicated in sections 4101, 4201, 4301, and 4601 of such Act.''.

(b) REPORT ON RESOURCING UNITED STATES DEFENSE REQUIREMENTS FOR THE INDO-PACIFIC

REGION AND STUDY ON COMPETITIVE STRATEGIES.—Such section is further amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively;

(2) by inserting after subsection (c) the following new subsection (d):

''(d) REPORT ON RESOURCING UNITED STATES DEFENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION AND STUDY ON COMPETITIVE STRATEGIES.—

''(1) REPORT REQUIRED.—

''(A) IN GENERAL.—At the same time as the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2023 and 2024, the Commander of the United States Indo-Pacific Command shall submit to the congressional defense committees a report containing the independent assessment of the Commander with respect to the activities and resources required, for the first fiscal year beginning after the date of submission of the report and the four following fiscal years, to achieve the following objectives:

''(i) The implementation of the National Defense Strategy with respect to the Indo-Pacific region.

''(ii) The maintenance or restoration of the comparative military advantage of the United States with respect to the People's Republic of China.

''(iii) The reduction of the risk of executing contingency plans of the Department of Defense.

''(B) MATTERS TO BE INCLUDED.—The report required under subparagraph (A) shall include the following:

''(i) With respect to the achievement of the objectives described in subparagraph (A), a description of the intended force structure and posture of assigned and allocated forces in each of the following:

''(I) West of the International Date Line.

''(II) In States outside the contiguous United States east of the International Date Line.

''(III) In the contiguous United States.

''(ii) An assessment of capabilities requirements to achieve such objectives.

''(iii) An assessment of logistics requirements, including personnel, equipment, supplies, storage, and maintenance needs to achieve such objectives.

''(iv) An identification of required infrastructure and military construction investments to achieve such objectives.

''(v) An assessment of security cooperation activities or resources required to achieve such objectives.

''(vi)(I) A plan to fully resource United States force posture and capabilities, including—

''(aa) a detailed assessment of the resources necessary to address the elements described in clauses (i) through (v), including specific cost estimates for recommended investments or projects—

''(AA) to modernize and strengthen the presence of the United States Armed Forces, including those with advanced capabilities;

''(BB) to improve logistics and maintenance capabilities and the pre-positioning of equipment, munitions, fuel, and materiel;

''(CC) to carry out a program of exercises, training, experimentation, and innovation for the joint force;

''(DD) to improve infrastructure to enhance the responsiveness and resiliency of the United States Armed Forces;

''(EE) to build the defense and security capabilities, capacity, and cooperation of allies and partners; and

''(FF) to improve capabilities available to the United States Indo-Pacific Command;

''(bb) a detailed timeline to achieve the intended force structure and posture described in clause (i).

''(II) The specific cost estimates required by subclause (I)(aa) shall, to the maximum extent practicable, include the following:

''(aa) With respect to procurement accounts—

''(AA) amounts displayed by account, budget activity, line number, line item, and line item title; and

''(BB) a description of the requirements for each such amount.

''(bb) With respect to research, development, test, and evaluation accounts—

''(AA) amounts displayed by account, budget activity, line number, program element, and program element title; and

''(BB) a description of the requirements for each such amount.

''(cc) With respect to operation and maintenance accounts—

''(AA) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

''(BB) a description of the specific manner in which each such amount would be used.

''(dd) With respect to military personnel accounts—

''(AA) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

''(BB) a description of the requirements for each such amount.

''(ee) With respect to each project under military construction accounts (including unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount for each fiscal year.

''(ff) With respect to any expenditure or proposed appropriation not described in items (aa) through (ee), a level of detail equivalent to or greater than the level of detail provided in the future-years defense program submitted pursuant to section 221(a) of title 10, United States Code.

''(C) FORM.—The report required under subparagraph (A) may be submitted in classified form, but shall include an unclassified summary.

''(D) AVAILABILITY.—Not later than February 1 each year, the Commander of the United States Indo-Pacific Command shall make the report available to the Secretary of Defense, the Under Secretary of Defense for Policy, the Under Secretary of Defense (Comptroller), the Director of Cost Assessment and Program Evaluation, the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, and the chiefs of staff of each military service.

''(2) BRIEFINGS REQUIRED.—

''(A) INITIAL BRIEFING.—Not later than 15 days after the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2023 and 2024, the Secretary of Defense (acting through the Under Secretary of Defense for Policy, the Under Secretary of Defense (Comptroller), and the Director of Cost Assessment and Program Evaluation) and the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees a joint briefing, and any written comments the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider necessary, with respect to their assessments of the report submitted under paragraph (1), including their assessments of the feasibility and advisability of the plan required by subparagraph (B)(vi) of that paragraph.

''(B) SUBSEQUENT BRIEFING.—Not later than 30 days after the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2023 and 2024, the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy shall provide to the congressional defense committees a joint briefing, and documents as appropriate, with respect to their assessments of the report submitted under paragraph (1), including their assessments of the feasibility and advisability of the plan required by subparagraph (B)(vi) of that paragraph.'';

(3) by amending subsection (e), as redesignated, to read as follows:

''(e) PLAN REQUIRED.—At the same time as the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2023 and 2024, the Secretary, in consultation with the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a report on future year activities and resources for the Initiative that includes the following:

''(1) A description of the activities and resources for the first fiscal year beginning after the date of submission of the report and the plan for not fewer than the four following fiscal years, organized—

''(A) functionally, by the activities described in paragraphs (1) through (5) of subsection (b); and

''(B) geographically by—

''(i) areas west of the International Date Line;

''(ii) States outside the contiguous United States east of the International Date Line; and

''(iii) States in the contiguous United States.

''(2) A summary of progress made toward achieving the purposes of the Initiative.

''(3) A summary of the activity, resource, capability, infrastructure, and logistics requirements necessary to achieve measurable progress in reducing risk to the joint force's ability to achieve objectives in the region.

''(4) A detailed timeline to achieve the requirements identified under paragraph (3).

''(5) A detailed explanation of any significant modifications to such requirements, as compared to plans previously submitted under this subsection.

''(6) Any other matter, as determined by the Secretary.''; and

(4) in subsection (g), as redesignated, by striking ''subsection (e)'' and inserting ''subsection (f)''.

SEC. 1243. MODIFICATION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended to read as follows:

''SEC. 1202. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

''(a) ANNUAL REPORT.—Not later than January 31 of each year through January 31, 2027, the Secretary of Defense, in consultation with the heads of other Federal departments and agencies as appropriate, shall submit to the specified congressional committees a report on military and security developments involving the People's Republic of China.

''(b) MATTERS TO BE INCLUDED.—Each report under this section shall include analyses and forecasts, through the next 20 years, of the following:

''(1) The goals, factors, and trends shaping Chinese security strategy and military strategy.

''(2) The role of the People's Liberation Army in the strategy, governance systems, and foreign and economic policies of the People's Republic of China, including the following:

''(A) Developments in the defense policy and military strategy of the People's Republic of China, and the role and mission of the People's Liberation Army.

''(B) The role of the People's Liberation Army in the Chinese Communist Party, including the structure and leadership of the Central Military Commission.

''(C) The internal security role and affiliation of the People's Liberation Army with the People's Armed Police and other law enforcement, intelligence, and paramilitary entities of the People's Republic of China, including any activities supporting or implementing mass surveillance, mass detentions, forced labor, or gross violations of human rights.

''(3) The role of the People's Liberation Army in, and its support of, the overall foreign policy of the People's Republic of China, as expressed through military diplomacy and other external actions, activities, and operations, including the following:

''(A) Chinese military-to-military relationships with other countries, including—

''(i) Chinese military attache presence, activities, exercises, and agreements with the militaries of other countries; and

''(ii) military education programs conducted—

''(I) in the People's Republic of China for militaries of other countries; or

''(II) in other countries for personnel of the People's Liberation Army.

''(B) Any significant sale or transfer of military hardware, expertise, and technology to or from the People's Republic of China, including—

''(i) a forecast of possible future sales and transfers;

''(ii) the implications of such sales and transfers for the security of the United States and its partners and allies; and

''(iii) any significant assistance to and from any selling state with military-related research and development programs in the People's Republic of China.

''(C) Relations between the People's Republic of China and the Russian Federation, and between the People's Republic of China and Iran, with respect to security and military matters.

''(4) Developments in the military doctrine, operational concepts, joint command and organizational structures, and significant military operations and deployments of the People's Liberation Army.

''(5) Developments and future course of the services, theater-level commands, and paramilitary organizations of the People's Liberation Army, including—

''(A) the specific roles and missions, organization, capabilities, force structure, readiness, and modernization efforts of such services, theater-level commands, and paramilitary organizations;

''(B) A summary of the order of battle of the People's Liberation Army, including ballistic and cruise missile inventories; and

''(C) developments relating to the Chinese Coast Guard, including its interactions with the Armed Forces of the United States, and the implications for its use as a coercive tool in maritime disputes.

''(7) Developments in the People's Liberation Army as a global actor, such as overseas military basing, military logistics capabilities, and infrastructure to project power, and the overseas command and control structure of the People's Liberation Army, including—

''(A) Chinese overseas investments or projects likely, or with significant potential, to be converted into military or intelligence assets of the People's Republic of China; and

''(B) efforts by the People's Republic of China to use the People's Liberation Army to expand its presence and influence overseas and the implications of such efforts on United States' national defense and security interests in—

''(i) Latin America and the Caribbean;

''(ii) Africa; and

''(iii) the Indo-Pacific region, including the Pacific Islands.

''(8) The strategy, policy, development, and modernization of key military capabilities of the People's Republic of China across the People's Liberation Army, including the following:

''(A) The cyberwarfare and electronic warfare capabilities (including details on the number of malicious cyber incidents originating from the People's Republic of China against Department of Defense infrastructure) and associated activities originating or suspected to have originated from the People's Republic of China.

''(B) The space and counter-space programs and capabilities.

''(C) The nuclear program and capabilities, including—

''(i) its nuclear strategy and associated doctrines;

''(ii) the size and state of its stockpile and projections of its future arsenals;

''(iii) its civil and military production capacities; and

''(iv) the modernization and force structure of its strategic forces.

''(D) The anti-access and area denial capabilities .

''(E) The command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and capabilities and the applications for such program and capabilities for precision-guided weapons.

''(9) Trends and developments in the budget, resources, strategies, and policies of the People's Liberation Army with respect to science and technology, defense industry reform, and the use of espionage and technology transfers by the People's Republic of China, including—

''(A) the relationship between Chinese overseas investment (including the Belt and Road Initiative, the Digital Silk Road, and any state-owned or state-controlled digital or physical infrastructure projects of the People's Republic of China) and Chinese security and military strategy objectives, including—

''(i) any Chinese investment or project, located in any other country, that is linked to military or intelligence cooperation with such country, such as cooperation on satellite navigation or arms production; and

''(ii) the implications for United States military or governmental interests related to denial of access, compromised intelligence activities, and network advantages of Chinese investments or projects in other countries, including in port or port-related infrastructure; and

''(B) efforts (including by espionage and technology transfers through investment, industrial espionage, cyber theft, academia, forced technological transfers, and other means) to develop, acquire, or gain access to information, communication, space, and other advanced technologies that would enhance defense capabilities or otherwise undermine the capability of the Department of Defense to conduct information assurance, including an assessment of the damage inflicted on the Department of Defense by such efforts.

''(10) The strategy of the People's Republic of China regarding Taiwan and the security situation in the Taiwan Strait, including—

''(A) the posture of the forces of the People's Liberation Army facing Taiwan; and

''(B) any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

''(11) The maritime strategy and military and nonmilitary activities in the South China Sea and East China Sea of the People's Republic of China, including—

''(A) the role and activities of the People's Liberation Army and maritime law enforcement, the People's Armed Forces Maritime Militia or other subset national militias, and paramilitary entities of the People's Republic of China; and

''(B) any such activities in the South China Sea or East China Sea affecting United States military activities or the military activities of a United States ally or partner.

''(12) The current state of United States military-to-military contacts with the People's Liberation Army, including the following:

''(A) A comprehensive and coordinated strategy for such military-to-military contacts and any necessary update to the strategy.

''(B) A summary of all such military-to-military contacts during the preceding fiscal year including a summary of topics discussed.

''(C) A description of such military-to-military contacts scheduled for the 1-year period following the period covered by the report and the plan for future contacts.

''(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

''(E) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

''(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

''(G) The Secretary's certification whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1201(a).

''(13) Any influence operations or campaigns by the People's Republic of China targeting military alliances and partnerships of which the United States is a member, including—

''(A) United States military alliances and partnerships targeted or that may be targeted;

''(B) the objectives of such operations;

''(C) the tactics, techniques, and procedures used; and

''(D) the impact of such operations on military alliances and partnerships of which the United States is a member.

''(14) Any other significant military or security development involving the People's Republic of China the Secretary considers relevant to United States national security.

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

''(d) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'specified congressional committees' 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. 1244. EXTENSION OF AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

Section 1253(b) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking ''fiscal year 2021'' and inserting ''fiscal year 2022''.

SEC. 1245. COOPERATIVE PROGRAM WITH VIETNAM TO ACCOUNT FOR VIETNAMESE PERSONNEL MISSING IN ACTION.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, may carry out a cooperative program with the Ministry of Defense of Vietnam and other entities of the Government 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 of Defense considers necessary and appropriate.

(c) TERMINATION.—The authority provided by subsection (a) shall terminate on October 1, 2026.

SEC. 1246. SENSE OF CONGRESS ON TAIWAN DEFENSE RELATIONS.

It is the sense of Congress that—

(1) 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) as set forth in the Taiwan Relations Act, the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that 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, including boycotts and embargoes, is of grave concern to the United States;

(3) the increasingly coercive and aggressive behavior of the People's Republic of China towards Taiwan is contrary to the expectation of a peaceful resolution of the future of Taiwan;

(4) as set forth in the Taiwan Relations Act, the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan and the policy of the United States to make available to Taiwan such defense articles and defense services in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability should be maintained; and

(5) the United States should continue to 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;

(B) ensuring timely review of and response to requests by Taiwan for defense articles and services;

(C) conducting practical training and military exercises with Taiwan, including, as appropriate, inviting Taiwan to participate in the Rim of the Pacific exercise conducted in 2022, that enable Taiwan to maintain a sufficient self-defense capability, as described in the Taiwan Relations Act;

(D) deepening interoperability with Taiwan in defensive capabilities, including maritime and air domain awareness and integrated air and missile defense systems;

(E) encouraging exchanges between defense officials and officers of the United States and Taiwan at the strategic, policy, and functional levels, consistent with the Taiwan Travel Act (Public Law 115-135; 132 Stat. 341), especially for the purposes of—

(i) enhancing cooperation on defense planning;

(ii) improving the interoperability of the military forces of the United States and Taiwan; and

(iii) improving the reserve force of Taiwan;

(F) identifying improvements in Taiwan's ability to use asymmetric military capabilities to enhance its defensive capabilities, as described in the Taiwan Relations Act; and

(G) expanding cooperation in humanitarian assistance and disaster relief.

SEC. 1247. STATEMENT OF POLICY ON TAIWAN.

(a) STATEMENT OF POLICY.—Consistent with the Taiwan Relations Act (22 U.S.C. 3301 et. seq.), it shall be the policy of the United States to maintain the capacity of the United States to resist a fait accompli that would jeopardize the security of the people on Taiwan.

(b) DEFINITION.—In this section, the term ''fait accompli'' refers to the resort to force by the People's Republic of China to invade and seize control of Taiwan before the United States can respond effectively.

SEC. 1248. ANNUAL REPORT ON TAIWAN ASYMMETRIC CAPABILITIES AND INTELLIGENCE SUPPORT.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall each year through fiscal year 2027, consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3302(c)), perform an annual assessment of matters related to Taiwan, including intelligence matters, Taiwan's asymmetric defensive capabilities, and how defensive shortcomings or vulnerabilities of Taiwan could be mitigated through cooperation, modernization, or integration. At a minimum, the assessment shall include the following:

(1) An intelligence assessment regarding—

(A) conventional military threats to Taiwan from China, including exercises intended to intimidate or coerce Taiwan; and

(B) irregular warfare activities, including influence operations, conducted by China to interfere in or undermine the peace and stability of the Taiwan Strait.

(2) The current defensive asymmetric capabilities of Taiwan and the ability of Taiwan to defend itself from external conventional and irregular military threats.

(3) The interoperability of current and future defensive asymmetric capabilities of Taiwan with the military capabilities of the United States and its allies and partners.

(4) The plans, tactics, techniques, and procedures underpinning the defensive asymmetric capabilities of Taiwan.

(5) A description of additional personnel, resources, and authorities in Taiwan or in the United States that may be required to meet any shortcomings in the development of Taiwan's defensive capabilities identified pursuant to this section.

(6) The applicability of Department of Defense authorities for improving the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act.

(7) The feasibility and advisability of assisting Taiwan in the domestic production of defensive asymmetric capabilities, including through the transfer of intellectual property, co-development, or co-production arrangements.

(8) An assessment of ways in which the United States could enhance cooperation with on intelligence matters with Taiwan.

(9) A description of any non-Department of Defense efforts by the United States Government to build the capacity of Taiwan to disrupt external efforts that degrade its free and democratic society.

(10) A description of any significant efforts by the Defense Intelligence Enterprise and other elements of the intelligence community to coordinate technical and material support for Taiwan to identify, disrupt, and combat influence operations referred to in this subsection.

(11) Any other matter the Secretary of Defense considers appropriate.

(b) PLAN.—The Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall develop a plan for assisting Taiwan in improving its defensive asymmetric capabilities and addressing vulnerabilities identified pursuant to subsection (a) that includes—

(1) recommendations for new Department of Defense authorities, or modifications to existing Department authorities, necessary to improve the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.);

(2) an identification of opportunities for key leader and subject matter expert engagement between Department personnel and military and civilian counterparts in Taiwan; and

(3) an identification of challenges and opportunities for leveraging non-Department authorities, resources, and capabilities to improve the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually through fiscal year 2027, the Secretary of Defense shall submit to the appropriate committees of Congress—

(1) a report on the results of the assessment required by subsection (a); and

(2) the plan required by subsection (b).

(d) FORM.—The report required by subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''defensive asymmetric capabilities'' means the capabilities necessary to defend Taiwan against conventional external threats, including coastal defense missiles, naval mines, anti-aircraft capabilities, cyber defenses, and special operations forces.

SEC. 1249. FEASIBILITY BRIEFING ON COOPERATION BETWEEN THE NATIONAL GUARD AND TAIWAN.

(a) IN GENERAL.—Not later than February 15, 2022, the Secretary of Defense shall provide to the congressional defense committees a briefing on the feasibility and advisability of enhanced cooperation between the National Guard and Taiwan.

(b) ELEMENTS.—The briefing required by subsection (a) shall include the following:

(1) A description of the cooperation between the National Guard and Taiwan during the preceding calendar year, including mutual visits, exercises, training, and equipment opportunities.

(2) An evaluation of the feasibility of enhancing cooperation between the National Guard and Taiwan on a range of activities, including—

(A) disaster and emergency response;

(B) cyber defense and communications security;

(C) military medical cooperation;

(D) Mandarin-language education and cultural exchange; and

(E) programs for National Guard advisors to assist in training the reserve components of the military forces of Taiwan.

(3) Recommendations to enhance such cooperation and improve interoperability, including through familiarization visits, cooperative training and exercises, and co-deployments.

(4) Any other matter the Secretary of Defense considers appropriate.

SEC. 1250. FEASIBILITY REPORT ON ESTABLISHING MILITARY-TO-MILITARY CRISIS COMMUNICATIONS CAPABILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall submit to the appropriate committees of Congress a report on the feasibility and advisability of establishing military-to-military communications with a covered strategic competitor.

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

(1) An articulation of—

(A) the importance of military-to-military communications with a covered strategic competitor; and

(B) the utility of such communications to enable clear transmission of messages from the government of the United States, avoid misunderstandings, and reduce the possibility of miscalculation.

(2) A description of the current process and capabilities relating to communications with a covered strategic competitor, including the means, levels of seniority, and timelines for such communications.

(3) An identification of opportunities for improving military-to-military crisis communications with a covered strategic competitor, including the preferred means, levels of seniority, and timelines for such communications.

(4) An identification of challenges to establishing more military-to-military communications with a covered strategic competitor.

(5) Any other matter the Secretary of Defense considers appropriate.

(c) DEFINITIONS.—In this section:

(1) The term ''covered strategic competitor'' means a near-peer country identified by the Secretary of Defense and National Defense Strategy.

(2) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

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

SEC. 1251. COMPARATIVE ANALYSES AND REPORTS ON EFFORTS BY THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA TO ADVANCE CRITICAL MODERNIZATION TECHNOLOGY WITH RESPECT TO MILITARY APPLICATIONS.

(a) COMPARATIVE ANALYSES.—

(1) DEVELOPMENT OF PROCEDURES.—

(A) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering, in coordination with the Director of the Office of Net Assessment, shall develop procedures by which comparative analyses, including the assessments under paragraph (2), shall be conducted.

(B) ELEMENTS.—The procedures developed under subparagraph (A)—

(i) shall include processes—

(I) by which senior officials of the Department of Defense may request that such comparative analyses be conducted with respect to a specific technology, sector, or system of interest;

(II) by which teams of technical, industrial, policy, intelligence, and operational experts consisting of personnel of the Department and private sector organizations may be established for the purpose of conducting such comparative analyses;

(III) to ensure adequate funding to support the conduct of such comparative analyses; and

(IV) by which classified and unclassified information, including necessary data, records, and technical information, may be shared with Department personnel for the purpose of carrying out such comparative analyses; and

(ii) may include the development of quantitative and qualitative metrics for use in, and new intelligence collection requirements to support, such comparative analyses.

(2) COMPARATIVE ANALYSIS ASSESSMENTS.—

(A) IN GENERAL.—The Under Secretary, in coordination with the Director of the Office of Net Assessment, shall conduct a comparative analysis assessment of the efforts of the United States Government and the Government of the People's Republic of China to develop and deploy critical modernization technology with respect to military applications in each of the following areas of critical modernization technology:

(i) Directed energy systems.

(ii) Hypersonics.

(iii) Emerging biotechnologies.

(iv) Quantum science.

(v) Cyberspace capabilities.

(B) ELEMENTS.—Each comparative analysis assessment under subparagraph (A) shall include an evaluation of each of the following:

(i) With respect to the applicable area of critical modernization technology described in subparagraph (A), research and development activities carried out in the United States and the People's Republic of China by governmental entities and nongovernmental entities.

(ii) The ability of research programs carried out by the United States Government and the Government of the People's Republic of China to achieve the goals of—

(I) transitioning emerging technologies into acquisition efforts and operational use; and

(II) incorporating emerging technologies into military applications.

(iii) Operational effectiveness and suitability of current or planned defense systems of the United States and the People's Republic of China, including relevant operational concepts relating to the application and operationalization of critical modernization technologies.

(iv) The ability of defense systems of the United States and the People's Republic of China to counter relevant threat capabilities.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than March 15, 2022, the Under Secretary shall submit a report and provide a briefing to the congressional defense committees on efforts to develop the procedures required by subsection (a)(1).

(2) SUBSEQUENT REPORTS.—

(A) DIRECTED ENERGY SYSTEMS AND HYPERSONICS.—Not later than December 31, 2023, the Under Secretary shall submit to the congressional defense committees a report on the results of the comparative analysis assessments conducted under clauses (i) and (ii) of subsection (a)(2)(A).

(B) EMERGING BIOTECHNOLOGIES, QUANTUM SCIENCE, AND CYBERSPACE CAPABILITIES.—Not later than December 31, 2024, the Under Secretary shall submit to the congressional defense committees a report on the results of the comparative analysis assessments conducted under clauses (iii), (iv), and (v) of subsection (a)(2)(A).

(C) ELEMENTS.—The reports required by subparagraphs (A) and (B) shall include the following for each such comparative analysis assessment:

(i) The results of the evaluation of each element described in subsection (a)(2)(B).

(ii) An analysis of significant research and development programs and activities outside the United States or the People's Republic of China designed to advance the applicable area of critical modernization technology described in subsection (a)(2)(A), and a discussion of such programs and activities.

(iii) With respect to each such area of critical modernization technology, an identification of any area in which the degree of uncertainty due to an insufficient knowledge base is such that an analysis of whether the United States or the People's Republic of China has an advantage would be inconclusive.

(iv) A description of the limitations, constraints, and challenges encountered in carrying out the comparative analysis assessment.

(v) A description of any other research and development efforts or elements the Under Secretary considers appropriate for purposes of the comparative analysis assessment.

(vi) Recommendations with respect to additional activities by the Department necessary to address the findings of the comparative analysis assessment.

(D) FORM.—The reports required by subparagraphs (A) and (B) shall be submitted in unclassified form but may contain a classified annex.

(c) AGREEMENT WITH A FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CORPORATION AUTHORIZED.—

(1) IN GENERAL.—The Under Secretary may enter into an agreement with a federally funded research and development corporation under which such corporation may—

(A) carry out any part of a comparative analysis assessment required by subsection (a); or

(B) prepare the reports required by subsection (b)(2).

(2) NOTIFICATION.—If the Under Secretary enters into an agreement under paragraph (1), the Under Secretary shall submit to the congressional defense committees a report that—

(A) identifies the federally funded research and development corporation concerned; and

(B) describes the scope of work under the agreement.

SEC. 1252. SENSE OF CONGRESS ON DEFENSE ALLIANCES AND PARTNERSHIPS IN THE INDO-PACIFIC REGION.

It is the sense of Congress that the Secretary of Defense should recommit to and strengthen United States defense alliances and partnerships in the Indo-Pacific region so as to further the comparative advantage of the United States in strategic competition with the People's Republic of China, including by—

(1) enhancing cooperation with Japan, consistent with the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, including by developing advanced military capabilities, fostering interoperability across all domains, and improving sharing of information and intelligence;

(2) reinforcing the United States alliance with the Republic of Korea and maintaining the presence of approximately 28,500 members of the United States Armed Forces deployed to the country, consistent with the Mutual Defense Treaty Between the United States and the Republic of Korea, in support of the shared objective of a peaceful and stable Korean Peninsula;

(3) fostering bilateral and multilateral cooperation with Australia, consistent with the Australia, New Zealand, United States Security Treaty, to advance shared security objectives and build the capabilities of emerging partners;

(4) advancing United States alliances with the Philippines and Thailand and United States partnerships with other partners in the Association of Southeast Asian Nations to enhance maritime domain awareness, promote sovereignty and territorial integrity, and collaborate on vetting Chinese investments in strategic technology sectors and critical infrastructure;

(5) broadening the engagement of the United States with India, including through the Quadrilateral Security Dialogue—

(A) to advance the shared objective of a free and open Indo-Pacific region through bilateral and multilateral engagements and participation in military exercises, expanded defense trade, and collaboration on humanitarian aid and disaster response; and

(B) to enable greater cooperation on maritime security and the threat of global pandemics, including COVID–19;

(6) strengthening the United States partnership with Taiwan, consistent with the Three Communiques, the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.), and the Six Assurances, with the goal of improving Taiwan's asymmetric defensive capabilities and promoting peaceful cross- strait relations;

(7) reinforcing the status of the Republic of Singapore as a Major Security Cooperation Partner of the United States and continuing to strengthen defense and security cooperation between the military forces of the Republic of Singapore and the Armed Forces of the United States, including through participation in combined exercises and training, including the use of the Foreign Military Sales Training Center at Ebbing Air National Guard Base in Fort Smith, Arkansas and a fighter training detachment in Guam;

(8) engaging with the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau with the goal of strengthening regional security and addressing issues of mutual concern, including protecting fisheries from illegal, unreported and unregulated fishing; and

(9) investing in enhanced military posture and capabilities in the United States Indo-Pacific Command area of responsibility and strengthening cooperation in bilateral relationships, multilateral partnerships, and other international fora to uphold global security and shared principles, with the goal of ensuring the maintenance of a free and open Indo-Pacific region.

TITLE XIII—OTHER MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Matters Relating to Europe and NATO

Subtitle A—Matters Relating to Europe and NATO

SEC. 1301. SENSE OF CONGRESS ON NORTH ATLANTIC TREATY ORGANIZATION ALLIES AND PARTNERS.

It is the sense of Congress as follows:

(1) The North Atlantic Treaty Organization (NATO) remains the strongest and most successful military alliance in the world, founded on a commitment by its members to uphold the principles of democracy, individual liberty, and the rule of law, and its contributions to the collective defense are indispensable to the security, prosperity, and freedom of its members.

(2) The success of NATO is critical to achieving United States national security objectives in Europe and around the world, including deterring Russian aggression, upholding territorial integrity and sovereignty in Europe, addressing strategic competition and mitigating shared security concerns, countering malign efforts to undermine the rules-based international order and disrupt shared values, and fostering international cooperation against collective challenges.

(3) The United States reaffirms its ironclad commitment to NATO as the foundation of transatlantic security and to uphold its obligations under the North Atlantic Treaty, including Article 5 of the Treaty, and remains steadfastly committed to upholding and strengthening its defense alliances and partnerships in the European theater.

(4) The commitment of NATO allies in response to the invocation of Article 5 of the North Atlantic Treaty following attacks on the United States homeland on September 11, 2001, and during years of counterterrorism, humanitarian, and stabilization operations in Afghanistan has been invaluable, and the sacrifices of NATO allies deserve the highest order of respect and gratitude.

(5) The national security challenges posed by the Russian Government against NATO allies and partners are of grave concern to the United States and a top NATO defense priority. Since the invasion of Ukraine in 2014, the Russian Government has not improved its behavior and has, in many aspects, become increasingly belligerent. Aggression against NATO allies and United States partners is unacceptable, and Russia's willingness to engage in far-reaching, risky actions contrary to the international order poses major risks to United States national security interests that must be met with sustained engagement, investment in credible deterrence, and vigilance.

(6) The United States should continue to deepen cooperation on defense issues with non-NATO European partners, bilaterally and as part of the NATO alliance, encourage security sector cooperation between NATO and non-NATO defense partners that complements and strengthens shared security goals, interoperability, and allies' commitment to Article 3 of the North Atlantic Treaty, build on recent progress in NATO allies achieving defense spending goals agreed to at the 2014 Wales Summit and reaffirmed at the 2016 Warsaw Summit and the 2021 Brussels Summit, and build consensus to plan, organize, and invest in the full range of defense capabilities necessary to deter and defend against potential adversaries.

(7) The United States should continue to enhance United States and allied force posture in Europe in order to establish and sustain a credible deterrent against Russian aggression and long-term strategic competition by the Russian Government, including continued robust support for the European Deterrence Initiative and other investments, ongoing use of rotational deployments and robust exercises in the European theater, improved forward-stationing of forces to enhance deterrence and reduce cost, additional planning and efforts to mitigate contested logistics challenges, implementation of key initiatives to enhance readiness, military mobility, and national resilience, and effective investments in multi-service, cyber, information, and air defense efforts to counter modern military challenges.

(8) Following the end of the Resolute Support Mission in Afghanistan, it is essential that the United States consider ways to continue the benefits of combined interaction alongside NATO allies and United States partners to continue strengthening interoperability and cooperation.

(9) The Black Sea is a strategically significant region to United States interests and to the security of United States allies and partners, especially in light of Russia's actions in the region and illegal occupation of territory. The United States should continue security cooperation efforts, exercises, and training with regional allies and partners, regional posture enhancements, and support for those allies' and partners' pursuit of their own defenses, as well as joint efforts that enhance interoperability and information sharing.

(10) Enhancing security and stability in the Western Balkans is a goal that the United States shares with European allies and partners. The United States should continue its efforts to build interoperability and support institutional reforms of the militaries of the Western Balkan nations, including both NATO allies and partners. The United States should also support those nations' efforts to resist disinformation campaigns, predatory investments, efforts to promote instability, and other means by which Russia and China may seek to influence this region of Europe.

(11) Estonia, Latvia, and Lithuania are model allies and play a critical role in strategic efforts to ensure continued deterrence against aggression by Russia and maintain the collective security of the NATO alliance. The security of the Baltic region is crucial to the security of the NATO alliance.

(12) The United States should continue to pursue efforts consistent with the comprehensive, multilateral Baltic Defense Assessment of the military requirements of Estonia, Latvia, and Lithuania issued in December 2020. Robust support to accomplish United States strategic objectives, including by providing assistance to the Baltic countries through security cooperation referred to as the Baltic Security Initiative pursuant to sections 332 and 333 of title 10, United States Code, should be prioritized in the years to come. Specifically, the continuation of—

(A) efforts to enhance interoperability among Estonia, Latvia, and Lithuania and in support of NATO efforts;

(B) infrastructure and other host-country support improvements that will enhance United States and allied military mobility across the region;

(C) efforts to improve resilience to hybrid threats and cyber defenses in Estonia, Latvia, and Lithuania; and

(D) support for planning and budgeting efforts of Estonia, Latvia, and Lithuania that are regionally synchronized.

SEC. 1302. REPORT ON ARMENIA-AZERBAIJAN CONFLICT.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the heads of other Federal departments and agencies as appropriate, shall submit to the relevant congressional committees a report on the 2020 conflict between Armenia and Azerbaijan.

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

(1) An assessment of the use of United States weapon systems or controlled technology that were employed in the 2020 conflict, including a list of the origins of such items, if known.

(2) A description of the involvement of foreign actors in the conflict, including a description of the military activities, influence operations, foreign military sales, and diplomatic engagement by foreign countries before, during, and after the conflict, and efforts by parties to the conflict or foreign actors to recruit or employ foreign fighters or private military organizations during the conflict. Such description may include a classified annex, if necessary.

(3) Any violations of the November 9, 2020, agreement, including the continued detention of prisoners of war or captured civilians.

(4) Any other matter the Secretary considers appropriate.

(c) RELEVANT CONGRESSIONAL COMMITTEES.—In this section, the term ''relevant congressional committees'' means the Committee on Foreign Affairs and Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and Committee on Armed Services of the Senate.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the parties to the conflict must adhere to their obligations under the November 9, 2020,

agreement and international law, including to immediately release all prisoners of war and captured civilians;

(2) the parties to the conflict must refrain from the use of force and threats to use force in pursuit of diplomatic resolutions to any outstanding disputes; and

(3) the United States should engage with parties to the conflict, including redoubling engagement with the Minsk Group, to make clear the importance of adhering to these obligations and advance diplomatic progress.

SEC. 1303. REPORT ON THE STATE OF UNITED STATES MILITARY INVESTMENT IN EUROPE, INCLUDING THE EUROPEAN DETERRENCE INITIATIVE.

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 assessing the current state of United States defense investment in Europe, with particular focus on United States military infrastructure requirements, including the European Deterrence Initiative. Such report shall include the following elements:

(1) An assessment of the progress made by the Department of Defense toward achieving the stated objectives of the European Deterrence Initiative (EDI) over its lifetime, and the extent to which EDI funding has aligned with such objectives.

(2) An assessment of the current state of the United States defense posture in Europe.

(3) An assessment of further investments required to improve United States military mobility in the United States European Command area of responsibility, including efforts to—

(A) address contested logistics; and

(B) improve physical impediments and regulatory challenges to movement by air, rail, road, or waterway across such area of responsibility.

(4) An assessment of the current state of United States prepositioned stocks in Europe, including a description of both completed and underway projects, timelines for completion of underway projects, and estimated sustainment costs upon completion of such projects.

(5) An assessment of the current state of United States munitions in Europe, including the adequacy to satisfy United States needs in a European contingency, and a description of any plans to adjust munitions stocks.

(6) An assessment of the current state of United States antisubmarine warfare assets, organization, and resources in the United States European Command and Second Fleet areas of responsibility, including—

(A) the sufficiency of such assets, organization, and resources to counter Russian submarine threats; and

(B) the sufficiency of United States sonobuoy stocks, antisubmarine warfare platforms, and undersea sensing equipment.

(7) An assessment of the current state of the United States naval presence in the United States European Command area of responsibility and the ability of such presence to respond to future challenges in the Black Sea, Mediterranean Sea, and Arctic region, including a description of any future plans regarding increased naval force structure forward stationed in Europe and associated timelines.

(8) An assessment of the current state of United States Air Force operational planning and resourcing in the European theater, including the current state of prepositioned Air Force equipment, activities, and relevant infrastructure.

(9) An assessment of the current state of United States defense information operations capabilities dedicated to the United States European Command area of responsibility, and any defense resources required or policies needed to strengthen such capabilities.

(10) An assessment of all purchases, investments, and expenditures made by any Armed Force under the jurisdiction of the Secretary of a military department and identified as part of the EDI, since its inception, that have been diverted for purposes or uses other than the objectives of the EDI, including a list of all purchases, investments, and expenditures that were requested to support the EDI since its inception that were not ultimately employed for the objectives of the EDI and the respective dollar values of such purchaes, investments, and expenditures.

(11) An assessment of the current state of EDI military construction efforts in Europe.

(12) An assessment of United States European Command's planned exercise schedule in coming years, the estimated resourcing requirements to fulfill such schedule, and what percentage of such resourcing is expected to come from EDI.

(13) Any other information the Secretary determines relevant.

Subtitle B—United States-Greece Defense and Interparliamentary Partnership Act of 2021

SEC. 1311. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Greece is a pillar of stability in the Eastern Mediterranean region and the United States should remain committed to supporting its security and prosperity;

(2) the 3+1 format of cooperation among Cyprus, Greece, Israel, and the United States has been a successful forum to cooperate on energy issues and should be expanded to include other areas of common concern to the members;

(3) the United States should increase and deepen efforts to partner with and support the modernization of the Greek military;

(4) it is in the interests of the United States that Greece continue to transition its military equipment away from Russian-produced platforms and weapons systems through the European Recapitalization Incentive Program;

(5) the naval partnerships with Greece at Souda Bay and Alexandroupolis are mutually beneficial to the national security of the United States and Greece;

(6) the United States should, as appropriate, support the sale of F–35 Joint Strike Fighters to Greece;

(7) the United States Government should continue to invest in International Military Education and Training programs in Greece;

(8) the United States Government should support joint maritime security cooperation exercises with Cyprus, Greece, and Israel;

(9) in accordance with its legal authorities and project selection criteria, the United States Development Finance Corporation should consider supporting private investment in strategic infrastructure projects in Greece, to include shipyards and ports that contribute to the security of the region and Greece's prosperity;

(10) the extension of the Mutual Defense Cooperation Agreement with Greece for a period of five years includes deepened partnerships at Greek military facilities throughout the country and is a welcome development; and

(11) the United States Government should establish the United States-Eastern Mediterranean Energy Center, as authorized by section 204 of the Eastern Mediterranean Energy and Security Partnership Act of 2019 (22 U.S.C. 2373 note).

SEC. 1312. FUNDING FOR THE EUROPEAN RECAPITALIZATION INCENTIVE PROGRAM.

(a) IN GENERAL.—To the maximum extent feasible, amounts appropriated or otherwise made available for the European Recapitalization Incentive Program should be considered for Greece as appropriate to assist the country in meeting its defense needs and transitioning away from Russian-produced military equipment.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that provides a full accounting of all funds distributed under the European Recapitalization Incentive Program, including—

(1) identification of each recipient country;

(2) a description of how the funds were used; and

(3) an accounting of remaining equipment in recipient countries that was provided by the then-Soviet Union or Russian Federation.

SEC. 1313. SENSE OF CONGRESS ON LOAN PROGRAM.

It is the sense of Congress that, as appropriate, the United States Government should provide direct loans to Greece for the procurement of defense articles, defense services, and design and construction services pursuant to the authority of section 23 of the Arms Export Control Act (22 U.S.C. 2763) to support the further development of Greece's military forces.

SEC. 1314. SENSE OF CONGRESS ON TRANSFER OF F–35 JOINT STRIKE FIGHTER AIRCRAFT TO GREECE.

It is the sense of Congress that the President has the authority to expedite delivery of any future F–35 aircraft to Greece once Greece is prepared to move forward with such a purchase on such terms and conditions as the President may require, pursuant to the certification requirements under section 36 of the Arms Export Control Act (22 U.S.C. 2776).

SEC. 1315. IMET COOPERATION WITH GREECE.

For each of fiscal years 2022 through 2026, there is authorized to be appropriated $1,800,000 for International Military Education and Training assistance for Greece, which may be made available for the following purposes:

(1) Training of future leaders.

(2) Fostering a better understanding of the United States.

(3) Establishing a rapport between the United States Armed Forces and Greece's military to build partnerships for the future.

(4) Enhancement of interoperability and capabilities for joint operations.

(5) Focusing on professional military education, civilian control of the military, and protection of human rights.

SEC. 1316. CYPRUS, GREECE, ISRAEL, AND THE UNITED STATES 3+1 INTERPARLIAMENTARY GROUP.

(a) ESTABLISHMENT.—There is established a group, to be known as the ''Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group'', to serve as a legislative component to the 3+1 process launched in Jerusalem in March 2019.

(b) MEMBERSHIP.—The Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group shall include a group of not more than 6 United States Senators, to be known as the ''United States group'', who shall be appointed in equal numbers by the majority leader and the minority leader of the Senate. The majority leader and the minority leader of the Senate shall also serve as ex officio members of the United States group.

(c) MEETINGS.—Not less frequently than once each year, the United States group shall meet with members of the 3+1 group to discuss issues on the agenda of the 3+1 deliberations of the Governments of Greece, Israel, Cyprus, and the United States to include maritime security, defense cooperation, energy initiatives, and countering malign influence efforts by the People's Republic of China and the Russian Federation.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $100,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization under this subsection are authorized to remain available until expended.

(e) TERMINATION.—The Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group shall terminate 4 years after the date of the enactment of this Act.

SEC. 1317. APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subtitle, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

Subtitle C—Security Cooperation and Assistance

SEC. 1321. CLARIFICATION OF REQUIREMENTS FOR CONTRIBUTIONS BY PARTICIPANTS IN THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES' PROGRAM.

Section 1274 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2350a note) is amended—

(1) by amending subsection (c) to read as follows:

''(c) CONTRIBUTIONS BY PARTICIPANTS.—

''(1) IN GENERAL.—An agreement under subsection (a) shall provide that—

''(A) the United States, as the host country for the Program, shall provide office facilities and related office equipment and supplies for the Program; and

''(B) each participating country shall contribute its equitable share of the remaining costs for the Program, including—

''(i) the agreed upon share of administrative costs related to the Program, except the costs for facilities and equipment and supplies described in subparagraph (A); and

''(ii) any amount allocated against the country for monetary claims as a result of participation in the Program, in accordance with the agreement.

''(2) EQUITABLE CONTRIBUTIONS.—The contributions, as allocated under paragraph (1) and set forth in an agreement under subsection (a), shall be considered equitable for purposes of this subsection and section 27(c) of the Arms Export Control Act (22 U.S.C. 2767(c)).

''(3) AUTHORIZED CONTRIBUTION.—An agreement under subsection (a) shall provide that each participating country may provide its contribution in funds, in personal property, in services required for the Program, or any combination thereof.

''(4) FUNDING FOR UNITED STATES CONTRIBUTION.—Any monetary contribution by the United States to the Program that is provided in funds shall be made from funds available to the Department of Defense for operation and maintenance.

''(5) CONTRIBUTIONS AND REIMBURSEMENTS FROM OTHER PARTICIPATING COUNTRIES.—

''(A) IN GENERAL.—The Secretary of Defense may accept from any other participating country a contribution or reimbursement of funds, personal property, or services made by the participating country in furtherance of the Program.

''(B) CREDIT TO APPROPRIATIONS.—Any contribution or reimbursement of funds received by the United States from any other participating country to meet that country's share of the costs of the Program shall be credited to the appropriations available to the appropriate military department, as determined by the Secretary of Defense.

''(C) TREATMENT OF PERSONAL PROPERTY.—Any contribution or reimbursement of personal property received under this paragraph may be—

''(i) retained and used by the Program in the form in which it was contributed;

''(ii) sold or otherwise disposed of in accordance with such terms, conditions, and procedures as the members of the Program consider appropriate, and any resulting proceeds shall be credited to appropriations of the appropriate military department, as described in subparagraph (B); or

''(iii) converted into a form usable by the Program.

''(D) USE OF CREDITED FUNDS.—

''(i) IN GENERAL.—Amounts credited under subparagraph (B) or (C)(ii) shall be—

''(I) merged with amounts in the appropriation concerned;

''(II) subject to the same conditions and limitations as amounts in such appropriation; and

''(III) available for payment of Program expenses described in clause (ii).

''(ii) PROGRAM EXPENSES DESCRIBED.—The Program expenses described in this clause include—

''(I) payments to contractors and other suppliers, including the Department of Defense and participating countries acting as suppliers, for necessary goods and services of the Program;

''(II) payments for any damages or costs resulting from the performance or cancellation of any contract or other obligation in support of the Program;

''(III) payments or reimbursements for other Program expenses; or

''(IV) refunds to other participating countries.''; and

(2) by striking subsection (g).

SEC. 1322. FOREIGN AREA OFFICER ASSESSMENT AND REVIEW.

(a) FINDINGS.—Congress finds the following:

(1) Foreign Area Officers of the Army and their equivalent positions in the other Armed Forces (in this section referred to as ''FAOs'') are trained to manage, grow, and enhance security cooperation relationships between the United States and foreign partners and to build the overall military capacity and capabilities of foreign partners.

(2) At present, some senior defense official positions in United States embassies are filled by officers lacking the necessary skills, training, and experience to strengthen the relationships between the United States and its critical partners and allies.

(3) FAOs are trained to fill those positions, and deficiencies in the equitable use, assessment, promotion, diversity and inclusion of such officers, as well as limitations on career opportunities, undermine the ability of the Department of Defense to strengthen partnerships and alliances of the United States.

(4) A federally funded research and development center can provide a roadmap to correcting these deficiencies, strengthening the FAO branch, and placing qualified FAOs in positions of positive influence over United States partnerships and alliances.

(b) ASSESSMENT AND REVIEW REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with a federally funded research and development center to conduct an independent assessment and comprehensive review of the process by which Foreign Area Officers and their equivalent positions in the other Armed Forces (in this section referred to as ''FAOs'') are recruited, selected, trained, assigned, organized, promoted, retained, and used in security cooperation offices, senior defense roles in U.S. embassies, and in other critical roles of engagement with allies and partners.

(2) ELEMENTS.—The assessment and review conducted under paragraph (1) shall include the following:

(A) Identification and assessment of the number and location of senior defense official billets, including their grade structure and availability to FAOs.

(B) A review of the cultural, racial, and ethnic diversity of FAOs.

(C) An assessment of the assignment process for FAOs.

(D) A review and assessment of the promotion criteria, process, and possible pathways for career advancement for FAOs.

(E) A review of the organization and categorization of FAOs by geographic region.

(F) An assessment of the training program for FAOs and its effectiveness.

(G) An assessment of the available career paths for FAOs.

(H) An assessment of the criteria used to determine staffing requirements for senior defense official positions and security cooperation roles for uniformed officers.

(I) A review of the staffing of senior defense official and security cooperation roles and assessment to determine whether requirements are being met through the staffing process.

(J) An assessment of how the broader utilization of FAOs in key security cooperation and embassy defense leadership billets would improve the quality and professionalism of the security cooperation workforce under section 384 of title 10, United States Code.

(K) A review of how many FAO opportunities are joint-qualifying and an assessment of whether increasing the number of joint-qualified opportunities for FAOs would increase recruitment, retention, and promotion.

(L) Any other matters the Secretary determines relevant.

(c) RESULTS.—The federally funded research and development center conducting the assessment and review described in subsection (b) shall submit to the Secretary the results of such assessment and review, which shall include the following:

(1) A summary of the research and activities undertaken to carry out the assessment required by subsection (b).

(2) Considerations and recommendations, including legislative recommendations, to achieve the following:

(A) Improving the assessment, promotion, assignment selection, retention, and diversity of FAOs.

(B) Assigning additional FAOs to positions as senior defense officials.

(d) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than December 31, 2022, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) an unaltered copy of the results submitted pursuant to subsection (c); and

(B) the written responses of the Secretary and the Chairman of the Joint Chiefs of Staff to such results.

(2) FORM.—The submission under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1323. STUDY ON CERTAIN SECURITY COOPERATION PROGRAMS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center with the appropriate expertise and analytical capability to carry out the study described in subsection (b).

(b) STUDY.—The study described in this subsection shall—

(1) provide for a comprehensive assessment of strategic and operational lessons collected from the war in Afghanistan that can be applied to existing and future security cooperation programs;

(2) identify metrics used in the war in Afghanistan to measure progress in partner capacity building and defense institution building and whether such metrics are sufficient for measuring progress in future security cooperation programs;

(3) assess challenges related to strategic planning for capacity building, baseline assessments of partner capacity, and issues related to project sustainment, and recommendations for how to manage such challenges;

(4) assess Department of Defense coordination with coalition partners engaged in partner capacity building and defense institution building efforts, and recommendations for how to improve such coordination;

(5) identify risks posed by rapid expansion or reductions in security cooperation, and recommendations for how to manage such risks;

(6) identify risks posed by corruption in security cooperation programs and recommendations for how to manage such risks;

(7) assess best practices and training improvements for managing cultural barriers in partner

countries, and recommendations for how to promote cultural competency;

(8) assess the effectiveness of the Department of Defense in promoting the rights of women, including incorporating a gender perspective in security cooperation programs, in accordance with the Women, Peace and Security Strategic Framework and Implementation Plan issued by the Department of Defense in June 2020 and the Women, Peace, and Security Act of 2017 (Public Law 115–68);

(9) identify best practices to promote partner country ownership of long-term objectives of the United States including with respect to human rights, democratic governance, and the rule of law;

(10) assess challenges related to contractors of the Department of Defense, including cost, limited functions, and oversight; and

(11) assess best practices for sharing lessons on security cooperation with allies and partners.

(c) REPORT.—

(1) TO SECRETARY OF DEFENSE.—Not later than two years after the date on which a federally funded research and development center enters into a contract described in subsection (a), such center shall submit to the Secretary of Defense a report containing the results of the study required under this section.

(2) TO CONGRESS.— Not later than 30 days after the receipt of the report under paragraph (1), the Secretary of Defense shall submit to Congress such report, which shall be made public, together with any additional views or recommendations of the Secretary, which may be transmitted in a classified annex.

SEC. 1324. NOTIFICATION RELATING TO OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID FUNDS OBLIGATED IN SUPPORT OF OPERATION ALLIES WELCOME.

Not later than 30 days after the date of the enactment of this Act and every 120 days thereafter until all applicable funds have been obligated in support of Operation Allies Welcome or any successor operation, the Secretary of Defense shall submit to the congressional defense committees a notification that includes—

(1) the costs associated with the provision of transportation, housing, medical services, and other sustainment expenses for Afghan special immigrant visa applicants and other Afghans at risk; and

(2) whether such funds were obligated under a reimbursable or nonreimbursable basis.

Subtitle D—Other Matters

SEC. 1331. EXTENSION AND MODIFICATION OF AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS.

(a) EXTENSION.—Subsection (a) of section 1213 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2731 note) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2023''.

(b) MODIFICATION TO CONDITIONS ON PAYMENT.—Subsection (b) of such section is amended—

(1) in paragraph (1) to read as follows:

''(1) the prospective foreign civilian recipient is not otherwise ineligible for payment under any other provision of law;'';

(2) in paragraph (2), by striking ''a claim'' and inserting ''a request'';

(3) in paragraph (4), by striking ''the claimant'' and inserting ''the prospective foreign civilian recipient''; and

(4) in paragraph (5), by striking ''the claimant'' and inserting ''the prospective foreign civilian recipient''.

(c) MODIFICATIONS TO QUARTERLY REPORT REQUIREMENT.—Subsection (g) of such section is amended—

(1) in paragraph (1)(B), by striking ''claims'' and inserting ''requests''; and

(2) by adding at the end the following:

''(3) The status of Department of Defense efforts to establish the requests procedures required under subsection (d)(1) and to otherwise implement this section.''.

(d) MODIFICATION TO PROCEDURE TO SUBMIT REQUESTS.—Such section is further amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

''(d) PROCEDURES TO REVIEW ALLEGATIONS.—

''(1) PROCEDURES REQUIRED.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Defense shall establish procedures to receive, evaluate, and respond to allegations of civilian harm resulting from military operations involving the United States Armed Forces, a coalition that includes the United States, or a military organization supporting the United States. Such responses may include—

''(A) a formal acknowledgement of such harm;

''(B) a nonmonetary expression of condolence; or

''(C) an ex gratia payment.

''(2) CONSULTATION.—In establishing the procedures under paragraph (1), the Secretary of Defense shall consult with the Secretary of State and with nongovernmental organizations that focus on addressing civilian harm in conflict.

''(3) POLICY UPDATES.—Not later than one year after the date of the enactment of this subsection, the Secretary of Defense shall ensure that procedures established under paragraph (1) are formalized through updates to the policy referred to in section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 134 note).''.

(e) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to require the Secretary of Defense to pause, suspend, or otherwise alter the provision of ex gratia payments in accordance with section 1213 of the National Defense Authorization Act for Fiscal Year 2020, as amended, in the course of developing the procedures required by subsection (d) of such section (as added by subsection (d) of this section).

SEC. 1332. SECRETARY OF DEFENSE STRATEGIC COMPETITION INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may provide funds for one or more Department of Defense activities or programs described in subsection (b) that advance United States national security objectives for strategic competition by supporting Department of Defense efforts to compete below the threshold of armed conflict and by supporting other Federal departments and agencies in advancing United States strategic interests.

(b) AUTHORIZED ACTIVITIES AND PROGRAMS.—Activities and programs for which funds may be provided under subsection (a) are the following:

(1) The provision of funds to pay for personnel expenses of foreign defense or security personnel for bilateral or regional security cooperation programs and joint exercises, in accordance with section 321 of title 10, United States Code.

(2) Activities to build the institutional capacity of foreign national security forces, including efforts to counter corruption, in accordance with section 332 of title 10, United States Code.

(3) Activities to build the capabilities of the United States joint force and the security forces of United States allies and partners relating to irregular warfare.

(4) Activities to expose and disprove foreign malign influence and disinformation, and to expose and deter coercion and subversion.

(c) FUNDING.—Amounts made available for activities carried out pursuant to subsection (a) in a fiscal year may be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for operation and maintenance, Defense-wide.

(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided by the Secretary of Defense during any fiscal year pursuant to subsection (a) for an activity or program described in subsection (b) shall be in addition to amounts otherwise available for that activity or program for that fiscal year.

(e) USE OF FUNDS.—

(1) LIMITATIONS.—Of funds made available under this section for any fiscal year—

(A) not more than $20,000,000 in each fiscal year is authorized to be obligated and expended under this section; and

(B) not more than $3,000,000 may be used to pay for personnel expenses under subsection (b)(1).

(2) PROHIBITION.—Funds may not be provided under this section for any activity that has been denied authorization by Congress.

(f) ANNUAL REPORT.—Not less frequently than annually, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the use of the authority under subsection (a).

(g) PLAN FOR STRATEGIC COMPETITION INITIATIVE FOR U.S. SOUTHERN COMMAND AND U.S. AFRICA COMMAND.—

(1) IN GENERAL.—The Secretary of Defense shall develop and submit to the congressional defense committees a plan for an initiative to support programs and activities for strategic competition in the areas of responsibility of United States Southern Command and United States Africa Command.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the plan developed under paragraph (1).

(h) TERMINATION.—The authority under subsection (a) shall terminate on September 30, 2024.

SEC. 1333. EXTENSION AND MODIFICATION OF DEPARTMENT OF DEFENSE SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL SECURITY INTEREST OF THE UNITED STATES.

Section 1210A of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1626) is amended—

(1) in subsection (a), by striking ''for the stabilization activities of other Federal agencies specified in subsection (c)(1)'' and inserting ''to other Federal agencies specified in subsection (c)(1) for the stabilization activities of such agencies'';

(2) in subsection (b), by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Amounts authorized to be provided pursuant to this section shall be available only for support for stabilization activities—

''(A)(i) in a country specified in paragraph (2); and

''(ii) that the Secretary of Defense, with the concurrence of the Secretary of State, has determined are in the national security interest of the United States; or

''(B) in a country that—

''(i)(I) has been selected as a priority country under section 505 of the Global Fragility Act of 2019 (22 U.S.C. 9804); or

''(II) is located in a region that has been selected as a priority region under section 505 of such Act; and

''(ii) has Department of Defense resource or personnel presence to support such activities.'';

(3) in the first sentence of subsection (c)(1), by striking ''Support may be provided for stabilization activities under subsection (a)'' and inserting ''Support under subsection (a) may be provided'';

(4) in subsection (g)(1), by striking '', Defense-wide''; and

(5) in subsection (h), by striking ''December 31, 2021'' and inserting ''December 31, 2023''.

SEC. 1334. PILOT PROGRAM TO SUPPORT THE IMPLEMENTATION OF THE WOMEN, PEACE, AND SECURITY ACT OF 2017.

Section 1210E of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by—

(1) redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following new subsections (f) and (g):

''(f) PILOT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Secretary of State, shall establish and carry out a pilot program for the purpose of conducting partner country assessments described in subsection (b)(2).

''(2) CONTRACT AUTHORITY.—The Secretary of Defense, in consultation with the Secretary of State, shall seek to enter into one or more contracts with a nonprofit organization or a federally funded research and development center independent of the Department for the purpose of conducting such partner country assessments.

''(3) SELECTION OF COUNTRIES.—

''(A) IN GENERAL.—The Secretary of Defense, in consultation with the commanders of the combatant commands and relevant United States ambassadors, shall select one partner country within the area of responsibility of each geographic combatant command for participation in the pilot program.

''(B) CONSIDERATIONS.—In making the selection under subparagraph (A), the Secretary of Defense shall consider—

''(i) the demonstrated political commitment of the partner country to increasing the participation of women in the security sector; and

''(ii) the national security priorities and theater campaign strategies of the United States.

''(4) PARTNER COUNTRY ASSESSMENTS.—Partner country assessments conducted under the pilot program shall be—

''(A) adapted to the local context of the partner country being assessed;

''(B) conducted in collaboration with the security sector of the partner country being assessed; and

''(C) based on tested methodologies.

''(5) REVIEW AND ASSESSMENT.—With respect to each partner country assessment conducted under the pilot program, the Secretary of Defense, in consultation with the Secretary of State, shall—

''(A) review the methods of research and analysis used by any entity contracted with under paragraph (2) in conducting the assessment and identify lessons learned from such review; and

''(B) assess the ability of the Department to conduct future partner country assessments without entering into such a contract, including by assessing potential costs and benefits for the Department that may arise in conducting such future assessments.

''(6) FINDINGS.—

''(A) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall use findings from each partner country assessment to inform effective security cooperation activities and security sector assistance interventions by the United States in the partner country assessed, which shall be designed to substantially increase opportunities for the recruitment, employment, development, retention, deployment, and promotion of women in the national security forces of such partner country (including for deployments to peace operations and for participation in counterterrorism operations and activities).

''(B) MODEL METHODOLOGY.—The Secretary of Defense, in consultation with the Secretary of State, shall develop, based on the findings of the pilot program, a model barrier assessment methodology for use across the geographic combatant commands.

''(7) REPORTS.—

''(A) IN GENERAL.—Not later than 2 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress an initial report on the implementation of the pilot program under this subsection that includes an identification of the partner countries selected for participation in the program and the justifications for such selections.

''(B) METHODOLOGY.—On the date on which the Secretary of Defense determines the pilot program to be complete, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the model barrier assessment methodology developed under paragraph (6)(B).

''(g) BRIEFING.—Not later than 1 year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Director of the Defense Security Cooperation Agency shall provide to the appropriate committees of Congress a briefing on the efforts to build partner defense institution and security force capacity pursuant to this section.''.

SEC. 1335. ANNUAL REPORT ON COMPREHENSIVE NUCLEAR-TEST-BAN TREATY SENSORS.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and not later than September 1 of each subsequent year, the Secretary of State shall submit to the appropriate congressional committees a report on the sensors used in the international monitoring system of the Comprehensive Nuclear-Test-Ban Treaty Organization. Each such report shall include, with respect to the period covered by the report—

(1) the number of incidents where such sensors are disabled, turned off, or experience ''technical difficulties''; and

(2) with respect to each such incident—

(A) the location of the sensor;

(B) the duration of the incident; and

(C) whether the Secretary determines there is reason to believe that the incident was a deliberate act on the part of the host nation.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 1336. SECURITY ASSISTANCE IN NORTHERN TRIANGLE COUNTRIES.

(a) CERTIFICATION RELATING TO ASSISTANCE FOR GUATEMALA.—Prior to the transfer of any vehicles by the Department of Defense to a joint task force of the Ministry of Defense or Ministry of the Interior of Guatemala during fiscal year 2022, the Secretary of Defense shall certify to the congressional defense committees that such ministries have made a credible commitment to use such equipment only for the uses for which they were intended.

(b) REPORT ON SECURITY COOPERATION WITH NORTHERN TRIANGLE COUNTRIES.—

(1) IN GENERAL.—Not later than June 30, 2022, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(A) A description of any ongoing or planned security cooperation activities between the United States and the Northern Triangle countries focused on protection of human rights and adherence to the rule of law.

(B) A description of efforts to investigate credible information on gross violations of human rights by the military or national security forces of the governments of Northern Triangle countries since January 1, 2017, consistent with applicable law, including the possible use in committing such violations of defense articles provided by the United States.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(c) GAO REPORT.—

(1) Not later than June 30, 2022, the Comptroller General shall submit to the congressional defense committees a report containing an evaluation of the Department of Defense's end-use monitoring procedures for tracking credible information regarding the misuse by Northern Triangle countries of equipment provided by the Department of Defense, including—

(A) the Department's review of any credible information related to the misuse of Department of Defense-provided vehicles to Northern Triangle countries since 2018; and

(B) a description of any remediation activities undertaken by the Department of Defense and Northern Triangle countries in response to any such misuse.

(d) STRATEGIC EVALUATION OF SECURITY COOPERATION WITH NORTHERN TRIANGLE COUNTRIES.—

(1) IN GENERAL.—Not later than March 31, 2022, the Secretary of Defense shall enter into an agreement with an appropriate federally funded research and development center to complete an evaluation, not later than June 30, 2024, of Department of Defense security cooperation programs in United States Southern Command area of responsibility that includes—

(A) how such programs in general and in Northern Triangle countries in particular advance U.S. Southern Command's Theater Campaign Plan;

(B) how such programs in general and in Northern Triangle countries in particular promote the rule of law and human rights in the United States Southern Command area of responsibility;

(C) how such programs in general and in Northern Triangle countries in particular advance the objectives of the National Defense Strategy; and

(D) any other matters the Secretary deems appropriate.

(2) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report that includes the evaluation completed by the federally funded research and development center selected pursuant to paragraph (1) within 30 days of receiving such evaluation.

(3) FORM.—The report required by subsection (2) shall be submitted in unclassified form and posted on the Department of Defense's public website, but may contain a classified annex.

(e) NORTHERN TRIANGLE COUNTRIES DEFINED.—In this section, the term ''Northern Triangle countries'' means El Salvador, Guatemala, and Honduras.

SEC. 1337. REPORT ON HUMAN RIGHTS IN COLOMBIA.

(a) 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, shall submit to the appropriate congressional committees a report that includes the following:

(1) A detailed summary of the security cooperation relationship between the United States and Colombia, including a description of United States objectives, any ongoing or planned security cooperation activities with the military or other security forces of Colombia, an assessment of the capabilities of the military or other security forces of Colombia, and a description of the capabilities of the military or other security forces of Colombia that the Department of Defense has identified as a priority for further capability building efforts.

(2) A description of any ongoing or planned cooperative activities between the United States and Colombia focused on human rights and adherence to the rule of law, and a description of the manner and extent to which the security cooperation strategy between the United States and Colombia seeks to build the institutional capacity of the Colombian military or other Colombian security forces to respect human rights and encourage accountability.

(b) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1338. REPORT ON EFFORTS BY THE PEOPLE'S REPUBLIC OF CHINA TO EXPAND ITS PRESENCE AND INFLUENCE IN LATIN AMERICA AND THE CARIBBEAN.

(a) REPORT.—Not later than June 30, 2022, the Secretary of State, in coordination with the Secretary of Defense and in consultation with the heads of other appropriate Federal departments and agencies, as necessary, shall submit to the appropriate congressional committees a report that identifies efforts by the Government of the People's Republic of China to expand its presence and influence in Latin America and the Caribbean through diplomatic, military, economic, and other means, and describes the implications of such efforts on the national defense and security interests of the United States.

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

(1) An identification of—

(A) the countries of Latin America and the Caribbean with which the Government of the People's Republic of China maintains especially close diplomatic, military, and economic relationships;

(B) the number and contents of strategic partnership agreements or similar agreements, including any non-public, secret, or informal agreements, that the Government of the People's Republic of China has established with countries and regional organizations of Latin America and the Caribbean;

(C) the countries of Latin America and the Caribbean that have joined the Belt and Road Initiative or the Asian Infrastructure Investment Bank;

(D) the countries of Latin America and the Caribbean to which the Government of the People's Republic of China provides foreign assistance or disaster relief (including access to COVID–19 vaccines), including a description of the amount and purpose of, and any conditions attached to, such assistance;

(E) countries and regional organizations of Latin America and the Caribbean in which the Government of the People's Republic of China, including its state-owned or state-directed enterprises and banks, have undertaken significant investments, or infrastructure projects, and correspondent banking and lending activities, at the regional, national, or subnational levels;

(F) recent visits by senior officials of the Government of the People's Republic of China, including its state-owned or state-directed enterprises, to Latin America and the Caribbean, and visits by senior officials from Latin America and the Caribbean to the People's Republic of China;

(G) the existence of any defense exchanges, military or police education or training, and exercises between any military or police organization of the Government of the People's Republic of China and military, police, or security-oriented organizations of countries of Latin America and the Caribbean;

(H) countries and regional organizations of Latin America and the Caribbean that maintain diplomatic relations with Taiwan; and

(I) any steps that the Government of the People's Republic of China has taken to encourage countries and regional organizations of Latin America and the Caribbean to switch diplomatic relations to the People's Republic of China instead of Taiwan.

(2) A detailed description of—

(A) the relationship between the Government of the People's Republic of China and the Government of Venezuela and the Government of Cuba;

(B) military installations, assets, and activities of the Government of the People's Republic of China in Latin America and the Caribbean that currently exist or are planned for the future;

(C) sales or transfers of defense articles and services by the Government of the People's Republic of China to countries of Latin America and the Caribbean;

(D) a comparison of sales and transfers of defense articles and services to countries of Latin America and the Caribbean by the Government of the People's Republic of China, the Russian Federation, and the United States;

(E) any other form of military, paramilitary, or security cooperation between the Government of the People's Republic of China and the governments of countries of Latin America and the Caribbean;

(F) the nature, extent, and purpose of the Government of the People's Republic of China's intelligence activities in Latin America and the Caribbean;

(G) the role of the Government of the People's Republic of China in transnational crime in Latin America and the Caribbean, including trafficking and money laundering, as well as any links to the People's Liberation Army;

(H) efforts by the Government of the People's Republic of China to expand the reach and influence of its financial system within Latin America and the Caribbean, through banking activities and payments systems and through goods and services related to the use of the digital yuan; and

(I) efforts by the Government of the People's Republic of China to build its media presence in Latin America and the Caribbean, and any government-directed disinformation or information warfare campaigns in the region, including for military purposes or with ties to the People's Liberation Army.

(3) An assessment of—

(A) the specific objectives that the Government of the People's Republic of China seeks to achieve by expanding its presence and influence in Latin America and the Caribbean, including any objectives articulated in official documents or statements;

(B) whether certain investments by the Government of the People's Republic of China, including in port projects, canal projects, and telecommunications projects in Latin America and the Caribbean, could have military uses or dual use capability or could enable the Government of the People's Republic of China to monitor or intercept United States or host nation communications;

(C) the degree to which the Government of the People's Republic of China uses its presence and influence in Latin America and the Caribbean to encourage, pressure, or coerce governments in the region to support its defense and national security goals, including policy positions taken by the Government of the People's Republic of China at international institutions;

(D) documented instances of governments of countries of Latin America and the Caribbean silencing, or attempting to silence, local critics of the Government of the People's Republic of China, including journalists, academics, and civil society representatives, in order to placate the Government of the People's Republic of China;

(E) the rationale for the Government of the People's Republic of China becoming an observer at the Organization of American States;

(F) the relationship between the Government of the People's Republic of China and the Community of Latin American and Caribbean States (CELAC), a regional organization that excludes the United States, and the role of the China-CELAC Forum in coordinating such relationship; and

(G) the specific actions and activities undertaken by the Government of the People's Republic of China in Latin America and the Caribbean that present the greatest threat or challenge to the United States' defense and national security interests in the region.

(4) Any other matters the Secretary of State determines is appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form without any designation relating to dissemination control, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) The terms ''Latin America and the Caribbean'' and ''countries of Latin America and the Caribbean'' mean the countries and non-United States territories of South America, Central America, the Caribbean, and Mexico.

SEC. 1339. EXTENSION OF PROHIBITION ON IN-FLIGHT REFUELING TO NON-UNITED STATES AIRCRAFT THAT ENGAGE IN HOSTILITIES IN THE ONGOING CIVIL WAR IN YEMEN.

Section 1273(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1699) is amended by striking ''two-year period'' and inserting ''four-year period''.

SEC. 1340. STATEMENT OF POLICY AND REPORT ON YEMEN.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to continue to support and further efforts to bring an end to the conflict in Yemen;

(2) to support efforts so that United States defense articles and services are not used for military operations resulting in civilian casualties; and

(3) to work with allies and partners to address the ongoing humanitarian needs of Yemeni civilians.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a report on whether the Government of Saudi Arabia has undertaken offensive airstrikes inside Yemen in the preceding year resulting in civilian casualties.

(2) MATTERS TO BE INCLUDED.—The report required by this subsection shall include the following:

(A) A full description of any such airstrikes, including a detailed accounting of civilian casualties incorporating information from non-governmental sources.

(B) An identification of Government of Saudi Arabia air units responsible for any such airstrikes.

(C) A description of aircraft and munitions used in any such airstrikes.

(3) FORM.—The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, 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.

SEC. 1341. LIMITATION ON SUPPORT TO MILITARY FORCES OF THE KINGDOM OF MOROCCO FOR MULTILATERAL EXERCISES.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2022 may be used by the Secretary of Defense to support the participation of the military forces of the Kingdom of Morocco in any multilateral exercise administered by the Department of Defense unless the Secretary determines, in consultation with the Secretary of

State, that the Kingdom of Morocco is committed to seeking a mutually acceptable political solution in Western Sahara.

(b) WAIVER.—The Secretary may waive application of the limitation under subsection (a) if the Secretary submits to the congressional defense committees a written determination and justification that the waiver is important to the national security interests of the United States.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Subtitle B—Other Matters

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2022 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 2022 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 2022 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 2022 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 2022 for the Defense Health Program for use of the Armed Forces and other activities and agencies of the Department of Defense for providing for the health of eligible beneficiaries, as specified in the funding table in section 4501.

Subtitle B—Other Matters

SEC. 1411. ACQUISITION OF STRATEGIC AND CRITICAL MATERIALS FROM THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended—

(1) in section 6(b)(2), by inserting ''to consult with producers and processors of such materials'' before ''to avoid'';

(2) in section 12, by adding at the end the following new paragraph:

''(3) The term 'national technology and industrial base' has the meaning given such term in section 2500 of title 10, United States Code.''; and

(3) in section 15(a)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

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

''(5) if domestic sources are unavailable to meet the requirements defined in paragraphs (1) through (4), by making efforts to prioritize the purchase of strategic and critical materials from the national technology and industrial base.''.

SEC. 1412. AUTHORIZATION TO LOAN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

Section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e) is amended by adding at the end the following new subsection:

''(f) The President may loan stockpile materials to the Department of Energy or the military departments if the President—

''(1) has a reasonable assurance that stockpile materials of a similar or superior quantity and quality to the materials loaned will be returned to the stockpile or paid for;

''(2) notifies the congressional defense committees (as defined in section 101(a) of title 10, United States Code), in writing, not less than 30 days before making any such loan; and

''(3) includes in the written notification under paragraph (2) sufficient support for the assurance described in paragraph (1).''.

SEC. 1413. 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 for section 1405 and available for the Defense Health Program for operation and maintenance, $137,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1414. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2022 from the Armed Forces Retirement Home Trust Fund the sum of $75,300,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—CYBERSPACE-RELATED MATTERS

Subtitle A—Matters Related to Cyber Operations and Cyber Forces

Subtitle B—Matters Related to Department of Defense Cybersecurity and Information Technology

Subtitle A—Matters Related to Cyber Operations and Cyber Forces

SEC. 1501. DEVELOPMENT OF TAXONOMY OF CYBER CAPABILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a taxonomy of cyber capabilities, including software, hardware, middleware, code, other information technology, and accesses, designed for use in cyber effects operations.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the development of the taxonomy of cyber capabilities required under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report regarding such taxonomy.

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

(A) The definitions associated with each category contained within the taxonomy of cyber capabilities developed pursuant to subsection (a).

(B) Recommendations for improved reporting mechanisms to Congress regarding such taxonomy of cyber capabilities, using amounts from the Cyberspace Activities Budget of the Department of Defense.

(C) Recommendations for modifications to the notification requirement under section 396 of title 10, United States Code, in order that such notifications would include information relating to such taxonomy of cyber capabilities, including with respect to both physical and nonphysical cyber effects.

(D) Any other elements the Secretary determines appropriate.

SEC. 1502. EXTENSION OF SUNSET FOR PILOT PROGRAM ON REGIONAL CYBERSECURITY TRAINING CENTER FOR THE ARMY NATIONAL GUARD.

Section 1651(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 32 U.S.C. 501 note) is amended by striking ''2022'' and inserting ''2024''.

SEC. 1503. MODIFICATION OF THE PRINCIPAL CYBER ADVISOR.

(a) IN GENERAL.—Paragraph (1) of section 932(c) 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:

''(1) DESIGNATION.—(A) The Secretary shall designate, from among the personnel of the Office of the Under Secretary of Defense for Policy, a Principal Cyber Advisor to act as the principal advisor to the Secretary on military cyber forces and activities.

''(B) The Secretary may only designate an official under this paragraph if such official was appointed to the position in which such official serves by and with the advice and consent of the Senate.''.

(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; 10 U.S.C. 391 note) is amended by striking ''Office of the Secretary of Defense'' and inserting ''Office of the Under Secretary of Defense for Policy''.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on such recommendations as the Deputy Secretary may have for alternate reporting structures for the Principal Cyber Advisor and the Deputy Principal Cyber Advisor within the Office of the Under Secretary for Policy.

SEC. 1504. EVALUATION OF DEPARTMENT OF DEFENSE CYBER GOVERNANCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete an evaluation and review of the Department of Defense's current cyber governance construct.

(b) SCOPE.—The evaluation and review conducted pursuant to subsection (a) shall—

(1) assess the performance of the Department of Defense in carrying out the pillars of the cyber strategy and lines of efforts established in the most recent cyber posture review, including—

(A) conducting military cyberspace operations of offensive, defensive, and protective natures;

(B) securely operating technologies associated with information networks, industrial control systems, operational technologies, weapon systems, and weapon platforms; and

(C) enabling, encouraging, and supporting the security of international, industrial, and academic partners;

(2) analyze and assess the current institutional constructs across the Office of the Secretary of Defense, Joint Staff, military services, and combatant commands involved with and responsible for the execution of and civilian oversight for the responsibilities specified in paragraph (1);

(3) analyze and assess the delineation of responsibilities within the current institutional construct within the Office of the Secretary of Defense for addressing the objectives of the 2018 Department of Defense Cyber Strategy and any superseding strategies, as well as identifying potential seams in responsibility;

(4) examine the Department's policy, legislative, and regulatory regimes related to cyberspace and cybersecurity matters, including the 2018 Department of Defense Cyber Strategy and any superseding strategies, for sufficiency in carrying out the responsibilities specified in paragraph (1);

(5) examine the Office of the Secretary of Defense's current alignment for the integration and coordination of cyberspace activities with other aspects of information operations, including information warfare and electromagnetic spectrum operations;

(6) examine the current roles and responsibilities of each Principal Staff Assistant to the Secretary of Defense as such relate to the responsibilities specified in paragraph (1), and identify redundancy, duplication, or matters requiring deconfliction or clarification;

(7) evaluate and, as appropriate, implement relevant managerial innovation from the private sector in the management of complex missions, including enhanced cross-functional teaming;

(8) evaluate the state of collaboration among each Principal Staff Assistant in matters related to acquisition of cyber capabilities and other enabling technologies supporting the responsibilities specified in paragraph (1);

(9) analyze and assess the Department's performance in and posture for building and retaining the requisite workforce necessary to perform the responsibilities specified in paragraph (1);

(10) determine optimal governance structures related to the management and advancement of the Department's cyber workforce, including those structures defined under and evaluated pursuant to section 1649 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) and section 1726 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283);

(11) develop policy and legislative recommendations, as appropriate, to delineate and deconflict the roles and responsibilities of United States Cyber Command in defending and protecting the Department of Defense Information Network (DoDIN), with the responsibility of the Chief Information Officer, the Defense Information Systems Agency, and the military services to securely operate technologies described in paragraph (1)(B);

(12) develop policy and legislative recommendations to enhance the authority of the Chief Information Officers within the military services, specifically as such relates to executive and budgetary control over matters related to such services' information technology security, acquisition, and value;

(13) develop policy and legislative recommendations, as appropriate, for optimizing the institutional constructs across the Office of the Secretary of Defense, Joint Staff, military services, and combatant commands involved with and responsible for the responsibilities specified in paragraph (1); and

(14) make recommendations for any legislation determined appropriate.

(c) INTERIM BRIEFINGS.—Not later than 90 days after the commencement of the evaluation and review conducted pursuant to subsection (a) and every 30 days thereafter, the Secretary of Defense shall brief the congressional defense committees on interim findings of such evaluation and review.

(d) REPORT.—Not later than 30 days after the completion of the evaluation and review conducted pursuant to subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on such evaluation and review.

SEC. 1505. OPERATIONAL TECHNOLOGY AND MISSION-RELEVANT TERRAIN IN CYBERSPACE.

(a) MISSION-RELEVANT TERRAIN.—Not later than January 1, 2025, the Secretary of Defense shall complete mapping of mission-relevant terrain in cyberspace for Defense Critical Assets and Task Critical Assets at sufficient granularity to enable mission thread analysis and situational awareness, including required—

(1) decomposition of missions reliant on such Assets;

(2) identification of access vectors;

(3) internal and external dependencies;

(4) topology of networks and network segments;

(5) cybersecurity defenses across information and operational technology on such Assets; and

(6) identification of associated or reliant weapon systems.

(b) COMBATANT COMMAND RESPONSIBILITIES.—Not later than January 1, 2024, the Commanders of United States European Command, United States Indo-Pacific Command, United States Northern Command, United States Strategic Command, United States Space Command, United States Transportation Command, and other relevant Commands, in coordination with the Commander of United States Cyber Command, in order to enable effective mission thread analysis, cyber situational awareness, and effective cyber defense of Defense Critical Assets and Task Critical Assets under their control or in their areas of responsibility, shall develop, institute, and make necessary modifications to—

(1) internal combatant command processes, responsibilities, and functions;

(2) coordination with service components under their operational control, United States Cyber Command, Joint Forces Headquarters-Department of Defense Information Network, and the service cyber components;

(3) combatant command headquarters' situational awareness posture to ensure an appropriate level of cyber situational awareness of the forces, facilities, installations, bases, critical infrastructure, and weapon systems under their control or in their areas of responsibility, including, in particular, Defense Critical Assets and Task Critical Assets; and

(4) documentation of their mission-relevant terrain in cyberspace.

(c) DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER RESPONSIBILITIES.—

(1) IN GENERAL.—Not later than November 1, 2023, the Chief Information Officer of the Department of Defense shall establish or make necessary changes to policy, control systems standards, risk management framework and authority to operate policies, and cybersecurity reference architectures to provide baseline cybersecurity requirements for operational technology in forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department of Defense Information Network.

(2) IMPLEMENTATION OF POLICIES.—The Chief Information Officer of the Department of Defense shall leverage acquisition guidance, concerted assessment of the Department's operational technology enterprise, and coordination with the military department principal cyber advisors and chief information officers to drive necessary change and implementation of relevant policy across the Department's forces, facilities, installations, bases, critical infrastructure, and weapon systems.

(3) ADDITIONAL RESPONSIBILITIES.—The Chief Information Officer of the Department of Defense shall ensure that policies, control systems standards, and cybersecurity reference architectures—

(A) are implementable by components of the Department;

(B) limit adversaries' ability to reach or manipulate control systems through cyberspace;

(C) appropriately balance non-connectivity and monitoring requirements;

(D) include data collection and flow requirements;

(E) interoperate with and are informed by the operational community's workflows for defense of information and operational technology in the forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department;

(F) integrate and interoperate with Department mission assurance construct; and

(G) are implemented with respect to Defense Critical Assets and Task Critical Assets.

(d) UNITED STATES CYBER COMMAND OPERATIONAL RESPONSIBILITIES.—Not later than January 1, 2025, the Commander of United States Cyber Command shall make necessary modifications to the mission, scope, and posture of Joint Forces Headquarters-Department of Defense Information Network to ensure that Joint Forces Headquarters—

(1) has appropriate visibility of operational technology in the forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department of Defense Information Network, including, in particular, Defense Critical Assets and Task Critical Assets;

(2) can effectively command and control forces to defend such operational technology; and

(3) has established processes for—

(A) incident and compliance reporting;

(B) ensuring compliance with Department of Defense cybersecurity policy; and

(C) ensuring that cyber vulnerabilities, attack vectors, and security violations, including, in particular, those specific to Defense Critical Assets and Task Critical Assets, are appropriately managed.

(e) UNITED STATES CYBER COMMAND FUNCTIONAL RESPONSIBILITIES.—Not later than January 1, 2025, the Commander of United States Cyber Command shall—

(1) ensure in its role of Joint Forces Trainer for the Cyberspace Operations Forces that operational technology cyber defense is appropriately incorporated into training for the Cyberspace Operations Forces;

(2) delineate the specific force composition requirements within the Cyberspace Operations Forces for specialized cyber defense of operational technology, including the number, size, scale, and responsibilities of defined Cyber Operations Forces elements;

(3) develop and maintain, or support the development and maintenance of, a joint training curriculum for operational technology-focused Cyberspace Operations Forces;

(4) support the Chief Information Officer of the Department of Defense as the Department's senior official for the cybersecurity of operational technology under this section;

(5) develop and institutionalize, or support the development and institutionalization of, tradecraft for defense of operational technology across local defenders, cybersecurity service providers, cyber protection teams, and service-controlled forces;

(6) develop and institutionalize integrated concepts of operation, operational workflows, and cybersecurity architectures for defense of information and operational technology in the forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department of Defense Information Network, including, in particular, Defense Critical Assets and Task Critical Assets, including—

(A) deliberate and strategic sensoring of such Network and Assets;

(B) instituting policies governing connections across and between such Network and Assets;

(C) modelling of normal behavior across and between such Network and Assets;

(D) engineering data flows across and between such Network and Assets;

(E) developing local defenders, cybersecurity service providers, cyber protection teams, and service-controlled forces' operational workflows and tactics, techniques, and procedures optimized for the designs, data flows, and policies of such Network and Assets;

(F) instituting of model defensive cyber operations and Department of Defense Information Network operations tradecraft; and

(G) integrating of such operations to ensure interoperability across echelons; and

(7) advance the integration of the Department of Defense's mission assurance, cybersecurity compliance, cybersecurity operations, risk management framework, and authority to operate programs and policies.

(f) SERVICE RESPONSIBILITIES.—Not later than January 1, 2025, the Secretaries of the military departments, through the service principal cyber advisors, chief information officers, the service cyber components, and relevant service commands, shall make necessary investments in operational technology in the forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department of Defense Information Network and the service-controlled forces responsible for defense of such operational technology to—

(1) ensure that relevant local network and cybersecurity forces are responsible for defending operational technology across the forces, facilities, installations, bases, critical infrastructure, and weapon systems, including, in particular, Defense Critical Assets and Task Critical Assets;

(2) ensure that relevant local operational technology-focused system operators, network and cybersecurity forces, mission defense teams and other service-retained forces, and cyber protection teams are appropriately trained, including through common training and use of cyber ranges, as appropriate, to execute the specific requirements of cybersecurity operations in operational technology;

(3) ensure that all Defense Critical Assets and Task Critical Assets are monitored and defended by Cybersecurity Service Providers;

(4) ensure that operational technology is appropriately sensored and appropriate cybersecurity defenses, including technologies associated with the More Situational Awareness for Industrial Control Systems Joint Capability Technology Demonstration, are employed to enable defense of Defense Critical Assets and Task Critical Assets;

(5) implement Department of Defense Chief Information Officer policy germane to operational technology, including, in particular, with respect to Defense Critical Assets and Task Critical Assets;

(6) plan for, designate, and train dedicated forces to be utilized in operational technology-centric roles across the military services and United States Cyber Command; and

(7) ensure that operational technology, as appropriate, is not easily accessible via the internet and that cybersecurity investments accord with mission risk to and relevant access vectors for Defense Critical Assets and Task Critical Assets.

(g) OFFICE OF THE SECRETARY OF DEFENSE RESPONSIBILITIES.—Not later than January 1, 2023, the Secretary of Defense shall—

(1) assess and finalize Office of the Secretary of Defense components' roles and responsibilities for the cybersecurity of operational technology in the forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department of Defense Information Network;

(2) assess the need to establish centralized or dedicated funding for remediation of cybersecurity gaps in operational technology across the Department of Defense Information Network;

(3) make relevant modifications to the Department of Defense's mission assurance construct, Mission Assurance Coordination Board, and other relevant bodies to drive—

(A) prioritization of kinetic and non-kinetic threats to the Department's missions and minimization of mission risk in the Department's war plans;

(B) prioritization of relevant mitigations and investments to harden and assure the Department's missions and minimize mission risk in the Department's war plans; and

(C) completion of mission relevant terrain mapping of Defense Critical Assets and Task Critical Assets and population of associated assessment and mitigation data in authorized repositories;

(4) make relevant modifications to the Strategic Cybersecurity Program; and

(5) drive and provide oversight of the implementation of this section.

(h) BUDGET ROLLOUT BRIEFINGS.—

(1) IN GENERAL.—Beginning not later than 30 days after the date of the enactment of this Act, each of the Secretaries of the military departments, the Commander of United States Cyber Command, and the Chief Information Officer of the Department of Defense shall provide annual updates to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on activities undertaken and progress made to carry out this section.

(2) ANNUAL BRIEFINGS.—Not later than one year after the date of the enactment of this Act and not less frequently than annually thereafter until January 1, 2024, the Under Secretary of Defense for Policy, the Under Secretary of Defense for Acquisition and Sustainment, the Chief Information Officer, and the Joint Staff J6, representing the combatant commands, shall individually or together provide briefings to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on activities undertaken and progress made to carry out this section.

(i) IMPLEMENTATION.—

(1) IN GENERAL.—In implementing this section, the Secretary of Defense shall prioritize the cybersecurity and cyber defense of Defense Critical Assets and Task Critical Assets and shape cyber investments, policy, operations, and deployments to ensure cybersecurity and cyber defense.

(2) APPLICATION.—This section shall apply to assets owned and operated by the Department of Defense, as well as to applicable non-Department assets essential to the projection, support, and sustainment of military forces and operations worldwide.

(j) DEFINITION.—In this section:

(1) MISSION-RELEVANT TERRAIN IN CYBERSPACE.—''mission-relevant terrain in cyberspace'' has the meaning given such term as specified in Joint Publication 6-0.

(2) OPERATIONAL TECHNOLOGY.—The term ''operational technology'' means control systems or controllers, communication architectures, and user interfaces that monitor or control infrastructure and equipment operating in various environments, such as weapon systems, utility or energy production and distribution, or medical, logistics, nuclear, biological, chemical, or manufacturing facilities.

SEC. 1506. MATTERS CONCERNING CYBER PERSONNEL REQUIREMENTS.

(a) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense, in consultation with Secretaries of the military departments and the head of any other organization or element of the Department the Secretary determines appropriate, shall—

(1) determine the overall workforce requirement of the Department for cyberspace and information warfare military personnel across the active and reserve components of the Armed Forces (other than the Coast Guard) and for civilian personnel, and in doing so shall—

(A) consider personnel in positions securing the Department of Defense Information Network and associated enterprise information technology, defense agencies and field activities, and combatant commands, including current billets primarily associated with the Department of Defense Cyber Workforce Framework;

(B) consider the mix between military and civilian personnel, active and reserve components, and the use of the National Guard;

(C) develop a talent management strategy that covers accessions, training, and education; and

(D) consider such other elements as the Secretary determines appropriate;

(2) assess current and future cyber education curriculum and requirements for military and civilian personnel, including—

(A) acquisition personnel;

(B) accessions and recruits to the military services;

(C) cadets and midshipmen at the military service academies and enrolled in the Senior Reserve Officers' Training Corps;

(D) information environment and cyberspace military and civilian personnel; and

(E) non-information environment cyberspace military and civilian personnel;

(3) identify appropriate locations for information warfare and cyber education for military and civilian personnel, including—

(A) the military service academies;

(B) the senior level service schools and intermediate level service schools specified in section 2151(b) of title 10, United States Code;

(C) the Air Force Institute of Technology;

(D) the National Defense University;

(E) the Joint Special Operations University;

(F) the Command and General Staff Colleges;

(G) the War Colleges;

(H) any military education institution attached to or operating under any institution specified in this paragraph;

(I) any other military educational institution of the Department identified by the Secretary for purposes of this section;

(J) the Cyber Centers of Academic Excellence; and

(K) potential future educational institutions of the Federal Government in accordance with the assessment required under subsection (b); and

(4) determine—

(A) whether the cyberspace domain mission requires a graduate level professional military education college on par with and distinct from the war colleges for the Army, Navy, and Air Force as in existence on the day before the date of the enactment of this Act;

(B) whether such a college should be joint; and

(C) where such a college should be located.

(b) ASSESSMENT.—In identifying appropriate locations for information warfare and cyber education for military and civilian personnel at potential future educational institutions of the Federal Government pursuant to subsection (a)(3)(K), the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense, in consultation with Secretaries of the military departments, the head of any other organization or element of the Department the Secretary determines appropriate, the Secretary of Homeland Security, and the National Cyber Director, shall assess the feasibility and advisability of establishing a National Cyber Academy or similar institute for the purpose of educating and training civilian and military personnel for service in cyber, information, and related fields throughout the Federal Government.

(c) REPORTS REQUIRED.—

(1) EDUCATION.—Not later than November 1, 2022, the Secretary of Defense shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing and, not later than January 1, 2023, the Secretary shall submit to such committees a report, on—

(A) talent strategy to satisfy future cyber education requirements at appropriate locations referred to in subsection (a)(3); and

(B) the findings of the Secretary in assessing cyber education curricula and identifying such locations.

(2) WORKFORCE.—Not later than November 1, 2024, the Secretary of Defense shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing and, not later than January 1, 2025, the Secretary shall submit to such committees a report, on—

(A) the findings of the Secretary in determining pursuant to subsection (a)(1) the overall workforce requirement of the Department of Defense for cyberspace and information warfare military personnel across the active and reserve components of the Armed Forces (other than the Coast Guard) and for civilian personnel;

(B) such recommendations as the Secretary may have relating to such requirement; and

(C) such legislative or administrative action as the Secretary identifies as necessary to effectively satisfy such requirement.

(d) EDUCATION DESCRIBED.—In this section, the term ''education'' includes formal education requirements, such as degrees and certification in targeted subject areas, as well as general training, including—

(1) upskilling;

(2) knowledge, skills, and abilities; and

(3) nonacademic professional development.

SEC. 1507. ASSIGNMENT OF CERTAIN BUDGET CONTROL RESPONSIBILITIES TO COMMANDER OF UNITED STATES CYBER COMMAND.

(a) ASSIGNMENT OF RESPONSIBILITIES.—

(1) IN GENERAL.—The Commander of United States Cyber Command shall, subject to the authority, direction, and control of the Principal Cyber Advisor of the Department of Defense, be responsible for directly controlling and managing the planning, programming, budgeting, and execution of resources to train, equip, operate, and sustain the Cyber Mission Forces.

(2) EFFECTIVE DATE AND APPLICABILITY.—Paragraph (1) shall take effect on the date of the enactment of this Act and apply—

(A) on January 1, 2022, for controlling and managing budget execution; and

(B) beginning with fiscal year 2024 and each fiscal year thereafter for directly controlling and managing the planning, programming, budgeting, and execution of resources.

(b) ELEMENTS.—

(1) IN GENERAL.—The responsibilities assigned to the Commander of United States Cyber Command pursuant to subsection (a)(1) shall include the following:

(A) Preparation of a program objective memorandum and budget estimate submission for the resources required to train, equip, operate, and sustain the Cyber Mission Forces.

(B) Preparation of budget materials pertaining to United States Cyber Command for inclusion in the budget justification materials that are submitted to Congress in support of the Department of Defense budget for a fiscal year (as submitted with the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code) that is separate from any other military service or component of the Department.

(2) RESPONSIBILITIES NOT DELEGATED.—The responsibilities assigned to the Commander of United States Cyber Command pursuant to subsection (a)(1) shall not include the following:

(A) Military pay and allowances.

(B) Funding for facility support that is provided by the military services.

(c) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than the date that is 30 days after the date of the enactment of this Act, the Comptroller General of the Department of Defense and the Commander of United States Cyber Command, in coordination with Chief Information Officer of the Department, the Principal Cyber Advisor, the Under Secretary of Defense for Acquisition and Sustainment, Cost Assessment and Program Evaluation, and the Secretaries of the military departments, shall jointly develop an implementation plan for the transition of responsibilities assigned to the Commander of United States Cyber Command pursuant to subsection (a)(1).

(2) ELEMENTS.—The implementation plan developed under paragraph (1) shall include the following:

(A) A budgetary review to identify appropriate resources for transfer to the Commander of United States Cyber Command for carrying out responsibilities assigned pursuant to subsection (a)(1).

(B) Definitions of appropriate roles and responsibilities.

(C) Specification of all program elements and sub-elements, and the training, equipment, Joint Cyber Warfighting Architecture capabilities, other enabling capabilities and infrastructure, intelligence support, operations, and sustainment investments in each such program element and sub-element for which the Commander of United States Cyber Command is responsible.

(D) Specification of all program elements and sub-elements, and the training, equipment, Joint Cyber Warfighting Architecture capabilities, other enabling capabilities and infrastructure, intelligence support, operations, and sustainment investments in each such program element and sub-element relevant to or that support the Cyber Mission Force for which the Secretaries of the military departments are responsible.

(E) Required levels of civilian and military staffing within United States Cyber Command to carry out subsection (a)(1), and an estimate of when such levels of staffing will be achieved.

(d) BRIEFING.—

(1) IN GENERAL.—Not later than the earlier of the date on which the implementation plan

under subsection (c) is developed or the date that is 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a briefing on the implementation plan.

(2) ELEMENTS.—The briefing required by paragraph (1) shall address any recommendations for when and how the Secretary of Defense should delegate to the Commander of United States Cyber Command budget authority for the Cyber Operations Forces (as such term is defined in the memorandum issued by the Secretary of Defense on December 12, 2019, relating to the definition of ''Department of Defense Cyberspace Operations Forces (DoD COF)''), after successful implementation of the responsibilities described in subsection (a) relating to the Cyber Mission Forces.

SEC. 1508. COORDINATION BETWEEN UNITED STATES CYBER COMMAND AND PRIVATE SECTOR.

(a) VOLUNTARY PROCESS.—Not later than January 1, 2023, the Commander of United States Cyber Command shall establish a voluntary process to engage with private sector information technology and cybersecurity entities to explore and develop methods and plans through which the capabilities, knowledge, and actions of—

(1) private sector entities operating inside the United States to defend against foreign malicious cyber actors could assist, or be coordinated with, the actions of United States Cyber Command operating outside the United States against such foreign malicious cyber actors; and

(2) United States Cyber Command operating outside the United States against foreign malicious cyber actors could assist, or be coordinated with, the actions of private sector entities operating inside the United States against such foreign malicious cyber actors.

(b) ANNUAL BRIEFING.—

(1) IN GENERAL.—During the period beginning on March 1, 2022, and ending on March 1, 2026, the Commander of United States Cyber Command shall, not less frequently than once each year, 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 status of any activities conducted pursuant to subsection (a).

(2) ELEMENTS.—Each briefing provided under paragraph (1) shall include the following:

(A) Such recommendations for legislative or administrative action as the Commander of United States Cyber Command considers appropriate to improve and facilitate the exploration and development of methods and plans under subsection (a).

(B) Such recommendations as the Commander may have for increasing private sector participation in such exploration and development.

(C) A description of the challenges encountered in carrying out subsection (a), including any concerns expressed to the Commander by private sector partners regarding participation in such exploration and development.

(D) Information relating to how such exploration and development with the private sector could assist military planning by United States Cyber Command.

(E) Such other matters as the Commander considers appropriate.

(c) CONSULTATION.—In developing the process described in subsection (a), the Commander of United States Cyber Command shall consult with the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security and the heads of any other Federal agencies the Commander considers appropriate.

(d) INTEGRATION WITH OTHER EFFORTS.—The Commander of United States Cyber Command shall ensure that the process described in subsection (a) makes use of, builds upon, and, as appropriate, integrates with and does not duplicate, other efforts of the Department of Homeland Security and the Department of Defense relating to cybersecurity, including the following:

(1) The Joint Cyber Defense Collaborative of the Cybersecurity and Infrastructure Security Agency.

(2) The Cybersecurity Collaboration Center and Enduring Security Framework of the National Security Agency.

(3) The office for joint cyber planning of the Department of Homeland Security.

(e) PROTECTION OF TRADE SECRETS AND PROPRIETARY INFORMATION.—The Commander of United States Cyber Command shall ensure that any trade secret or proprietary information of a private sector entity engaged with the Department of Defense through the process established under subsection (a) that is made known to the Department pursuant to such process remains private and protected unless otherwise explicitly authorized by such entity.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize United States Cyber Command to conduct operations inside the United States or for private sector entities to conduct offensive cyber activities outside the United States, except to the extent such operations or activities are permitted by a provision of law in effect on the day before the date of the enactment of this Act.

SEC. 1509. ASSESSMENT OF CYBER POSTURE AND OPERATIONAL ASSUMPTIONS AND DEVELOPMENT OF TARGETING STRATEGIES AND SUPPORTING CAPABILITIES.

(a) ASSESSMENT OF CYBER POSTURE OF ADVERSARIES AND OPERATIONAL ASSUMPTIONS OF UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commander of United States Cyber Command, the Under Secretary of Defense for Policy, and the Under Secretary of Defense for Intelligence and Security, shall jointly sponsor or conduct an assessment, including, if appropriate, a war-game or tabletop exercise, of the current and emerging offensive and defensive cyber posture of adversaries of the United States and the current operational assumptions and plans of the Armed Forces for offensive cyber operations during potential crises or conflict.

(2) ELEMENTS.—The assessment required under paragraph (1) shall include consideration of the following:

(A) Changes to strategies, operational concepts, operational preparation of the environment, and rules of engagement.

(B) Opportunities provided by armed forces in theaters of operations and other innovative alternatives.

(C) Changes in intelligence community (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) targeting and operations in support of the Department of Defense.

(D) Adversary capabilities to deny or degrade United States activities in cyberspace.

(E) Adversaries' targeting of United States critical infrastructure and implications for United States policy.

(F) Potential effect of emerging technologies, such as fifth generation mobile networks, expanded use of cloud information technology services, and artificial intelligence.

(G) Changes in Department of Defense organizational design.

(H) The effect of private sector cybersecurity research.

(F) Adequacy of intelligence support to cyberspace operations by Combat Support Agencies and Service Intelligence Centers.

(b) DEVELOPMENT OF TARGETING STRATEGIES, SUPPORTING CAPABILITIES, AND OPERATIONAL CONCEPTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commander of United States Cyber Command shall—

(A) assess and establish the capabilities, capacities, tools, and tactics required to support targeting strategies for—

(i) day-to-day persistent engagement of adversaries, including support to information operations;

(ii) support to geographic combatant commanders at the onset of hostilities and during sustained conflict; and

(iii) deterrence of attacks on United States critical infrastructure, including the threat of counter value responses;

(B) develop future cyber targeting strategies and capabilities across the categories of cyber missions and targets with respect to which—

(i) time-consuming and human effort-intensive stealthy operations are required to acquire and maintain access to targets, and the mission is so important it is worthwhile to expend such efforts to hold such targets at risk;

(ii) target prosecution requires unique access and exploitation tools and technologies, and the target importance justifies the efforts, time, and expense relating thereto;

(iii) operational circumstances do not allow for and do not require spending the time and human effort required for stealthy, nonattributable, and continuous access to targets;

(iv) capabilities are needed to rapidly prosecute targets that have not been previously planned and that can be accessed and exploited using known, available tools and techniques; and

(v) targets may be prosecuted with the aid of automated techniques to achieve speed, mass, and scale;

(C) develop strategies for appropriate utilization of Cyber Mission Teams in support of combatant command objectives as—

(i) adjuncts to or substitutes for kinetic operations; or

(ii) independent means to achieve novel tactical, operational, and strategic objectives; and

(D) develop collection and analytic support strategies for the service intelligence centers to assist operations by United States Cyber Command and the Service Cyber Components.

(2) BRIEFING REQUIRED.—

(A) IN GENERAL.—Not later than 30 days after the date on which all activities required under paragraph (1) have been completed, the Commander of United States Cyber Command shall provide the congressional defense committees a briefing on such activities.

(B) ELEMENTS.—The briefing provided pursuant to subparagraph (A) shall include the following:

(i) Recommendations for such legislative or administrative action as the Commander of United States Cyber Command considers necessary to address capability shortcomings.

(ii) Plans to address such capability shortcomings.

(c) COUNTRY-SPECIFIC ACCESS STRATEGIES.—

(1) IN GENERAL.—Not later than one year after the date on which all activities required under subsection (b)(1) have been completed, the Commander of United States Cyber Command shall complete development of country-specific access strategies for the Russian Federation, the People's Republic of China, the Democratic People's Republic of Korea, and the Islamic Republic of Iran.

(2) ELEMENTS.—Each country-specific access strategy developed under paragraph (1) shall include the following:

(A) Specification of desired and required—

(i) outcomes;

(ii) cyber warfighting architecture, including—

(I) tools and redirectors;

(II) access platforms; and

(III) data analytics, modeling, and simulation capacity;

(iii) specific means to achieve and maintain persistent access and conduct command and control and exfiltration against hard targets and in operationally challenging environments across the continuum of conflict;

(iv) intelligence, surveillance, and reconnaissance support;

(v) operational partnerships with allies;
(vi) rules of engagement;
(vii) personnel, training, and equipment; and
(viii) targeting strategies, including strategies that do not demand deliberate targeting and precise access to achieve effects; and

(B) recommendations for such policy or resourcing changes as the Commander of United States Cyber Command considers appropriate to address access shortfalls.

(3) CONSULTATION REQUIRED.—The Commander of United States Cyber Command shall develop the country-specific access strategies under paragraph (1) independently but in consultation with the following:

(A) The Director of the National Security Agency.

(B) The Director of the Central Intelligence Agency.

(C) The Director of the Defense Advanced Research Projects Agency.

(D) The Director of the Strategic Capabilities Office.

(E) The Under Secretary of Defense for Policy.

(F) The Principal Cyber Advisor to the Secretary of Defense.

(G) The Commanders of all other combatant commands.

(4) BRIEFING.—Upon completion of the country-specific access strategies under paragraph (1), the Commander of United States Cyber Command shall provide the Deputy Secretary of Defense, the Vice Chairman of the Joint Chiefs of Staff, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a briefing on such strategies.

(d) DEFINITION.—In this section, the term ''critical infrastructure'' has the meaning given such term in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)).

SEC. 1510. ASSESSING CAPABILITIES TO COUNTER ADVERSARY USE OF RANSOMWARE, CAPABILITIES, AND INFRASTRUCTURE.

(a) COMPREHENSIVE ASSESSMENT AND RECOMMENDATIONS REQUIRED.—Not later than 180 days after the date of enactment of this section, the Secretary of Defense shall—

(1) conduct a comprehensive assessment of the policy, capacity, and capabilities of the Department of Defense to diminish and defend the United States from the threat of ransomware attacks, including—

(A) an assessment of the current and potential threats and risks to national and economic security posed by—

(i) large-scale and sophisticated criminal cyber enterprises that provide large-scale and sophisticated cyber attack capabilities and infrastructure used to conduct ransomware attacks; and

(ii) organizations that conduct or could conduct ransomware attacks or other attacks that use the capabilities and infrastructure described in clause (i) on a large scale against important assets and systems in the United States, including critical infrastructure;

(B) an assessment of—

(i) the threat posed to the Department of Defense Information Network and the United States by the large-scale and sophisticated criminal cyber enterprises, capabilities, and infrastructure described in subparagraph (A); and

(ii) the current and potential role of United States Cyber Command in addressing the threat referred to in clause (i) including—

(I) the threshold at which United States Cyber Command should respond to such a threat; and

(II) the capacity for United States Cyber Command to respond to such a threat without harmful effects on other United States Cyber Command missions;

(C) an identification of the current and potential Department efforts, processes, and capabilities to deter and counter the threat referred to in subparagraph (B)(i), including through offensive cyber effects operations;

(D) an assessment of the application of the defend forward and persistent engagement operational concepts and capabilities of the Department to deter and counter the threat of ransomware attacks against the United States;

(E) a description of the efforts of the Department in interagency processes, and joint collaboration with allies and partners of the United States, to address the growing threat from large-scale and sophisticated criminal cyber enterprises that conduct ransomware attacks and could conduct attacks with other objectives;

(F) a determination of the extent to which the governments of countries in which large-scale and sophisticated criminal cyber enterprises are principally located are tolerating the activities of such enterprises, have interactions with such enterprises, could direct their operations, and could suppress such enterprises;

(G) an assessment as to whether the large-scale and sophisticated criminal cyber enterprises described in subparagraph (F) are perfecting and practicing attack techniques and capabilities at scale that can be co-opted and placed in the service of the country in which such enterprises are principally located; and

(H) identification of such legislative or administrative action as may be necessary to more effectively counter the threat of ransomware attacks; and

(2) develop recommendations for the Department to build capabilities to develop and execute innovative methods to deter and counter the threat of ransomware attacks prior to and in response to the launching of such attacks.

(b) BRIEFING.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the comprehensive assessment completed under paragraph (1) of subsection (a) and the recommendations developed under paragraph (2) of such subsection.

(c) DEFINITION.—In this section, the term ''critical infrastructure'' has the meaning given such term in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)).

SEC. 1511. COMPARATIVE ANALYSIS OF CYBERSECURITY CAPABILITIES.

(a) COMPARATIVE ANALYSIS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer and the Director of Cost Assessment and Program Evaluation (CAPE) of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense and the Chief Information Officers of each of the military departments, shall jointly sponsor a comparative analysis, to be conducted by the Director of the National Security Agency and the Director of the Defense Information Systems Agency, of the following:

(1) The cybersecurity tools, applications, and capabilities offered as options on enterprise software agreements for cloud-based productivity and collaboration suites, such as is offered under the Defense Enterprise Office Solution and Enterprise Software Agreement contracts with Department of Defense components, relative to the cybersecurity tools, applications, and capabilities that are currently deployed in, or required by, the Department to conduct—

(A) asset discovery;
(B) vulnerability scanning;
(C) conditional access (also known as ''comply-to-connect'');
(D) event correlation;
(E) patch management and remediation;
(F) endpoint query and control;
(G) endpoint detection and response;
(H) data rights management;
(I) data loss prevention;
(J) data tagging;
(K) data encryption;
(L) security information and event management; and
(M) security orchestration, automation, and response.

(2) The identity, credential, and access management (ICAM) system, and associated capabilities to enforce the principle of least privilege access, offered as an existing option on an enterprise software agreement described in paragraph (1), relative to—

(A) the requirements of such system described in the Zero Trust Reference Architecture of the Department; and

(B) the requirements of such system under development by the Defense Information Systems Agency.

(3) The artificial intelligence and machine-learning capabilities associated with the tools, applications, and capabilities described in paragraphs (1) and (2), and the ability to host Government or third-party artificial intelligence and machine-learning algorithms pursuant to contracts referred to in paragraph (1) for such tools, applications, and capabilities.

(4) The network consolidation and segmentation capabilities offered on the enterprise software agreements described in paragraph (1) relative to capabilities projected in the Zero Trust Reference Architecture.

(5) The automated orchestration and interoperability among the tools, applications, and capabilities described in paragraphs (1) through (4).

(b) ELEMENTS OF COMPARATIVE ANALYSIS.—The comparative analysis conducted under subsection (a) shall include an assessment of the following:

(1) Costs.
(2) Performance.
(3) Sustainment.
(4) Scalability.
(5) Training requirements.
(6) Maturity.
(7) Human effort requirements.
(8) Speed of integrated operations.
(9) Ability to operate on multiple operating systems and in multiple cloud environments.
(10) Such other matters as the Chief Information Officer and the Director of Cost Assessment and Program Evaluation consider appropriate.

(c) BRIEFING REQUIRED.—Not later than 30 days after the date on which the comparative analysis required under subsection (a) is completed, the Chief Information Officer and the Director of Cost Assessment and Program Evaluation (CAPE) of the Department of Defense shall jointly provide the congressional defense committees with a briefing on the findings of the Chief Information Officer and the Director with respect to such analysis, together with such recommendations for legislative or administrative action as the Chief Information Officer and the Director may have with respect to the matters covered by such analysis.

SEC. 1512. ELIGIBILITY OF OWNERS AND OPERATORS OF CRITICAL INFRASTRUCTURE TO RECEIVE CERTAIN DEPARTMENT OF DEFENSE SUPPORT AND SERVICES.

Section 2012 of title 10, United States Code is amended—

(1) in subsection (e)—

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

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

''(3) Owners and operators of critical infrastructure (as such term is defined in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e))).''; and

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

''(5) Procedures to ensure that assistance provided to an entity specified in subsection (e)(3) is provided in a manner that is consistent with similar assistance provided under authorities applicable to other Federal departments and agencies, including the authorities of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security pursuant to title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.).''.

SEC. 1513. REPORT ON POTENTIAL DEPARTMENT OF DEFENSE SUPPORT AND ASSISTANCE FOR INCREASING THE AWARENESS OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY OF CYBER THREATS AND VULNERABILITIES AFFECTING CRITICAL INFRASTRUCTURE.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security and the National Cyber Director, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that provides recommendations on how the Department of Defense can improve support and assistance to the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security to increase awareness of cyber threats and vulnerabilities affecting information technology and networks supporting critical infrastructure within the United States, including critical infrastructure of the Department and critical infrastructure relating to the defense of the United States.

(b) ELEMENTS OF REPORT.—The report required by subsection (a) shall—

(1) assess and identify areas in which the Department of Defense could provide support or assistance, including through information sharing and voluntary network monitoring programs, to the Cybersecurity and Infrastructure Security Agency to expand or increase technical understanding and awareness of cyber threats and vulnerabilities affecting critical infrastructure;

(2) identify and assess any legal, policy, organizational, or technical barriers to carrying out paragraph (1);

(3) assess and describe any legal or policy changes necessary to enable the Department to carry out paragraph (1) while preserving privacy and civil liberties;

(4) assess and describe the budgetary and other resource effects on the Department of carrying out paragraph (1); and

(5) provide a notional time-phased plan, including milestones, to enable the Department to carry out paragraph (1).

(c) CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term ''critical infrastructure'' has the meaning given such term in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)).

Subtitle B—Matters Related to Department of Defense Cybersecurity and Information Technology

SEC. 1521. ENTERPRISE-WIDE PROCUREMENT OF CYBER DATA PRODUCTS AND SERVICES.

(a) PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall designate an executive agent for Department of Defense-wide procurement of cyber data products and services. The executive agent shall establish a program management office responsible for such procurement, and the program manager of such program office shall be responsible for the following:

(1) Surveying components of the Department for the cyber data products and services needs of such components.

(2) Conducting market research of cyber data products and services.

(3) Developing or facilitating development of requirements, both independently and through consultation with components, for the acquisition of cyber data products and services.

(4) Developing and instituting model contract language for the acquisition of cyber data products and services, including contract language that facilitates components' requirements for ingesting, sharing, using and reusing, structuring, and analyzing data derived from such products and services.

(5) Conducting procurement of cyber data products and services on behalf of the Department of Defense, including negotiating contracts with a fixed number of licenses based on aggregate component demand and negotiation of extensible contracts.

(6) Carrying out the responsibilities specified in paragraphs (1) through (5) with respect to the cyber data products and services needs of the Cyberspace Operations Forces, such as cyber data products and services germane to cyberspace topology and identification of adversary threat activity and infrastructure, including—

(A) facilitating the development of cyber data products and services requirements for the Cyberspace Operations Forces, conducting market research regarding the future cyber data products and services needs of the Cyberspace Operations Forces, and conducting acquisitions pursuant to such requirements and market research;

(B) coordinating cyber data products and services acquisition and management activities with Joint Cyber Warfighting Architecture acquisition and management activities, including activities germane to data storage, data management, and development of analytics;

(C) implementing relevant Department of Defense and United States Cyber Command policy germane to acquisition of cyber data products and services;

(D) leading or informing the integration of relevant datasets and services, including Government-produced threat data, commercial cyber threat information, collateral telemetry data, topology-relevant data, sensor data, and partner-provided data; and

(E) facilitating the development of tradecraft and operational workflows based on relevant cyber data products and services.

(b) COORDINATION.—In implementing this section, each component of the Department of Defense shall coordinate its cyber data products and services requirements and potential procurement plans relating to such products and services with the program management office established pursuant to subsection (a) so as to enable such office to determine if satisfying such requirements or procurement of such products and services on an enterprise-wide basis would serve the best interests of the Department.

(c) PROHIBITION.—Beginning not later than 540 days after the date of the enactment of this Act, no component of the Department of Defense may independently procure a cyber data product or service that has been procured by the program management office established pursuant to subsection (a), unless—

(1) such component is able to procure such product or service at a lower per-unit price than that available through such office; or

(2) such office has approved such independent purchase.

(d) EXCEPTION.—United States Cyber Command and the National Security Agency may conduct joint procurements of products and services, including cyber data products and services, except that the requirements of subsections (b) and (c) shall not apply to the National Security Agency.

(e) DEFINITION.—In this section, the term ''cyber data products and services'' means commercially-available datasets and analytic services germane to offensive cyber, defensive cyber, and DODIN operations, including products and services that provide technical data, indicators, and analytic services relating to the targets, infrastructure, tools, and tactics, techniques, and procedures of cyber threats.

SEC. 1522. LEGACY INFORMATION TECHNOLOGIES AND SYSTEMS ACCOUNTABILITY.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretaries of the Army, Navy, and Air Force shall each initiate efforts to identify legacy applications, software, and information technology within their respective Departments and eliminate any such application, software, or information technology that is no longer required.

(b) SPECIFICATIONS.—To carry out subsection (a), that Secretaries of the Army, Navy, and Air Force shall each document the following:

(1) An identification of the applications, software, and information technologies that are considered active or operational, but which are judged to no longer be required by the respective Department.

(2) Information relating to the sources of funding for the applications, software, and information technologies identified pursuant to paragraph (1).

(3) An identification of the senior official responsible for each such application, software, or information technology.

(4) A plan to discontinue use and funding for each such application, software, or information technology.

(c) EXEMPTION.—Any effort substantially similar to that described in subsections (a) and (b) that is being carried out by the Secretary of the Army, Navy, or Air Force as of the date of the enactment of this Act and completed not later 180 days after such date shall be treated as satisfying the requirements under such subsections.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretaries of the Army, Navy, and Air Force shall each submit to the congressional defense committees the documentation required under subsection (b).

SEC. 1523. UPDATE RELATING TO RESPONSIBILITIES OF CHIEF INFORMATION OFFICER.

Paragraph (1) of section 142(b) of title 10, United States Code, is amended—

(1) in subparagraphs (A), (B), and (C), by striking ''(other than with respect to business management)'' each place it appears; and

(2) by amending subparagraph (D) to read as follows:

''(D) exercises authority, direction, and control over the Activities of the Cybersecurity Directorate, or any successor organization, of the National Security Agency, funded through the Information Systems Security Program;''.

SEC. 1524. PROTECTIVE DOMAIN NAME SYSTEM WITHIN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall ensure each component of the Department of Defense uses a Protective Domain Name System (PDNS) instantiation offered by the Department.

(b) EXEMPTIONS.—The Secretary of Defense may exempt a component of the Department from using a PDNS instantiation for any reason except with respect to cost or technical application.

(c) REPORT TO CONGRESS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes information relating to—

(1) each component of the Department of Defense that uses a PDNS instantiation offered by the Department;

(2) each component exempt from using a PDNS instantiation pursuant to subsection (b); and

(3) efforts to ensure that each PDNS instantiation offered by the Department connects and shares relevant and timely data.

SEC. 1525. CYBERSECURITY OF WEAPON SYSTEMS.

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 adding at the end the following new subsection:

''(f) ANNUAL REPORTS.—Not later than August 30, 2022, and annually thereafter through 2024, the Secretary of Defense shall provide to the congressional defense committees a report on the work of the Program, including information relating to staffing and accomplishments.''.

SEC. 1526. ASSESSMENT OF CONTROLLED UNCLASSIFIED INFORMATION PROGRAM.

Section 1648 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2224 note), is amended—

(1) in subsection (a), by striking ''February 1, 2020'' and inserting ''180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022''; and

(2) in subsection (b), by amending paragraph (4) to read as follows:

''(4) Definitions for 'Controlled Unclassified Information' (CUI) and 'For Official Use Only' (FOUO), policies regarding protecting information designated as either of such, and an explanation of the 'DoD CUI Program' and Department of Defense compliance with the responsibilities specified in Department of Defense Instruction (DoDI) 5200.48, 'Controlled Unclassified Information (CUI),' including the following:

''(A) The extent to which the Department of Defense is identifying whether information is CUI via a contracting vehicle and marking documents, material, and media containing such information in a clear and consistent manner.

''(B) Recommended regulatory or policy changes to ensure consistency and clarity in CUI identification and marking requirements.

''(C) Circumstances under which commercial information is considered CUI, and any impacts to the commercial supply chain associated with security and marking requirements pursuant to this paragraph.

''(D) Benefits and drawbacks of requiring all CUI to be marked with a unique CUI legend, versus requiring that all data marked with an appropriate restricted legend be handled as CUI.

''(E) The extent to which the Department of Defense clearly delineates Federal Contract Information (FCI) from CUI.

''(F) Examples or scenarios to illustrate information that is and is not CUI.''.

SEC. 1527. CYBER DATA MANAGEMENT.

(a) IN GENERAL.—The Commander of United States Cyber Command and the Secretaries of the military departments, in coordination with the Principal Cyber Advisor to the Secretary, the Chief Information Officer and the Chief Data Officer of the Department of Defense, and the Chairman of the Joint Chiefs of Staff, shall—

(1) access, acquire, and use mission-relevant data to support offensive cyber, defensive cyber, and DODIN operations from the intelligence community, other elements of the Department of Defense, and the private sector;

(2) develop policy, processes, and operating procedures governing the access, ingest, structure, storage, analysis, and combination of mission-relevant data, including—

(A) intelligence data;

(B) internet traffic, topology, and activity data;

(C) cyber threat information;

(D) Department of Defense Information Network sensor, tool, routing infrastructure, and endpoint data; and

(E) other data management and analytic platforms pertinent to United States Cyber Command missions that align with the principles of Joint All Domain Command and Control;

(3) pilot efforts to develop operational workflows and tactics, techniques, and procedures for the operational use of mission-relevant data by the Cyberspace Operations Forces; and

(4) evaluate data management platforms used to carry out paragraphs (1), (2), and (3) to ensure such platforms operate consistently with the Deputy Secretary of Defense's Data Decrees signed on May 5, 2021.

(b) ROLES AND RESPONSIBILITIES.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Commander of United States Cyber Command and the Secretaries of the military departments, in coordination with the Principal Cyber Advisor to the Secretary, the Chief Information Officer and Chief Data Officer of the Department of Defense, and the Chairman of the Joint Chiefs of Staff, shall establish the specific roles and responsibilities of the following in implementing each of the tasks required under subsection (a):

(A) United States Cyber Command.

(B) Program offices responsible for the components of the Joint Cyber Warfighting Architecture.

(C) The military services.

(D) Entities in the Office of the Secretary of Defense.

(E) Any other program office, headquarters element, or operational component newly instantiated or determined relevant by the Secretary.

(2) BRIEFING.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the roles and responsibilities established under paragraph (1).

SEC. 1528. ZERO TRUST STRATEGY, PRINCIPLES, MODEL ARCHITECTURE, AND IMPLEMENTATION PLANS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense and the Commander of United States Cyber Command shall jointly develop a zero trust strategy, principles, and a model architecture to be implemented across the Department of Defense Information Network, including classified networks, operational technology, and weapon systems.

(b) STRATEGY, PRINCIPLES, AND MODEL ARCHITECTURE ELEMENTS.—The zero trust strategy, principles, and model architecture required under subsection (a) shall include, at a minimum, the following elements:

(1) Prioritized policies and procedures for establishing implementations of mature zero trust enabling capabilities within on-premises, hybrid, and pure cloud environments, including access control policies that determine which persona or device shall have access to which resources and the following:

(A) Identity, credential, and access management.

(B) Macro and micro network segmentation, whether in virtual, logical, or physical environments.

(C) Traffic inspection.

(D) Application security and containment.

(E) Transmission, ingest, storage, and real-time analysis of cybersecurity metadata endpoints, networks, and storage devices.

(F) Data management, data rights management, and access controls.

(G) End-to-end encryption.

(H) User access and behavioral monitoring, logging, and analysis.

(I) Data loss detection and prevention methodologies.

(J) Least privilege, including system or network administrator privileges.

(K) Endpoint cybersecurity, including secure host, endpoint detection and response, and comply-to-connect requirements.

(L) Automation and orchestration.

(M) Configuration management of virtual machines, devices, servers, routers, and similar to be maintained on a single virtual device approved list (VDL).

(2) Policies specific to operational technology, critical data, infrastructures, weapon systems, and classified networks.

(3) Specification of enterprise-wide acquisitions of capabilities conducted or to be conducted pursuant to the policies referred to in paragraph (2).

(4) Specification of standard zero trust principles supporting reference architectures and metrics-based assessment plan.

(5) Roles, responsibilities, functions, and operational workflows of zero trust cybersecurity architecture and information technology personnel—

(A) at combatant commands, military services, and defense agencies; and

(B) Joint Forces Headquarters-Department of Defense Information Network.

(c) ARCHITECTURE DEVELOPMENT AND IMPLEMENTATION.—In developing and implementing the zero trust strategy, principles, and model architecture required under subsection (a), the Chief Information Officer of the Department of Defense and the Commander of United States Cyber Command shall—

(1) coordinate with—

(A) the Principal Cyber Advisor to the Secretary of Defense;

(B) the Director of the National Security Agency Cybersecurity Directorate;

(C) the Director of the Defense Advanced Research Projects Agency;

(D) the Chief Information Officer of each military service;

(E) the Commanders of the cyber components of the military services;

(F) the Principal Cyber Advisor of each military service;

(G) the Chairman of the Joints Chiefs of Staff; and

(H) any other component of the Department of Defense as determined by the Chief Information Officer and the Commander;

(2) assess the utility of the Joint Regional Security Stacks, automated continuous endpoint monitoring program, assured compliance assessment solution, and each of the defenses at the Internet Access Points for their relevance and applicability to the zero trust architecture and opportunities for integration or divestment;

(3) employ all available resources, including online training, leveraging commercially available zero trust training material, and other Federal agency training, where feasible, to implement cybersecurity training on zero trust at the—

(A) executive level;

(B) cybersecurity professional or implementer level; and

(C) general knowledge levels for Department of Defense users;

(4) facilitate cyber protection team and cybersecurity service provider threat hunting and discovery of novel adversary activity;

(5) assess and implement means to effect Joint Force Headquarters-Department of Defense Information Network's automated command and control of the entire Department of Defense Information Network;

(6) assess the potential of and, as appropriate, encourage, use of third-party cybersecurity-as-a-service models;

(7) engage with and conduct outreach to industry, academia, international partners, and other departments and agencies of the Federal Government on issues relating to deployment of zero trust architectures;

(8) assess the current Comply-to-Connect Plan; and

(9) review past and conduct additional pilots to guide development, including—

(A) utilization of networks designated for testing and accreditation under section 1658 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2224 note);

(B) use of automated red team products for assessment of pilot architectures; and

(C) accreditation of piloted cybersecurity products for enterprise use in accordance with the findings on enterprise accreditation standards conducted pursuant to section 1654 of such Act (Public Law 116–92).

(d) IMPLEMENTATION PLANS.—

(1) IN GENERAL.—Not later than one year after the finalization of the zero trust strategy, principles, and model architecture required under subsection (a), the head of each military department and the head of each component of the Department of Defense shall transmit to the Chief Information Officer of the Department and the Commander of Joint Forces Headquarters-Department of Defense Information Network a

draft plan to implement such zero trust strategy, principles, and model architecture across the networks of their respective components and military departments.

(2) ELEMENTS.—Each implementation plan transmitted pursuant to paragraph (1) shall include, at a minimum, the following:

(A) Specific acquisitions, implementations, instrumentations, and operational workflows to be implemented across unclassified and classified networks, operational technology, and weapon systems.

(B) A detailed schedule with target milestones and required expenditures.

(C) Interim and final metrics, including a phase migration plan.

(D) Identification of additional funding, authorities, and policies, as may be required.

(E) Requested waivers, exceptions to Department of Defense policy, and expected delays.

(e) IMPLEMENTATION OVERSIGHT.—

(1) IN GENERAL.—The Chief Information Officer of the Department of Defense shall—

(A) assess the implementation plans transmitted pursuant to subsection (d)(1) for—

(i) adequacy and responsiveness to the zero trust strategy, principles, and model architecture required under subsection (a); and

(ii) appropriate use of enterprise-wide acquisitions;

(B) ensure, at a high level, the interoperability and compatibility of individual components' Solutions Architectures, including the leveraging of enterprise capabilities where appropriate through standards derivation, policy, and reviews;

(C) use the annual investment guidance of the Chief to ensure appropriate implementation of such plans, including appropriate use of enterprise-wide acquisitions;

(D) track use of waivers and exceptions to policy;

(E) use the Cybersecurity Scorecard to track and drive implementation of Department components; and

(F) leverage the authorities of the Commander of Joint Forces Headquarters-Department of Defense Information Network and the Director of the Defense Information Systems Agency to begin implementation of such zero trust strategy, principles, and model architecture.

(2) ASSESSMENTS OF FUNDING.—Not later than March 31, 2024, and annually thereafter, each Principal Cyber Advisor of a military service shall include in the annual budget certification of such military service, as required by section 1657(d) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 391 note), an assessment of the adequacy of funding requested for each proposed budget for the purposes of carrying out the implementation plan for such military service under subsection (d)(1).

(f) INITIAL BRIEFINGS.—

(1) ON MODEL ARCHITECTURE.—Not later than 90 days after finalizing the zero trust strategy, principles, and model architecture required under subsection (a), the Chief Information Officer of the Department of Defense and the Commander of Joint Forces Headquarters-Department of Defense Information Network shall provide to the congressional defense committees a briefing on such zero trust strategy, principles, and model architecture.

(2) ON IMPLEMENTATION PLANS.—Not later than 90 days after the receipt by the Chief Information Officer of the Department of Defense of an implementation plan transmitted pursuant to subsection (d)(1), the secretary of a military department, in the case of an implementation plan pertaining to a military department or a military service, or the Chief Information Officer of the Department, in the case of an implementation plan pertaining to a remaining component of the Department, as the case may be, shall provide to the congressional defense committees a briefing on such implementation plan.

(g) ANNUAL BRIEFINGS.—Effective February 1, 2022, at each of the annual cybersecurity budget review briefings of the Chief Information Officer of the Department of Defense and the military services for congressional staff, until January 1, 2030, the Chief Information Officer and the head of each of the military services shall provide updates on the implementation in their respective networks of the zero trust strategy, principles, and model architecture.

SEC. 1529. DEMONSTRATION PROGRAM FOR AUTOMATED SECURITY VALIDATION TOOLS.

(a) DEMONSTRATION PROGRAM REQUIRED.—Not later than October 1, 2024, the Chief Information Officer of the Department of Defense, acting through the Director of the Defense Information Systems Agency of the Department, shall complete a demonstration program to demonstrate and assess an automated security validation capability to assist the Department by—

(1) mitigating cyber hygiene challenges;

(2) supporting ongoing efforts of the Department to assess weapon systems resiliency;

(3) quantifying enterprise security effectiveness of enterprise security controls, to inform future acquisition decisions of the Department;

(4) assisting portfolio managers with balancing capability costs and capability coverage of the threat landscape; and

(5) supporting the Department's Cybersecurity Analysis and Review threat framework.

(b) CONSIDERATIONS.—In developing capabilities for the demonstration program required under subsection (a), the Chief Information Officer shall consider—

(1) integration into automated security validation tools of advanced commercially available threat intelligence;

(2) metrics and scoring of security controls;

(3) cyber analysis, cyber campaign tracking, and cybersecurity information sharing;

(4) integration into cybersecurity enclaves and existing cybersecurity controls of security instrumentation and testing capability;

(5) endpoint sandboxing; and

(6) use of actual adversary attack methodologies.

(c) COORDINATION WITH MILITARY SERVICES.—In carrying out the demonstration program required under subsection (a), the Chief Information Officer, acting through the Director of the Defense Information Systems Agency, shall coordinate demonstration program activities with complementary efforts on-going within the military services, defense agencies, and field agencies.

(d) INDEPENDENT CAPABILITY ASSESSMENT.—In carrying out the demonstration program required under subsection (a), the Chief Information Officer, acting through the Director of the Defense Information Systems Agency and in coordination with the Director, Operational Test and Evaluation, shall perform operational testing to evaluate the operational effectiveness, suitability, and cybersecurity of the capabilities developed under the demonstration program.

(e) BRIEFING.—

(1) INITIAL BRIEFING.—Not later than April 1, 2022, the Chief Information Officer shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the plans and status of the Chief Information Officer with respect to the demonstration program required under subsection (a).

(2) FINAL BRIEFING.—Not later than October 31, 2024, the Chief Information Officer shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the results and findings of the Chief Information Officer with respect to the demonstration program required under subsection (a).

SEC. 1530. IMPROVEMENTS TO CONSORTIUM OF UNIVERSITIES TO ADVISE SECRETARY OF DEFENSE ON CYBERSECURITY MATTERS.

Section 1659 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 391 note) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''one or more consortia'' and inserting ''a consortium''; and

(B) in paragraph (1), by striking ''or consortia'';

(2) in subsection (b), by striking ''or consortia'';

(3) in subsection (c)—

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

''(1) DESIGNATION OF ADMINISTRATIVE CHAIR.—The Secretary of Defense shall designate the National Defense University College of Information and Cyberspace to function as the administrative chair of the consortium established pursuant to subsection (a).'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(D) in paragraph (2), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''Each administrative'' and inserting ''The administrative''; and

(II) by striking ''a consortium'' and inserting ''the consortium''; and

(ii) in subparagraph (A), by striking ''for the term specified by the Secretary under paragraph (1)''; and

(E) by amending paragraph (3), as so redesignated, to read as follows:

''(3) EXECUTIVE COMMITTEE.—The Secretary, in consultation with the administrative chair, may form an executive committee for the consortium that is comprised of representatives of the Federal Government to assist the chair with the management and functions of the consortium.''; and

(4) by amending subsection (d) to read as follows:

''(d) CONSULTATION.—The Secretary shall meet with such members of the consortium as the Secretary considers appropriate, not less frequently than twice each year or at such periodicity as is agreed to by the Secretary and the consortium.''.

SEC. 1531. DIGITAL DEVELOPMENT INFRASTRUCTURE PLAN AND WORKING GROUP.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, acting through the working group established under subsection (d)(1), shall develop a plan for the establishment of a modern information technology infrastructure that supports state of the art tools and modern processes to enable effective and efficient development, testing, fielding, and continuous updating of artificial intelligence-capabilities.

(b) CONTENTS OF PLAN.—The plan developed pursuant to subsection (a) shall include at a minimum the following:

(1) A technical plan and guidance for necessary technical investments in the infrastructure described in subsection (a) that address critical technical issues, including issues relating to common interfaces, authentication, applications, platforms, software, hardware, and data infrastructure.

(2) A governance structure, together with associated policies and guidance, to support the implementation throughout the Department of such plan.

(3) Identification and minimum viable instantiations of prototypical development and platform environments with such infrastructure, including enterprise data sets assembled under subsection (e).

(c) HARMONIZATION WITH DEPARTMENTAL EFFORTS.—The plan developed pursuant to subsection (a) shall include a description of the aggregated and consolidated financial and personnel requirements necessary to implement each of the following Department of Defense documents:

(1) The Department of Defense Digital Modernization Strategy.

(2) The Department of Defense Data Strategy.

(3) The Department of Defense Cloud Strategy.

(4) The Department of Defense Software Modernization Strategy.

(5) The Department-wide software science and technology strategy required under section 255 of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 2223a note).

(6) The Department of Defense Artificial Intelligence Data Initiative.

(7) The Joint All-Domain Command and Control Strategy.

(8) Such other documents as the Secretary determines appropriate.

(d) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish a working group on digital development infrastructure implementation to develop the plan required under subsection (a).

(2) MEMBERSHIP.—The working group established under paragraph (1) shall be composed of individuals selected by the Secretary of Defense to represent each of the following:

(A) The Office of Chief Data Officer (CDO).

(B) The Component Offices of Chief Information Officer and Chief Digital Officer.

(C) The Joint Artificial Intelligence Center (JAIC).

(D) The Office of the Under Secretary of Defense for Research & Engineering (OUSD (R&E)).

(E) The Office of the Under Secretary of Defense for Acquisition & Sustainment (OUSD (A&S)).

(F) The Office of the Under Secretary of Defense for Intelligence & Security (OUSD (I&S)).

(G) Service Acquisition Executives.

(H) The Office of the Director of Operational Test and Evaluation (DOT&E).

(I) The office of the Director of the Defense Advanced Research Projects Agency (DARPA).

(J) Digital development infrastructure programs, including the appropriate activities of the military services and defense agencies.

(K) Such other officials of the Department of Defense as the Secretary determines appropriate.

(3) CHAIRPERSON.—The chairperson of the working group established under paragraph (1) shall be the Chief Information Officer of the Department of Defense, or such other official as the Secretary of Defense considers appropriate.

(4) CONSULTATION.—The working group shall consult with such experts outside of the Department of Defense as the working group considers necessary to develop the plan required under subsection (a).

(e) STRATEGIC DATA NODE.—To enable efficient access to enterprise data sets referred to in subsection (b)(3) for users with authorized access, the Secretary of Defense shall assemble such enterprise data sets in the following areas:

(1) Human resources.

(2) Budget and finance.

(3) Acquisition.

(4) Logistics.

(5) Real estate.

(6) Health care.

(7) Such other areas as the Secretary considers appropriate.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the development of the plan required under subsection (a).

SEC. 1532. STUDY REGARDING ESTABLISHMENT WITHIN THE DEPARTMENT OF DEFENSE OF A DESIGNATED CENTRAL PROGRAM OFFICE TO OVERSEE ACADEMIC ENGAGEMENT PROGRAMS RELATING TO ESTABLISHING CYBER TALENT ACROSS THE DEPARTMENT.

(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 congressional defense committees a study regarding the need, feasibility, and advisability of establishing within the Department of Defense a designated central program office responsible for overseeing covered academic engagement programs across the Department. Such study shall examine the following:

(1) Whether the Department's cyber-focused academic engagement needs more coherence, additional coordination, or improved management, and whether a designated central program office would provide such benefits.

(2) How such a designated central program office would coordinate and harmonize Department programs relating to covered academic engagement programs.

(3) Metrics such office would use to measure the effectiveness of covered academic engagement programs.

(4) Whether such an office is necessary to serve as an identifiable entry point to the Department by the academic community.

(5) Whether the cyber discipline with respect to academic engagement should be treated separately from other STEM fields.

(6) How such an office would interact with the consortium universities (established pursuant to section 1659 of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 391 note)) to assist the Secretary on cybersecurity matters.

(7) Whether the establishment of such an office would have an estimated net savings for the Department.

(b) CONSULTATION.—In conducting the study required under subsection (a), the Secretary of Defense shall consult with and solicit recommendations from academic institutions and stakeholders, including primary, secondary, and post-secondary educational institutions.

(c) DETERMINATION.—

(1) IN GENERAL.—Upon completion of the study required under subsection (a), the Secretary of Defense shall make a determination regarding the establishment within the Department of Defense of a designated central program office responsible for overseeing covered academic engagement programs across the Department.

(2) IMPLEMENTATION.—If the Secretary of Defense makes an affirmative determination in accordance with paragraph (1), the Secretary shall establish within the Department of Defense a designated central program office responsible for overseeing covered academic programs across the Department. Not later than 180 days after such a determination, the Secretary shall promulgate such rules and regulations as are necessary to so establish such an office.

(3) NEGATIVE DETERMINATION.—If the Secretary of Defense makes a negative determination in accordance with paragraph (1), the Secretary shall submit to the congressional defense committees notice of such determination, together with a justification for such determination. Such justification shall include—

(A) how the Secretary intends to coordinate and harmonize covered academic engagement programs; and

(B) measures to determine effectiveness of covered academic engagement programs absent a designated central program office responsible for overseeing covered academic programs across the Department.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that updates the matters required for inclusion in the reports required pursuant to section 1649 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) and section 1726(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(e) DEFINITION.—In this section, the term ''covered academic engagement program'' means each of the following:

(1) Primary, secondary, or post-secondary education programs with a cyber focus.

(2) Recruitment or retention programs for Department of Defense cyberspace personnel, including scholarship programs.

(3) Academic partnerships focused on establishing cyber talent.

(4) Cyber enrichment programs.

SEC. 1533. REPORT ON THE CYBERSECURITY MATURITY MODEL CERTIFICATION PROGRAM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the plans and recommendations of the Secretary for the Cyber Maturity Model Certification program.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) The programmatic changes required in the Cyber Maturity Model Certification program to address the plans and recommendations of the Secretary of Defense referred to in such subsection.

(2) The strategy of the Secretary for rulemaking for such program and the process for the Cybersecurity Maturity Model Certification rule.

(3) The budget and resources required to support such program.

(4) A plan for communication and coordination with the defense industrial base regarding such program.

(5) The coordination needed within the Department of Defense and between Federal agencies for such program.

(6) The applicability of such program requirements to universities and academic partners of the Department.

(7) A plan for communication and coordination with such universities and academic partners regarding such program.

(8) Plans and explicit public announcement of processes for reimbursement of cybersecurity compliance expenses for small and non-traditional businesses in the defense industrial base.

(9) Plans for ensuring that persons seeking a Department contract for the first time are not required to expend funds to acquire cybersecurity capabilities and a certification required to perform under a contract as a precondition for bidding on such a contract without reimbursement in the event that such persons do not receive a contract award.

(10) Clarification of roles and responsibilities of prime contractors for assisting and managing cybersecurity performance of subcontractors.

(11) Such additional matters as the Secretary considers appropriate.

SEC. 1534. DEADLINE FOR REPORTS ON ASSESSMENT OF CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.

Subsection (c) of section 499 of title 10, United States Code, is amended—

(1) in the heading, by striking ''REPORT'' and inserting ''REPORTS'';

(2) in paragraph (1), in the matter preceding subparagraph (A)—

(A) by striking ''The Commanders'' and inserting ''For each assessment conducted under subsection (a), the Commanders''; and

(B) by striking ''the assessment required by subsection (a)'' and inserting ''the assessment'';

(3) in paragraph (2), by striking ''the report'' and inserting ''each report''; and

(4) in paragraph (3)—

(A) by striking ''The Secretary'' and inserting ''Not later than 90 days after the date of the submission of a report under paragraph (1), the Secretary''; and

(B) by striking ''required by paragraph (1)''.

Subtitle C—Matters Related to Federal Cybersecurity

SEC. 1541. CAPABILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY TO IDENTIFY THREATS TO INDUSTRIAL CONTROL SYSTEMS.

(a) IN GENERAL.—Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended—

(1) in subsection (e)(1)—

(A) in subparagraph (G), by striking ''and;'' after the semicolon;

(B) in subparagraph (H), by inserting ''and'' after the semicolon; and

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

''(I) activities of the Center address the security of both information technology and operational technology, including industrial control systems;''; and

(2) by adding at the end the following new subsection:

''(q) INDUSTRIAL CONTROL SYSTEMS.—The Director shall maintain capabilities to identify and address threats and vulnerabilities to products and technologies intended for use in the automated control of critical infrastructure processes. In carrying out this subsection, the Director shall—

''(1) lead Federal Government efforts, in consultation with Sector Risk Management Agencies, as appropriate, to identify and mitigate cybersecurity threats to industrial control systems, including supervisory control and data acquisition systems;

''(2) maintain threat hunting and incident response capabilities to respond to industrial control system cybersecurity risks and incidents;

''(3) provide cybersecurity technical assistance to industry end-users, product manufacturers, Sector Risk Management Agencies, other Federal agencies, and other industrial control system stakeholders to identify, evaluate, assess, and mitigate vulnerabilities;

''(4) collect, coordinate, and provide vulnerability information to the industrial control systems community by, as appropriate, working closely with security researchers, industry end-users, product manufacturers, Sector Risk Management Agencies, other Federal agencies, and other industrial control systems stakeholders; and

''(5) conduct such other efforts and assistance as the Secretary determines appropriate.''.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act and every six months thereafter during the subsequent 4-year period, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a briefing on the industrial control systems capabilities of the Agency under section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), as amended by subsection (a).

(c) GAO REVIEW.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall review implementation of the requirements of subsections (e)(1)(I) and (p) of section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), as amended by subsection (a), and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes findings and recommendations relating to such implementation. Such report shall include information on the following:

(1) Any interagency coordination challenges to the ability of the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security to lead Federal efforts to identify and mitigate cybersecurity threats to industrial control systems pursuant to subsection (p)(1) of such section.

(2) The degree to which the Agency has adequate capacity, expertise, and resources to carry out threat hunting and incident response capabilities to mitigate cybersecurity threats to industrial control systems pursuant to subsection (p)(2) of such section, as well as additional resources that would be needed to close any operational gaps in such capabilities.

(3) The extent to which industrial control system stakeholders sought cybersecurity technical assistance from the Agency pursuant to subsection (p)(3) of such section, and the utility and effectiveness of such technical assistance.

(4) The degree to which the Agency works with security researchers and other industrial control systems stakeholders, pursuant to subsection (p)(4) of such section, to provide vulnerability information to the industrial control systems community.

SEC. 1542. CYBERSECURITY VULNERABILITIES.

Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph:

''(4) the term 'cybersecurity vulnerability' has the meaning given the term 'security vulnerability' in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);''.

(2) in subsection (c)—

(A) in paragraph (5)—

(i) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A) the following new subparagraph:

''(B) sharing mitigation protocols to counter cybersecurity vulnerabilities pursuant to subsection (n), as appropriate; and''; and

(iv) in subparagraph (C), as so redesignated, by inserting ''and mitigation protocols to counter cybersecurity vulnerabilities in accordance with subparagraph (B), as appropriate,'' before ''with Federal'';

(B) in paragraph (7)(C), by striking ''sharing'' and inserting ''share''; and

(C) in paragraph (9), by inserting ''mitigation protocols to counter cybersecurity vulnerabilities, as appropriate,'' after ''measures,'';

(3) by redesignating subsection (o) as subsection (p); and

(4) by inserting after subsection (n) following new subsection:

''(o) PROTOCOLS TO COUNTER CERTAIN CYBERSECURITY VULNERABILITIES.—The Director may, as appropriate, identify, develop, and disseminate actionable protocols to mitigate cybersecurity vulnerabilities to information systems and industrial control systems, including in circumstances in which such vulnerabilities exist because software or hardware is no longer supported by a vendor.''.

SEC. 1543. REPORT ON CYBERSECURITY VULNERABILITIES.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on how the Agency carries out subsection (n) of section 2209 of the Homeland Security Act of 2002 to coordinate vulnerability disclosures, including disclosures of cybersecurity vulnerabilities (as such term is defined in such section), and subsection (o) of such section to disseminate actionable protocols to mitigate cybersecurity vulnerabilities to information systems and industrial control systems, that include the following:

(1) A description of the policies and procedures relating to the coordination of vulnerability disclosures.

(2) A description of the levels of activity in furtherance of such subsections (n) and (o) of such section 2209.

(3) Any plans to make further improvements to how information provided pursuant to such subsections can be shared (as such term is defined in such section 2209) between the Department and industry and other stakeholders.

(4) Any available information on the degree to which such information was acted upon by industry and other stakeholders.

(5) A description of how privacy and civil liberties are preserved in the collection, retention, use, and sharing of vulnerability disclosures.

(b) FORM.—The report required under subsection (b) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1544. COMPETITION RELATING TO CYBERSECURITY VULNERABILITIES.

The Under Secretary for Science and Technology of the Department of Homeland Security, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency of the Department, may establish an incentive-based program that allows industry, individuals, academia, and others to compete in identifying remediation solutions for cybersecurity vulnerabilities (as such term is defined in section 2209 of the Homeland Security Act of 2002) to information systems (as such term is defined in such section 2209) and industrial control systems, including supervisory control and data acquisition systems.

SEC. 1545. STRATEGY.

Section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 660) is amended by adding at the end the following new subsection:

''(e) HOMELAND SECURITY STRATEGY TO IMPROVE THE CYBERSECURITY OF STATE, LOCAL, TRIBAL, AND TERRITORIAL GOVERNMENTS.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Not later than one year after the date of the enactment of this subsection, the Secretary, acting through the Director, shall, in coordination with the heads of appropriate Federal agencies, State, local, Tribal, and territorial governments, and other stakeholders, as appropriate, develop and make publicly available a Homeland Security Strategy to Improve the Cybersecurity of State, Local, Tribal, and Territorial Governments.

''(B) RECOMMENDATIONS AND REQUIREMENTS.—The strategy required under subparagraph (A) shall provide recommendations relating to the ways in which the Federal Government should support and promote the ability of State, local, Tribal, and territorial governments to identify, mitigate against, protect against, detect, respond to, and recover from cybersecurity risks (as such term is defined in section 2209), cybersecurity threats, and incidents (as such term is defined in section 2209).

''(2) CONTENTS.—The strategy required under paragraph (1) shall—

''(A) identify capability gaps in the ability of State, local, Tribal, and territorial governments to identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents;

''(B) identify Federal resources and capabilities that are available or could be made available to State, local, Tribal, and territorial governments to help those governments identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents;

''(C) identify and assess the limitations of Federal resources and capabilities available to State, local, Tribal, and territorial governments to help those governments identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents and make recommendations to address such limitations;

''(D) identify opportunities to improve the coordination of the Agency with Federal and non-Federal entities, such as the Multi-State Information Sharing and Analysis Center, to improve—

''(i) incident exercises, information sharing and incident notification procedures;

''(ii) the ability for State, local, Tribal, and territorial governments to voluntarily adapt and implement guidance in Federal binding operational directives; and

''(iii) opportunities to leverage Federal schedules for cybersecurity investments under section 502 of title 40, United States Code;

''(E) recommend new initiatives the Federal Government should undertake to improve the ability of State, local, Tribal, and territorial governments to identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents;

''(F) set short-term and long-term goals that will improve the ability of State, local, Tribal, and territorial governments to identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents; and

''(G) set dates, including interim benchmarks, as appropriate for State, local, Tribal, and territorial governments to establish baseline capabilities to identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents.

''(3) CONSIDERATIONS.—In developing the strategy required under paragraph (1), the Director, in coordination with the heads of appropriate Federal agencies, State, local, Tribal, and territorial governments, and other stakeholders, as appropriate, shall consider—

''(A) lessons learned from incidents that have affected State, local, Tribal, and territorial governments, and exercises with Federal and non-Federal entities;

''(B) the impact of incidents that have affected State, local, Tribal, and territorial governments, including the resulting costs to such governments;

''(C) the information related to the interest and ability of state and non-state threat actors to compromise information systems (as such term is defined in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501)) owned or operated by State, local, Tribal, and territorial governments; and

''(D) emerging cybersecurity risks and cybersecurity threats to State, local, Tribal, and territorial governments resulting from the deployment of new technologies.

''(4) EXEMPTION.—Chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), shall not apply to any action to implement this subsection.''.

SEC. 1546. CYBER INCIDENT RESPONSE PLAN.

Subsection (c) of section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 660) is amended—

(1) by striking ''regularly update'' and inserting ''update not less often than biennially''; and

(2) by adding at the end the following new sentence: ''The Director, in consultation with relevant Sector Risk Management Agencies and the National Cyber Director, shall develop mechanisms to engage with stakeholders to educate such stakeholders regarding Federal Government cybersecurity roles and responsibilities for cyber incident response.''.

SEC. 1547. NATIONAL CYBER EXERCISE PROGRAM.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following new section:

''SEC. 2220B. NATIONAL CYBER EXERCISE PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—There is established in the Agency the National Cyber Exercise Program (referred to in this section as the 'Exercise Program') to evaluate the National Cyber Incident Response Plan, and other related plans and strategies.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The Exercise Program shall be—

''(i) based on current risk assessments, including credible threats, vulnerabilities, and consequences;

''(ii) designed, to the extent practicable, to simulate the partial or complete incapacitation of a government or critical infrastructure network resulting from a cyber incident;

''(iii) designed to provide for the systematic evaluation of cyber readiness and enhance operational understanding of the cyber incident response system and relevant information sharing agreements; and

''(iv) designed to promptly develop after-action reports and plans that can quickly incorporate lessons learned into future operations.

''(B) MODEL EXERCISE SELECTION.—The Exercise Program shall—

''(i) include a selection of model exercises that government and private entities can readily adapt for use; and

''(ii) aid such governments and private entities with the design, implementation, and evaluation of exercises that—

''(I) conform to the requirements described in subparagraph (A);

''(II) are consistent with any applicable national, State, local, or Tribal strategy or plan; and

''(III) provide for systematic evaluation of readiness.

''(3) CONSULTATION.—In carrying out the Exercise Program, the Director may consult with appropriate representatives from Sector Risk Management Agencies, the Office of the National Cyber Director, cybersecurity research stakeholders, and Sector Coordinating Councils.

''(b) DEFINITIONS.—In this section:

''(1) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

''(2) PRIVATE ENTITY.—The term 'private entity' has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authorities or responsibilities of the Administrator of the Federal Emergency Management Agency pursuant to section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748).''.

(b) TITLE XXII TECHNICAL AND CLERICAL AMENDMENTS.—

(1) TECHNICAL AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(i) in section 2202(c) (6 U.S.C. 652(c))—

(I) in paragraph (11), by striking ''and'' after the semicolon;

(II) in the first paragraph (12) (relating to appointment of a Cybersecurity State Coordinator) by striking ''as described in section 2215; and'' and inserting ''as described in section 2217;'';

(III) by redesignating the second paragraph (12) (relating to the .gov internet domain) as paragraph (13); and

(IV) by redesignating the third paragraph (12) (relating to carrying out such other duties and responsibilities) as paragraph (14);

(ii) in the first section 2215 (6 U.S.C. 665; relating to the duties and authorities relating to .gov internet domain), by amending the section enumerator and heading to read as follows:

''SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV INTERNET DOMAIN.'';

(iii) in the second section 2215 (6 U.S.C. 665b; relating to the joint cyber planning office), by amending the section enumerator and heading to read as follows:

''SEC. 2216. JOINT CYBER PLANNING OFFICE.'';

(iv) in the third section 2215 (6 U.S.C. 665c; relating to the Cybersecurity State Coordinator), by amending the section enumerator and heading to read as follows:

''SEC. 2217. CYBERSECURITY STATE COORDINATOR.'';

(v) in the fourth section 2215 (6 U.S.C. 665d; relating to Sector Risk Management Agencies), by amending the section enumerator and heading to read as follows:

''SEC. 2218. SECTOR RISK MANAGEMENT AGENCIES.'';

(vi) in section 2216 (6 U.S.C. 665e; relating to the Cybersecurity Advisory Committee), by amending the section enumerator and heading to read as follows:

''SEC. 2219. CYBERSECURITY ADVISORY COMMITTEE.'';

(vii) in section 2217 (6 U.S.C. 665f; relating to Cybersecurity Education and Training Programs), by amending the section enumerator and heading to read as follows:

''SEC. 2220. CYBERSECURITY EDUCATION AND TRAINING PROGRAMS.''; and

(viii) in section 2218 (6 U.S.C. 665g; relating to the State and Local Cybersecurity Grant Program), by amending the section enumerator and heading to read as follows:

''SEC. 2220A. STATE AND LOCAL CYBERSECURITY GRANT PROGRAM.''.

(B) CONSOLIDATED APPROPRIATIONS ACT, 2021.—Paragraph (1) of section 904(b) of division U of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended, in the matter preceding subparagraph (A), by inserting ''of 2002'' after ''Homeland Security Act''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is further amended by striking the items relating to sections 2214 through 2218 and inserting the following new items:

''Sec. 2214. National Asset Database.
''Sec. 2215. Duties and authorities relating to .gov internet domain.
''Sec. 2216. Joint cyber planning office.
''Sec. 2217. Cybersecurity State Coordinator.
''Sec. 2218. Sector Risk Management Agencies.
''Sec. 2219. Cybersecurity Advisory Committee.
''Sec. 2220. Cybersecurity Education and Training Programs.
''Sec. 2220A. State and Local Cybersecurity Grant Program.
''Sec. 2220B. National cyber exercise program.''.

SEC. 1548. CYBERSENTRY PROGRAM OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is further amended by adding at the end the following new section:

''SEC. 2220C. CYBERSENTRY PROGRAM.

''(a) ESTABLISHMENT.—There is established in the Agency a program, to be known as 'CyberSentry', to provide continuous monitoring and detection of cybersecurity risks to critical infrastructure entities that own or operate industrial control systems that support national critical functions, upon request and subject to the consent of such owner or operator.

''(b) ACTIVITIES.—The Director, through CyberSentry, shall—

''(1) enter into strategic partnerships with critical infrastructure owners and operators that, in the determination of the Director and subject to the availability of resources, own or operate regionally or nationally significant industrial control systems that support national critical functions, in order to provide technical assistance in the form of continuous monitoring of industrial control systems and the information systems that support such systems and detection of cybersecurity risks to such industrial control systems and other cybersecurity services,

as appropriate, based on and subject to the agreement and consent of such owner or operator;

''(2) leverage sensitive or classified intelligence about cybersecurity risks regarding particular sectors, particular adversaries, and trends in tactics, techniques, and procedures to advise critical infrastructure owners and operators regarding mitigation measures and share information as appropriate;

''(3) identify cybersecurity risks in the information technology and information systems that support industrial control systems which could be exploited by adversaries attempting to gain access to such industrial control systems, and work with owners and operators to remediate such vulnerabilities;

''(4) produce aggregated, anonymized analytic products, based on threat hunting and continuous monitoring and detection activities and partnerships, with findings and recommendations that can be disseminated to critical infrastructure owners and operators; and

''(5) support activities authorized in accordance with section 1501 of the National Defense Authorization Act for Fiscal Year 2022.

''(c) PRIVACY REVIEW.—Not later than 180 days after the date of enactment of this section, the Privacy Officer of the Agency under section 2202(h) shall—

''(1) review the policies, guidelines, and activities of CyberSentry for compliance with all applicable privacy laws, including such laws governing the acquisition, interception, retention, use, and disclosure of communities; and

''(2) submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report certifying compliance with all applicable privacy laws as referred to in paragraph (1), or identifying any instances of noncompliance with such privacy laws.

''(d) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this section, the Director shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a briefing and written report on implementation of this section.

''(e) SAVINGS.—Nothing in this section may be construed to permit the Federal Government to gain access to information of a remote computing service provider to the public or an electronic service provider to the public, the disclosure of which is not permitted under section 2702 of title 18, United States Code.

''(f) DEFINITIONS.—In this section:

''(1) CYBERSECURITY RISK.—The term 'cybersecurity risk' has the meaning given such term in section 2209(a).

''(2) INDUSTRIAL CONTROL SYSTEM.—The term 'industrial control system' means an information system used to monitor and/or control industrial processes such as manufacturing, product handling, production, and distribution, including supervisory control and data acquisition (SCADA) systems used to monitor and/or control geographically dispersed assets, distributed control systems (DCSs), Human-Machine Interfaces (HMIs), and programmable logic controllers that control localized processes.

''(3) INFORMATION SYSTEM.—The term 'information system' has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (enacted as division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501(9)).

''(g) TERMINATION.—The authority to carry out a program under this section shall terminate on the date that is seven years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is further amended by adding after the item relating to section 2220B the following new item:

''Sec. 2220C. CyberSentry program.''.

(c) CONTINUOUS MONITORING AND DETECTION.—Section 2209(c)(6) of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended by inserting '', which may take the form of continuous monitoring and detection of cybersecurity risks to critical infrastructure entities that own or operate industrial control systems that support national critical functions'' after ''mitigation, and remediation''.

SEC. 1549. STRATEGIC ASSESSMENT RELATING TO INNOVATION OF INFORMATION SYSTEMS AND CYBERSECURITY THREATS.

(a) RESPONSIBILITIES OF DIRECTOR.—Section 2202(c)(3) of the Homeland Security Act of 2002 (6 U.S.C. 652) is amended by striking the semicolon at the end and adding the following: '', including by carrying out a periodic strategic assessment of the related programs and activities of the Agency to ensure such programs and activities contemplate the innovation of information systems and changes in cybersecurity risks and cybersecurity threats;''

(b) REPORT.—

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act and not fewer than once every three years thereafter, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a strategic assessment for the purposes described in paragraph (2).

(2) PURPOSES.—The purposes described in this paragraph are the following:

(A) A description of the existing programs and activities administered in furtherance of section 2202(c)(3) of the Homeland Security Act of 2002 (6 U.S.C. 652).

(B) An assessment of the capability of existing programs and activities administered by the Agency in furtherance of such section to monitor for, manage, mitigate, and defend against cybersecurity risks and cybersecurity threats.

(C) An assessment of past or anticipated technological trends or innovation of information systems or information technology that have the potential to affect the efficacy of the programs and activities administered by the Agency in furtherance of such section.

(D) A description of any changes in the practices of the Federal workforce, such as increased telework, affect the efficacy of the programs and activities administered by the Agency in furtherance of section 2202(c)(3).

(E) A plan to integrate innovative security tools, technologies, protocols, activities, or programs to improve the programs and activities administered by the Agency in furtherance of such section.

(F) A description of any research and development activities necessary to enhance the programs and activities administered by the Agency in furtherance of such section.

(G) A description of proposed changes to existing programs and activities administered by the Agency in furtherance of such section, including corresponding milestones for implementation.

(H) Information relating to any new resources or authorities necessary to improve the programs and activities administered by the Agency in furtherance of such section.

(c) DEFINITIONS.—In this section:

(1) The term ''Agency'' means the Cybersecurity and Infrastructure Security Agency.

(2) The term ''cybersecurity purpose'' has the meaning given such term in section 102(4) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(4)).

(3) The term ''cybersecurity risk'' has the meaning given such term in section 2209(a)(2) of the Homeland Security Act of 2002 (U.S.C. 659(a)(2)).

(4) The term ''information system'' has the meaning given such term in section 3502(8) of title 44, United States Code.

(5) The term ''information technology'' has the meaning given such term in 3502(9) of title 44, United States Code.

(6) The term ''telework'' has the meaning given the term in section 6501(3) of title 5, United States Code.

SEC. 1550. PILOT PROGRAM ON PUBLIC-PRIVATE PARTNERSHIPS WITH INTERNET ECOSYSTEM COMPANIES TO DETECT AND DISRUPT ADVERSARY CYBER OPERATIONS.

(a) PILOT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary, acting through the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security and in coordination with the Secretary of Defense and the National Cyber Director, shall commence a pilot program to assess the feasibility and advisability of entering into public-private partnerships with internet ecosystem companies to facilitate, within the bounds of applicable provisions of law and such companies' terms of service, policies, procedures, contracts, and other agreements, actions by such companies to discover and disrupt use by malicious cyber actors of the platforms, systems, services, and infrastructure of such companies.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—In carrying out the pilot program under subsection (a), the Secretary shall seek to enter into one or more public-private partnerships with internet ecosystem companies.

(2) VOLUNTARY PARTICIPATION.—

(A) IN GENERAL.—Participation by an internet ecosystem company in a public-private partnership under the pilot program, including in any activity described in subsection (c), shall be voluntary.

(B) PROHIBITION.—No funds appropriated by any Act may be used to direct, pressure, coerce, or otherwise require that any internet ecosystem company take any action on their platforms, systems, services, or infrastructure as part of the pilot program.

(c) AUTHORIZED ACTIVITIES.—In carrying out the pilot program under subsection (a), the Secretary may—

(1) provide assistance to a participating internet ecosystem company to develop effective know-your-customer processes and requirements;

(2) provide information, analytics, and technical assistance to improve the ability of participating companies to detect and prevent illicit or suspicious procurement, payment, and account creation on their own platforms, systems, services, or infrastructure;

(3) develop and socialize best practices for the collection, retention, and sharing of data by participating internet ecosystem companies to support discovery of malicious cyber activity, investigations, and attribution on the platforms, systems, services, or infrastructure of such companies;

(4) provide to participating internet ecosystem companies actionable, timely, and relevant information, such as information about ongoing operations and infrastructure, threats, tactics, and procedures, and indicators of compromise, to enable such companies to detect and disrupt the use by malicious cyber actors of the platforms, systems, services, or infrastructure of such companies;

(5) provide recommendations for (but not design, develop, install, operate, or maintain) operational workflows, assessment and compliance practices, and training that participating internet ecosystem companies can implement to reliably detect and disrupt the use by malicious cyber actors of the platforms, systems, services, or infrastructure of such companies;

(6) provide recommendations for accelerating, to the greatest extent practicable, the automation of existing or implemented operational workflows to operate at line-rate in order to enable real-time mitigation without the need for manual review or action;

(7) provide recommendations for (but not design, develop, install, operate, or maintain) technical capabilities to enable participating internet ecosystem companies to collect and analyze data on malicious activities occurring on the platforms, systems, services, or infrastructure of such companies to detect and disrupt operations of malicious cyber actors; and

(8) provide recommendations regarding relevant mitigations for suspected or discovered malicious cyber activity and thresholds for action.

(d) COMPETITION CONCERNS.—Consistent with section 1905 of title 18, United States Code, the Secretary shall ensure that any trade secret or proprietary information of a participating internet ecosystem company made known to the Federal Government pursuant to a public-private partnership under the pilot program remains private and protected unless explicitly authorized by such company.

(e) IMPARTIALITY.—In carrying out the pilot program under subsection (a), the Secretary may not take any action that is intended primarily to advance the particular business interests of an internet ecosystem company but is authorized to take actions that advance the interests of the United States, notwithstanding differential impact or benefit to a given company's or given companies' business interests.

(f) RESPONSIBILITIES.—

(1) SECRETARY OF HOMELAND SECURITY.—The Secretary shall exercise primary responsibility for the pilot program under subsection (a), including organizing and directing authorized activities with participating Federal Government organizations and internet ecosystem companies to achieve the objectives of the pilot program.

(2) NATIONAL CYBER DIRECTOR.—The National Cyber Director shall support prioritization and cross-agency coordination for the pilot program, including ensuring appropriate participation by participating agencies and the identification and prioritization of key private sector entities and initiatives for the pilot program.

(3) SECRETARY OF DEFENSE.—The Secretary of Defense shall provide support and resources to the pilot program, including the provision of technical and operational expertise drawn from appropriate and relevant officials and components of the Department of Defense, including the National Security Agency, United States Cyber Command, the Chief Information Officer, the Office of the Secretary of Defense, military department Principal Cyber Advisors, and the Defense Advanced Research Projects Agency.

(g) PARTICIPATION OF OTHER FEDERAL GOVERNMENT COMPONENTS.—The Secretary may invite to participate in the pilot program required under subsection (a) the heads of such departments or agencies as the Secretary considers appropriate.

(h) INTEGRATION WITH OTHER EFFORTS.—The Secretary shall ensure that the pilot program required under subsection (a) makes use of, builds upon, and, as appropriate, integrates with and does not duplicate other efforts of the Department of Homeland Security and the Department of Defense relating to cybersecurity, including the following:

(1) The Joint Cyber Defense Collaborative of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(2) The Cybersecurity Collaboration Center and Enduring Security Framework of the National Security Agency.

(i) RULES OF CONSTRUCTION.—

(1) LIMITATION ON GOVERNMENT ACCESS TO DATA.—Nothing in this section authorizes sharing of information, including information relating to customers of internet ecosystem companies or private individuals, from an internet ecosystem company to an agency, officer, or employee of the Federal Government unless otherwise authorized by another provision of law.

(2) STORED COMMUNICATIONS ACT.—Nothing in this section may be construed to permit or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the public of information not otherwise permitted or required to be disclosed under chapter 121 of title 18, United States Code (commonly known as the ''Stored Communications Act'').

(3) THIRD PARTY CUSTOMERS.—Nothing in this section may be construed to require a third party, such as a customer or managed service provider of an internet ecosystem company, to participate in the pilot program under subsection (a).

(j) BRIEFINGS.—

(1) INITIAL.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of Defense and the National Cyber Director, shall brief the appropriate committees of Congress on the pilot program required under subsection (a).

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

(i) The plans of the Secretary for the implementation of the pilot program.

(ii) Identification of key priorities for the pilot program.

(iii) Identification of any potential challenges in standing up the pilot program or impediments, such as a lack of liability protection, to private sector participation in the pilot program.

(iv) A description of the roles and responsibilities in the pilot program of each participating Federal entity.

(2) ANNUAL.—

(A) IN GENERAL.—Not later than two years after the date of the enactment of this Act and annually thereafter for three years, the Secretary, in coordination with the Secretary of Defense and the National Cyber Director, shall brief the appropriate committees of Congress on the progress of the pilot program required under subsection (a).

(B) ELEMENTS.—Each briefing required under subparagraph (A) shall include the following:

(i) Recommendations for addressing relevant policy, budgetary, and legislative gaps to increase the effectiveness of the pilot program.

(ii) Recommendations, such as providing liability protection, for increasing private sector participation in the pilot program.

(iii) A description of the challenges encountered in carrying out the pilot program, including any concerns expressed by internet ecosystem companies regarding participation in the pilot program.

(iv) The findings of the Secretary with respect to the feasibility and advisability of extending or expanding the pilot program.

(v) Such other matters as the Secretary considers appropriate.

(k) TERMINATION.—The pilot program required under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

(l) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Homeland Security and the Committee on Armed Services of the House of Representatives.

(2) INTERNET ECOSYSTEM COMPANY.—The term ''internet ecosystem company'' means a business incorporated in the United States that provides cybersecurity services, internet service, content delivery services, Domain Name Service, cloud services, mobile telecommunications services, email and messaging services, internet browser services, or such other services as the Secretary determines appropriate for the purposes of the pilot program under subsection (a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 1551. UNITED STATES-ISRAEL CYBERSECURITY COOPERATION.

(a) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, in accordance with the agreement entitled 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'', dated May 29, 2008 (or successor agreement), and the requirements specified in paragraph (2), shall establish a grant program at the Department to support—

(A) cybersecurity research and development; and

(B) demonstration and commercialization of cybersecurity technology.

(2) REQUIREMENTS.—

(A) APPLICABILITY.—Notwithstanding section 317 of the Homeland Security Act of 2002 (6 U.S.C. 195c), in carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, the Secretary shall require cost sharing in accordance with this paragraph.

(B) RESEARCH AND DEVELOPMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall require not less than 50 percent of the cost of a research, development, demonstration, or commercial application program or activity described in subparagraph (A) to be provided by a non-Federal source.

(ii) REDUCTION.—The Secretary may reduce or eliminate, on a case-by-case basis, the percentage requirement specified in clause (i) if the Secretary determines that such reduction or elimination is necessary and appropriate.

(C) MERIT REVIEW.—In carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, awards shall be made only after an impartial review of the scientific and technical merit of the proposals for such awards has been carried out by or for the Department.

(D) REVIEW PROCESSES.—In carrying out a review under subparagraph (C), the Secretary may use merit review processes developed under section 302(14) of the Homeland Security Act of 2002 (6 U.S.C. 182(14)).

(3) ELIGIBLE APPLICANTS.—An applicant is eligible to receive a grant under this subsection if—

(A) the project of such applicant—

(i) addresses a requirement in the area of cybersecurity research or cybersecurity technology, as determined by the Secretary; and

(ii) is a joint venture between—

(I)(aa) a for-profit business entity, academic institution, National Laboratory, or nonprofit entity in the United States; and

(bb) a for-profit business entity, academic institution, or nonprofit entity in Israel; or

(II)(aa) the Federal Government; and

(bb) the Government of Israel; and

(B) neither such applicant nor the project of such applicant pose a counterintelligence threat, as determined by the Director of National Intelligence.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for such grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(5) ADVISORY BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory board to—

(i) monitor the method by which grants are awarded under this subsection; and

(ii) provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under subparagraph (A) shall be composed of three members, to be appointed by the Secretary, of whom—

(i) one shall be a representative of the Federal Government;

(ii) one shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and

(iii) one shall be selected from a list of nominees provided by the United States-Israel Binational Industrial Research and Development Foundation.

(6) CONTRIBUTED FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may, only to the extent provided in advance in appropriations Acts, accept or retain funds contributed by any person, government entity, or organization for purposes of carrying out this subsection. Such funds shall be available, subject to appropriation, without fiscal year limitation.

(7) REPORTS.—

(A) GRANT RECIPIENTS.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(i) a description of how the grant funds were used by the recipient; and

(ii) an evaluation of the level of success of each project funded by the grant.

(B) SECRETARY.—Not later than one year after the date of the enactment of this Act and annually thereafter until the grant program established under this subsection terminates, the Secretary shall submit to the Committees on Homeland Security and Governmental Affairs and Foreign Relations of the Senate and the Committees on Homeland Security and Foreign Affairs of the House of Representatives a report on grants awarded and projects completed under such program.

(8) CLASSIFICATION.—Grants shall be awarded under this subsection only for projects that are considered to be unclassified by both the United States and Israel.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not less than $6,000,000 for each of fiscal years 2022 through 2026.

(c) DEFINITIONS.—In this section—

(1) the term ''cybersecurity research'' means research, including social science research, into ways to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(2) the term ''cybersecurity technology'' means technology intended to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(3) the term ''cybersecurity threat'' has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501; enacted as title I of the Cybersecurity Act of 2015 (division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113)));

(4) the term ''Department'' means the Department of Homeland Security;

(5) the term ''National Laboratory'' has the meaning given such term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801); and

(6) the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 1552. AUTHORITY FOR NATIONAL CYBER DIRECTOR TO ACCEPT DETAILS ON NONREIMBURSABLE BASIS.

Section 1752(e) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively, and indenting such subparagraphs two ems to the right;

(2) in the matter preceding subparagraph (A), as redesignated by paragraph (1), by striking ''The Director may'' and inserting the following:

''(1) IN GENERAL.—The Director may'';

(3) in paragraph (1)—

(A) as redesignated by paragraph (2), by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

''(C) accept officers or employees of the United States or members of the Armed Forces on a detail from an element of the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) or from another element of the Federal Government on a nonreimbursable basis, as jointly agreed to by the heads of the receiving and detailing elements, for a period not to exceed three years;''; and

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

''(2) RULES OF CONSTRUCTION REGARDING DETAILS.—Nothing in paragraph (1)(C) may be construed as imposing any limitation on any other authority for reimbursable or nonreimbursable details. A nonreimbursable detail made pursuant to such paragraph shall not be considered an augmentation of the appropriations of the receiving element of the Office of the National Cyber Director.''.

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

Subtitle A—Space Activities

SEC. 1601. NATIONAL SECURITY SPACE LAUNCH PROGRAM.

(a) DISCLOSURE OF NATIONAL SECURITY SPACE LAUNCH PROGRAM CONTRACT PRICING TERMS.—

(1) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by inserting after section 2276 the following new section 2277:

''§ 2277. Disclosure of National Security Space Launch program contract pricing terms

''(a) IN GENERAL.—With respect to any contract awarded by the Secretary of the Air Force for the launch of a national security payload under the National Security Space Launch program, not later than 30 days after entering into such a contract, the Secretary shall submit to the congressional defense committees a description of the pricing terms of the contract. For those contracts that include the launch of assets of the National Reconnaissance Office, the Secretary shall also submit the pricing terms to the congressional intelligence committees (as defined by section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

''(b) COMPETITIVELY SENSITIVE TRADE SECRET DATA.—The congressional defense committees and the congressional intelligence committees shall—

''(1) treat a description of pricing terms submitted under subsection (a) as competitively sensitive trade secret data; and

''(2) use the description solely for committee purposes, subject to appropriate restrictions to maintain the confidentiality of the description.

''(c) RULE OF CONSTRUCTION.—For purposes of section 1905 of title 18, a disclosure of contract pricing terms under subsection (a) shall be construed as a disclosure authorized by law.''.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2276 the following new item:

''2277. Disclosure of National Security Space Launch program contract pricing terms.''.

(b) POLICY.—With respect to entering into contracts for launch services during the period beginning on the date of the enactment of this Act and ending September 30, 2024, it shall be the policy of the Department of Defense and the National Reconnaissance Office to—

(1) use the National Security Space Launch program to the extent practical to procure launch services only from launch service providers that can meet Federal requirements with respect to delivering required payloads to reference orbits covered under the requirements of phase two; and

(2) maximize continuous competition for launch services as the Space Force initiates planning for phase three, specifically for those technology areas that are unique to existing and emerging national security requirements.

(c) NOTIFICATION.—If the Secretary of Defense or the Director of the National Reconnaissance Office determines that a program requiring launch services that could be met using phase two contracts will instead use an alternative launch procurement approach, not later than seven days after the date of such determination, the Secretary of Defense or, as appropriate, the Director of National Intelligence, shall submit to the appropriate congressional committees—

(1) a notification of such determination;

(2) a certification that the alternative launch procurement approach is in the national security interest of the United States; and

(3) an outline of the cost analysis and any other rationale for such determination.

(d) REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chief of Space Operations and the Director of the Space Development Agency, and in consultation with the Director of National Intelligence (including with respect to the views of the Director of the National Reconnaissance Office), shall submit to the appropriate congressional committees a report on the emerging launch requirements in the areas of space access, mobility, and logistics that will not be met by phase two capabilities.

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

(A) An examination of potential benefits of competing one or more launches that are outside of phase two capabilities, focused on accelerating the rapid development and on-orbit deployment of enabling and transformational technologies required to address any emerging requirements, including with respect to—

(i) delivery of in-space transportation, logistics, and on-orbit servicing capabilities to enhance the persistence, sensitivity, and resiliency of national security space missions in a contested space environment;

(ii) routine access to extended orbits beyond geostationary orbits, including cislunar orbits;

(iii) greater cislunar awareness capabilities;

(iv) vertical integration and standardized payload mating;

(v) increased responsiveness for heavy lift capability;

(vi) the ability to transfer orbits, including point-to-point orbital transfers;

(vii) capacity and capability to execute secondary deployments;

(viii) high-performance upper stages; and

(ix) other new missions that are outside the parameters of the nine design reference missions that exist as of the date of the enactment of this Act.

(B) A description of how competing space access, mobility, and logistics launches could aid in establishing a new acquisition framework to—

(i) promote the potential for additional open and sustainable competition for phase three; and

(ii) re-examine the balance of mission assurance versus risk tolerance to reflect new resilient spacecraft architectures and reduce workload on the Federal Government and industry to perform mission assurance where appropriate.

(C) An analysis of how the matters under subparagraphs (A) and (B) may help continue to reduce the cost per launch of national security payloads.

(D) An examination of the effects to the National Security Space Launch program if contracted launch providers cannot meet all phase two requirements, including with respect to—

(i) the effects to national security launch resiliency; and

(ii) the cost effects of a launch market that lacks full competition.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified appendix.

(4) BRIEFING.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of National Intelligence, shall provide to the appropriate congressional committees a briefing on the report under paragraph (1).

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term ''phase three'' means, with respect to the National Security Space Launch program, launch missions ordered under the program after fiscal year 2024.

(3) The term ''phase two'' means, with respect to the National Security Space Launch program, launch missions ordered under the program during fiscal years 2020 through 2024.

SEC. 1602. REDESIGNATION OF SPACE FORCE ACQUISITION COUNCIL; MODIFICATIONS RELATING TO ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.

(a) MODIFICATIONS TO SPACE FORCE ACQUISITION COUNCIL.—

(1) DESIGNATION.—Section 9021 of title 10, United States Code, is amended—

(A) in the section heading, by striking ''**FORCE**'';

(B) in subsection (a), by striking ''Space Force Acquisition Council'' and inserting ''Space Acquisition Council''; and

(C) in subsection (c), by striking ''of the Air Force for space systems and programs'' and inserting ''space systems and programs of the armed forces''.

(2) CONFORMING AMENDMENT.—Section 9016(b)(6)(B)(ii) of title 10, United States Code, is amended by striking ''Space Force Acquisition Council'' and inserting ''Space Acquisition Council''.

(3) CLERICAL AMENDMENT.—The table of sections for chapter 903 of title 10, United States Code, is amended by striking the item relating to section 9021 and inserting the following new item:

''9021. Space Acquisition Council.''.

(4) REFERENCES.—Any reference to the Space Force Acquisition Council in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Space Acquisition Council.

(b) MODIFICATIONS RELATING TO THE ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.—

(1) SPACE FORCE ACQUISITION COUNCIL REVIEW AND CERTIFICATION OF DETERMINATIONS OF THE ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.—Section 9021(c) of title 10, United States Code, as amended by subsection (a), is further amended—

(A) by striking ''The Council'' and inserting ''(1) The Council''; and

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

''(2)(A) The Council shall promptly—

''(i) review any determination made by the Assistant Secretary of the Air Force for Space Acquisition and Integration with respect to architecture for the space systems and programs of

the armed forces under section 9016(b)(6)(B)(i) of this title, including the requirements for operating such space systems or programs; and

''(ii) either—

''(I) if the Council finds such a determination to be warranted, certify the determination; or

''(II) if the Council finds such a determination not to be warranted, decline to certify the determination.

''(B) Not later than 10 business days after the date on which the Council makes a finding with respect to a certification under subparagraph (A), the Council shall submit to the congressional defense committees a notification of the finding, including a detailed justification for the finding.

''(C) Except as provided in subparagraph (D), the Assistant Secretary of the Air Force for Space Acquisition and Integration may not take any action to implement a determination referred to in subparagraph (A)(i) until 30 days has elapsed following the date on which the Council submits the notification under subparagraph (B).

''(D)(i) The Secretary of Defense may waive subparagraph (C) in the event of an urgent national security requirement.

''(ii) The Secretary of Defense shall submit to the congressional defense committees a notification of any waiver granted under clause (i), including a justification for the waiver.''.

(2) DEPARTMENT OF DEFENSE SPACE SYSTEMS AND PROGRAMS.—Clause (i) of section 9016(b)(6)(B) of title 10, United States Code, is amended to read as follows:

''(i) Be responsible for and oversee all architecture and integration with respect to the acquisition of the space systems and programs of the armed forces, including in support of the Chief of Space Operations under section 9082 of this title.''.

(3) TRANSFER OF ACQUISITION PROJECTS FOR SPACE SYSTEMS AND PROGRAMS.—Section 956(b)(3) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1566; 10 U.S.C. 9016 note) is amended by striking ''of the Air Force'' and inserting ''of the Armed Forces''.

(4) DESIGNATION OF FORCE DESIGN ARCHITECT FOR DEPARTMENT OF DEFENSE SPACE SYSTEMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) designate the Chief of Space Operations the force design architect for space systems of the Armed Forces; and

(B) submit to the congressional defense committees a certification of such designation.

SEC. 1603. DELEGATION OF AUTHORITIES TO SPACE DEVELOPMENT AGENCY.

Section 9086 of title 10, United States Code, as redesignated by section 1081, is amended by adding at the end the following new subsection:

''(d) DELEGATION OF AUTHORITIES.—(1) With respect to tranche 0 capabilities and tranche 1 capabilities, to the extent practicable, the Secretary of the Air Force, acting through the Service Acquisition Executive for Space Systems and Programs, shall ensure the delegation to the Agency of—

''(A) head of contracting authority; and

''(B) milestone decision authority for the middle tier of acquisition programs.

''(2)(A) The Service Acquisition Executive for Space Systems and Programs may rescind the delegation of authority under paragraph (1) for cause or on a case-by-case basis.

''(B) Not later than 30 days after the date of a rescission under subparagraph (A), the Secretary of the Air Force shall notify the congressional defense committees of such rescission.

''(3) In this subsection:

''(A) The term 'tranche 0 capabilities' means capabilities relating to transport, battle management, tracking, custody, navigation, deterrence, and support, that are intended to be achieved by September 30, 2022.

''(B) The term 'tranche 1 capabilities' means capabilities relating to transport, battle management, tracking, custody, navigation, deterrence, and support, that are intended to be achieved by September 30, 2024.''.

SEC. 1604. EXTENSION AND MODIFICATION OF 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 (d)(2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) Alternative methods to perform position navigation and timing.''; and

(2) in subsection (h), by striking ''National Defense Authorization Act for Fiscal Year 2016'' and inserting ''National Defense Authorization Act for Fiscal Year 2022''.

SEC. 1605. IMPROVEMENTS TO TACTICALLY RESPONSIVE SPACE LAUNCH PROGRAM.

Section 1609 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4048) is amended—

(1) by striking ''The Secretary'' and inserting ''(a) PROGRAM.—The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) SUPPORT.—

''(1) ELEMENTS.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall support the tactically responsive launch program under subsection (a) during the period covered by the future-years defense program submitted to Congress under section 221 of title 10, United States Code, in 2022 to ensure that the program addresses the following:

''(A) The ability to rapidly place on-orbit systems to respond to urgent needs of the commanders of the combatant commands or to reconstitute space assets and capabilities to support national security priorities if such assets and capabilities are degraded, attacked, or otherwise impaired, including such assets and capabilities relating to protected communications and intelligence, surveillance, and reconnaissance.

''(B) The entire launch process, including with respect to launch services, satellite bus and payload availability, and operations and sustainment on-orbit.

''(2) PLAN.—As a part of the defense budget materials (as defined in section 239 of title 10, United States Code) for fiscal year 2023, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to Congress a plan for the tactically responsive launch program to address the elements under paragraph (1). Such plan shall include the following:

''(A) Lessons learned from the Space Safari tactically responsive launch-2 mission of the Space Systems Command of the Space Force, and how to incorporate such lessons into future efforts regarding tactically responsive launches.

''(B) How to achieve responsive acquisition timelines within the adaptive acquisition framework for space acquisition pursuant to section 807.

''(C) Plans to address supply chain issues and leverage commercial capabilities to support future reconstitution and urgent space requirements leveraging the tactically responsive launch program under subsection (a).''.

SEC. 1606. CLARIFICATION OF DOMESTIC SERVICES AND CAPABILITIES IN LEVERAGING COMMERCIAL SATELLITE REMOTE SENSING.

Section 1612(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 441 note) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

''(4) The term 'domestic' includes, with respect to commercial capabilities or services covered by this section, capabilities or services provided by companies that operate in the United States and have active mitigation agreements pursuant to the National Industrial Security Program, unless the Director of the National Reconnaissance Office or the Director of the National Geospatial-Intelligence Agency submits to the appropriate congressional committees a written determination that excluding such companies is warranted on the basis of national security or strategic policy needs.''.

SEC. 1607. PROGRAMS OF RECORD OF SPACE FORCE AND COMMERCIAL CAPABILITIES.

(a) SERVICE ACQUISITION EXECUTIVE FOR SPACE SYSTEMS AND PROGRAMS.—Section 957(c) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 9016 note) is amended by adding at the end the following new paragraph:

''(5) PROGRAMS OF RECORD AND COMMERCIAL CAPABILITIES.—Prior to establishing a program of record, the Service Acquisition Executive for Space Systems and Programs shall determine whether existing or planned commercially available capabilities could meet all or a portion of the requirements for that proposed program. Not later than 30 days after the date on which the Service Acquisition Executive makes such a positive determination, the Service Acquisition Executive shall submit to the congressional defense committees a notification of the results of the determination.''.

(b) LIMITATION.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary of Defense may not rely solely on the use of commercial satellite services and associated systems to carry out operational requirements, including command and control requirements, targeting requirements, or other requirements that are necessary to execute strategic and tactical operations.

(2) MITIGATION MEASURES.—The Secretary may rely solely on the use of commercial satellite services and associated systems to carry out an operational requirement described in paragraph (1) if the Secretary has taken measures to mitigate the vulnerability of any such requirement.

(c) BRIEFINGS.—

(1) REQUIREMENT.—Not less frequently than quarterly through fiscal year 2025, the Secretary shall provide to the congressional defense committees a briefing on the use and extent of the reliance of the Department of Defense on commercial satellite services and associated systems to provide capability and additional capacity across the Department.

(2) ELEMENTS.—Each briefing under paragraph (1) shall include the following for the preceding quarter:

(A) A summary of commercial data and services used to fulfill requirements of the Department or to augment the systems and capabilities of the Department.

(B) An assessment of any reliance on, and the resulting vulnerabilities of, such data and services.

(C) An analysis of potential measures to mitigate such vulnerabilities.

(D) A description of mitigation measures taken by the Secretary under subsection (b)(2).

(d) STUDY.—The Secretary of the Air Force shall seek to enter into an agreement with a federally funded research and development center that is not closely affiliated with the Air Force or the Space Force to conduct a study on—

(1) the extent of commercial support of, and integration into, the space operations of the Armed Forces; and

(2) measures to ensure that such operations, particularly operations that are mission critical, continue to be carried out in the most effective manner possible during a time of conflict.

SEC. 1608. EXTENSION AND MODIFICATION OF CERTIFICATIONS REGARDING INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT MISSION OF THE AIR FORCE.

Section 1666 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 113 Stat. 2617), as amended by section 1604 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended—

*(1) in the section heading, by striking ''***THE AIR FORCE***'' and inserting ''***THE DEPARTMENT OF THE AIR FORCE***'';*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''each year thereafter through 2020'' and inserting ''each year thereafter through 2026''; and

(ii) by inserting '', in consultation with the Commander of the United States Strategic Command and the Commander of the United States Northern Command,'' after ''the Commander of the United States Space Command'';

(B) in paragraph (1)—

(i) by striking ''the Air Force is'' and inserting ''the Department of the Air Force is''; and

(ii) by inserting ''and the Space Force'' after ''to the Air Force''; and

(C) in paragraph (2), by striking ''the Air Force'' and inserting ''the Department of the Air Force''; and

(3) in subsection (b)—

(A) by inserting ''of the United States Space Command'' after ''Commander'';

(B) by striking ''system of the Air Force'' and inserting ''system of the Department of the Air Force'';

(C) by striking ''command of the Air Force'' and inserting ''command of the Department of the Air Force''; and

(D) by striking ''aspects of the Air Force'' and inserting ''aspects of the Department of the Air Force''.

SEC. 1609. CLASSIFICATION REVIEW OF PROGRAMS OF THE SPACE FORCE.

(a) CLASSIFICATION REVIEW.—The Secretary of Defense shall—

(1) not later than 120 days after the date of the enactment of this Act, conduct a review of each classified program managed under the authority of the Space Force to determine whether—

(A) the level of classification of the program could be changed to a lower level; or

(B) the program could be declassified; and

(2) not later than 90 days after the date on which the Secretary completes such review, commence the change to the classification level or the declassification as determined in such review.

(b) COORDINATION.—The Secretary shall carry out the review under subsection (a)(1) in coordination with the Assistant Secretary of Defense for Space Policy and, as the Secretary determines appropriate, the heads of other elements of the Department of Defense.

(c) REPORT.—Not later than 60 days after the date on which the Secretary completes the review under subsection (a)(1), the Secretary, in coordination with the Assistant Secretary of Defense for Space Policy, shall submit to the congressional defense committees a report identifying each program managed under the authority of the Space Force covered by a determination regarding changing the classification level of the program or declassifying the program, including—

(1) the timeline for implementing such change or declassification; and

(2) any risks that exist in implementing such change or declassification.

SEC. 1610. REPORT ON RANGE OF THE FUTURE INITIATIVE OF THE SPACE FORCE.

Not later than 90 days after the date of the enactment of this Act, the Chief of Space Operations shall submit to the congressional defense committees a report containing the following:

(1) A detailed plan to carry out the Space Force ''Range of the Future'' initiative, including the estimated funding required to implement the plan.

(2) Identification of any specific authorities the Chief determines need to be modified by law to improve the ability of the Space Force to address long-term challenges to the physical infrastructure at the launch ranges of the Space Force, and an explanation for why such modified authorities are needed.

(3) Any additional proposals that would support improved infrastructure at the launch ranges of the Space Force, including recommendations for legislative action to carry out such proposals.

SEC. 1611. SPACE POLICY REVIEW.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall carry out a review of the space policy of the Department of Defense.

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

(1) With respect to the five-year period following the date of the review, an assessment of the threat to the space operations of the United States and the allies of the United States.

(2) An assessment of the national security objectives of the Department relating to space.

(3) An evaluation of the policy changes and funding necessary to accomplish such objectives during such five-year period.

(4) An assessment of the policy of the Department with respect to deterring, responding to, and countering threats to the space operations of the United States and the allies of the United States.

(5) An analysis of such policy with respect to normative behaviors in space, including the commercial use of space.

(6) An analysis of the extent to which such policy is coordinated with other ongoing policy reviews, including reviews regarding nuclear, missile defense, and cyber operations.

(7) A description of the organization and space doctrine of the Department to carry out the space policy of the Department.

(8) An assessment of the space systems and architectures to implement such space policy.

(9) Any other matters the Secretary considers appropriate.

(c) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Director, shall submit to the appropriate congressional committees a report on the results of the review under subsection (a).

(2) ANNUAL UPDATES.—Concurrent with the submission to Congress of the budget of the President for each of fiscal years 2024 through 2026 pursuant to section 1105(a) of title 31, United States Code, and more frequently during such period as the Secretary determines appropriate, the Secretary, in consultation with the Director, shall submit to the appropriate congressional committees a report describing any update to the assessments, analyses, and evaluations carried out pursuant to such review.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional defense committees.

(2) The Committee on Science, Space, and Technology and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation and the Select Committee on Intelligence of the Senate.

SEC. 1612. ANNUAL BRIEFING ON THREATS TO SPACE OPERATIONS.

(a) REQUIREMENT.—Not later than February 28 each year through 2026, the Chief of Space Operations, in consultation with the Commander of the United States Space Command and the Director of National Intelligence, shall provide to the appropriate congressional committees a briefing on the threats to the space operations of the United States posed by Russia, China, and any other country relevant to the conduct of such operations.

(b) ELEMENTS.—Each briefing under subsection (a) shall include the following:

(1) A review of the current posture of threats described in such subsection and anticipated advances in such threats over the subsequent five-year period.

(2) A description of potential measures to counter such threats.

(c) DISTRIBUTION OF BRIEFING.—On or about the same day as the Chief of Space Operations provides to the appropriate congressional committees a briefing under subsection (a), the Chief shall also provide to the National Space Council, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the National Aeronautics and Space Administration the briefing at the highest level of classification possible.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Armed Services, Energy and Commerce, Transportation and Infrastructure, and Science, Space, and Technology, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committees on Armed Services and Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate.

SEC. 1613. NATIONAL SECURITY COUNCIL BRIEFING ON POTENTIAL HARMFUL INTERFERENCE TO GLOBAL POSITIONING SYSTEM.

(a) REQUIREMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the National Security Council, the Secretary of Commerce, and the Commissioners of the Federal Communications Commission a briefing at the highest level of classification on the current assessment of the Department of Defense, as of the date of the briefing, regarding the potential for harmful interference to the Global Positioning System, mobile satellite services, or other tactical or strategic systems of the Department of Defense, from commercial terrestrial operations and mobile satellite services using the 1525–1559 megahertz band and the 1626.5–1660.5 megahertz band.

(b) MATTERS INCLUDED.—The briefing under subsection (a) shall include—

(1) potential operational impacts that have been studied within the megahertz bands specified in such subsection; and

(2) impacts that could be mitigated, if any, including how such mitigations could be implemented.

(c) CONGRESSIONAL BRIEFING.—Not later than seven days after the date on which the Secretary provides the briefing under subsection (a), the Secretary shall provide to the appropriate congressional committees such briefing.

(d) INDEPENDENT TECHNICAL REVIEW.—The Secretary shall carry out subsections (a) and (c) regardless of whether the independent technical review conducted pursuant to section 1663 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) has been completed.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 1614. NON-GEOSTATIONARY ORBIT SATELLITE CONSTELLATIONS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary

of Defense, in consultation with the Secretaries of the military departments and the heads of the Defense Agencies, shall submit to the congressional defense committees a report on current commercial satellite communication initiatives, including with respect to new non-geostationary orbit satellite technologies that the Department of Defense has employed to increase satellite communication throughput to existing platforms of the military departments currently constrained by legacy capabilities.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A potential investment strategy concerning how to operationalize commercial satellite communication capabilities using non-geostationary orbit satellites across each of the military departments, including—

(A) requisite funding required to adequately prioritize and accelerate the integration of such capabilities into the warfighting systems of the departments; and

(B) future-year spending projections for such efforts that align with other satellite communication investments of the Department of Defense.

(2) An integrated satellite communications reference architecture roadmap for the Department of Defense to achieve a resilient, secure network for operationalizing commercial satellite communication capabilities, including through the use of non-geostationary orbit satellites, across the Department that is capable of leveraging multiband and multi-orbit architectures, including requirements that enable maximum use of commercially available technologies.

SEC. 1615. BRIEFING ON PROTOTYPE PROGRAM FOR MULTIGLOBAL NAVIGATION SATELLITE SYSTEM RECEIVER DEVELOPMENT.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall provide to the congressional defense committees a briefing on the implementation of the program required under section 1607 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1724), including with respect to addressing each element specified in subsection (b) of such section.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1621. NOTIFICATION OF CERTAIN THREATS TO UNITED STATES ARMED FORCES BY FOREIGN GOVERNMENTS.

(a) DETERMINATION THAT FOREIGN GOVERNMENT INTENDS TO CAUSE THE DEATH OF OR SERIOUS BODILY INJURY TO MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall carry out the notification requirement under subsection (b) whenever the Secretary, in consultation with the Director of National Intelligence, determines with high confidence that, on or after the date of the enactment of this Act, an official of a foreign government has taken a substantial step that is intended to cause the death of, or serious bodily injury to, any member of the United States Armed Forces, whether through direct means or indirect means, including through a promise or agreement by the foreign government to pay anything of pecuniary value to an individual or organization in exchange for causing such death or serious bodily injury.

(b) NOTICE TO CONGRESS.—

(1) NOTIFICATION.—Except as provided by paragraph (2), not later than 14 days after making a determination under subsection (a), the Secretary shall notify the congressional defense committees of such determination. Such notification shall include, at a minimum, the following:

(A) A description of the nature and extent of the effort by the foreign government to target members of the United States Armed Forces.

(B) An assessment of what specific officials, agents, entities, and departments within the foreign government authorized the effort.

(C) An assessment of the motivations of the foreign government for undertaking such an effort.

(D) An assessment of whether the effort of the foreign government was a substantial factor in the death or serious bodily injury of any member of the United States Armed Forces.

(E) Any other information the Secretary determines appropriate.

(2) WAIVER.—On a case-by-case basis, the Secretary may waive the notification requirement under paragraph (1) if the Secretary—

(A) determines that the waiver is in the national security interests of the United States; and

(B) submits to the congressional defense committees a written justification of such determination.

(c) DEFINITIONS.—In this section:

(1) The term ''anything of pecuniary value'' has the meaning given that term in section 1958(b)(1) of title 18, United States Code.

(2) The term ''determines with high confidence''—

(A) means that the official making the determination—

(i) has concluded that the judgments in the determination are based on sound analytic argumentation and high-quality, consistent reporting from multiple sources, including through clandestinely obtained documents, clandestine and open source reporting, and in-depth expertise;

(ii) with respect to such judgments, has concluded that the intelligence community has few intelligence gaps and few assumptions underlying the analytic line and that the intelligence community has concluded that the potential for deception is low; and

(iii) has examined long-standing analytic judgments and considered alternatives in making the determination; but

(B) does not mean that the official making the determination has concluded that the judgments in the determination are fact or certainty.

(3) The term ''direct means'' means without the use of intermediaries.

(4) The term ''foreign government'' means the government of a foreign country with which the United States is at peace.

(5) The term ''indirect means'' means through, or with the assistance of, intermediaries.

SEC. 1622. STRATEGY AND PLAN TO IMPLEMENT CERTAIN DEFENSE INTELLIGENCE REFORMS.

(a) STRATEGY AND PLAN.—The Secretary of Defense, in coordination with the Director of National Intelligence, shall develop and implement a strategy and plan to enable the Defense Intelligence Enterprise to more effectively fulfill the intelligence and information requirements of the commanders of the combatant commands with respect to efforts by the combatant commands to expose and counter foreign malign influence, coercion, and subversion activities undertaken by, or at the direction, on behalf, or with substantial support of the governments of, covered foreign countries.

(b) MATTERS INCLUDED IN PLAN.—The plan under subsection (a) shall include the following:

(1) A plan to improve policies and procedures of the Defense Intelligence Enterprise to assemble and release facts about the foreign malign influence, coercion, and subversion activities of a covered foreign country described in such subsection in a timely way and in forms that allow for greater distribution and release.

(2) A plan to develop and publish validated priority intelligence requirements of the commanders of the combatant commands.

(3) A plan to better leverage open-source and commercially available information and independent analyses to support the efforts by the combatant commands described in such subsection.

(4) A review by each element of the Defense Intelligence Enterprise of the approaches used by that element—

(A) with respect to intelligence that has not been processed or analyzed, to separate out data from the sources and methods by which the data is obtained (commonly known as ''tearlining''); and

(B) with respect to finished intelligence products that relate to foreign malign influence, coercion, and subversion activities of a covered foreign country described in such subsection, to downgrade the classification level of the product.

(6) An identification of any additional resources or legislative authority necessary to better meet the intelligence and information requirements described in such subsection.

(7) An assignment of responsibilities and timelines for the implementation of the plans described in paragraphs (1), (2), and (3).

(8) Any other matters the Secretary determines relevant.

(c) SUBMISSION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees and the Comptroller General of the United States the plan developed under subsection (a).

(d) COMPTROLLER GENERAL REVIEW.—

(1) REQUIREMENT.—The Comptroller General shall conduct a review of—

(A) the plan submitted under subsection (c); and

(B) the activities and future plans of the Defense Intelligence Enterprise for meeting the intelligence and information requirements described in subsection (a).

(2) ELEMENTS.—The review under paragraph (1) shall include the following:

(A) The extent to which the plan submitted under subsection (c) includes the elements identified in subsection (b).

(B) The extent to which the Defense Intelligence Enterprise has clearly assigned roles, responsibilities, and processes for fulfilling the intelligence and information requirements described in subsection (a).

(C) The extent to which the Defense Intelligence Enterprise is planning to obtain additional capabilities and resources to improve the quality and timeliness of intelligence and information provided to the commanders of the combatant commands to aid in the efforts described in subsection (a).

(D) The extent to which the Defense Intelligence Enterprise is identifying, obtaining, and using commercial and publicly available information to aid in such efforts.

(E) Any other related issues that the Comptroller General determines appropriate.

(3) BRIEFING AND REPORT.—Not later than 120 days after the date on which the Comptroller General receives the plan under subsection (c), the Comptroller General shall provide to the appropriate congressional committees a briefing on any initial findings about the plan. After such briefing, the Comptroller General shall submit to the committees a report on the plan at a date mutually agreed upon by the Comptroller General and the committees.

(e) CONGRESSIONAL BRIEFING.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter through December 31, 2026, the Secretary, in coordination with the Director of National Intelligence, shall provide to the appropriate congressional committees a briefing on the strategy and plan under subsection (a).

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means the following:

(A) The congressional defense committees.

(B) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term ''covered foreign country'' means any of the following:

(A) The People's Republic of China.

(B) The Russian Federation.

(C) The Islamic Republic of Iran.

(D) The Democratic People's Republic of Korea.

(E) Any other foreign country the Secretary of Defense and the Director of National Intelligence determine appropriate.

(3) The term ''Defense Intelligence Enterprise'' has the meaning given that term in section 426(b)(4) of title 10, United States Code.

SEC. 1623. ANNUAL BRIEFING BY DIRECTOR OF THE DEFENSE INTELLIGENCE AGENCY ON ELECTRONIC WARFARE THREAT TO OPERATIONS OF THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than March 31, 2022, and annually thereafter through 2026, the Director of the Defense Intelligence Agency shall provide the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a briefing on the electronic warfare threat to operations of the Department of Defense by Russia, China, and other countries relevant to the conduct of such operations.

(b) CONTENTS.—Each briefing provided under subsection (a) shall include a review of the following:

(1) Current electronic warfare capabilities of the armed forces of Russia, the armed forces of China, and the armed forces of such other countries as the Director considers appropriate.

(2) With respect to the five-year period beginning after the date of the briefing, an estimate of—

(A) advances in electronic warfare threats to the operations of the Department from the countries referred to in paragraph (1); and

(B) the order of battle for Russia, China, and each other country the Secretary considers appropriate.

SEC. 1624. REPORT ON EXPLOSIVE ORDNANCE INTELLIGENCE MATTERS.

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 feasibility and advisability of—

(1) designating the Director of the Defense Intelligence Agency as the executive agent for explosive ordnance intelligence; and

(2) including in the responsibilities of the Director of the Defense Intelligence Agency pursuant to section 105 of the National Security Act of 1947 (50 U.S.C. 3038) explosive ordnance intelligence, including with respect to the processing, production, dissemination, integration, exploitation, evaluation, feedback, and analysis of explosive ordnance using the skills, techniques, principles, and knowledge of explosive ordnance disposal personnel regarding fuzing, firing systems, ordnance disassembly, and development of render safe techniques, procedures and tools, publications, and applied technologies.

Subtitle C—Nuclear Forces

SEC. 1631. PARTICIPATION IN UNITED STATES STRATEGIC COMMAND STRATEGIC DETERRENCE EXERCISES.

Chapter 24 of title 10, United States Code, is amended by adding at the end the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

''SEC. 499b. PARTICIPATION IN UNITED STATES STRATEGIC COMMAND STRATEGIC DETERRENCE EXERCISES.

''(a) PARTICIPATION.—In the case of annual strategic deterrence exercises held by the United States Strategic Command during fiscal years 2022 through 2032—

''(1) the Assistant to the President for National Security Affairs is encouraged to participate in each such exercise that occurs during an even-numbered year;

''(2) the Deputy Assistant to the President for National Security Affairs is encouraged to participate in each such exercise that occurs during an odd-numbered year;

''(3) the Under Secretary of Defense for Policy shall participate, in whole or in part, in each such exercise;

''(4) the Vice Chairman of the Joint Chiefs of Staff shall participate, in whole or in part, in each such exercise;

''(5) appropriate senior staff of the Executive Office of the President or appropriate organizations supporting the White House relating to continuity of government activities are encouraged to participate in each such exercise;

''(6) appropriate general or flag officers of the military departments, and appropriate employees of Federal agencies in Senior Executive Service positions (as defined in section 3132 of title 5), shall participate, in whole or in part, in each such exercise, to provide relevant expertise to the Assistant to the President for National Security Affairs and the Deputy Assistant to the President for National Security Affairs; and

''(7) in the case of such an exercise for which a unified combatant command has a geographic area of responsibility relevant to the scenario planned to be used for the exercise, not fewer than two of the following individuals from that command shall participate, in whole or in part, in the exercise:

''(A) The Commander.

''(B) The Deputy Commander.

''(C) The Director of the Joint Staff for Operations.

''(D) The Director of the Joint Staff for Strategic Plans and Policy.

''(b) BRIEFING.—Not fewer than once every four years (or more frequently if appropriate) during the period specified in subsection (a), the President shall be provided a briefing on the annual strategic deterrence exercise held by the United States Strategic Command during the year in which the briefing is provided, including the principal findings resulting from the exercise.

''(c) REPORTS.—(1) Not later than 30 days after the completion of an annual strategic deterrence exercise described in subsection (a), the Commander of the United States Strategic Command shall submit to the Chairman of the Joint Chiefs of Staff and the Secretary of Defense a report on the exercise, which, at a minimum, shall include the following:

''(A) A description of the purpose and scope of the exercise.

''(B) An identification of the principal personnel participating in the exercise.

''(C) A statement of the principal findings resulting from the exercise that specifically relate to the nuclear command, control, and communications or senior leader decision-making process and a description of any deficiencies in that process identified a result of the exercise.

''(D) Whether the President was briefed on the exercise and the principal findings resulting from the exercise.

''(2) Not later than 60 days after the completion of an annual strategic deterrence exercise described in subsection (a), the Secretary shall submit to the congressional defense committees—

''(A) an unedited copy of the report of the Commander submitted under paragraph (1); and

''(B) any additional recommendations or other matters the Secretary considers appropriate.''.

SEC. 1632. MODIFICATION TO REQUIREMENTS RELATING TO NUCLEAR FORCE REDUCTIONS.

Section 494(c) of title 10, United States Code, is amended—

(1) by striking ''December 31, 2011'' each place it appears and inserting ''December 31, 2021''; and

(2) in paragraph (3), by striking ''December 31, 2017'' and inserting ''February 1, 2025''.

SEC. 1633. MODIFICATIONS TO REQUIREMENTS RELATING TO UNILATERAL CHANGES IN NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.

Section 498 of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) IN GENERAL.—Other than pursuant to a treaty to which the Senate has provided advice and consent pursuant to section 2 of article II of the Constitution of the United States, if the President has under consideration to unilaterally change the size of the total stockpile of nuclear weapons of the United States, or the total number of deployed nuclear weapons (as defined under the New START Treaty), by more than 20 percent, prior to doing so the President shall initiate a Nuclear Posture Review.'';

(2) in subsection (c), by striking ''in the nuclear weapons stockpile by more than 25 percent'' and inserting ''described in subsection (a)'';

(3) in subsection (d), by striking ''treaty obligations'' and inserting ''obligations pursuant to a treaty to which the Senate has provided advice and consent pursuant to section 2 of article II of the Constitution''; and

(4) by adding at the end the following:

''(f) NEW START TREATY DEFINED.—In this section, the term 'New START Treaty' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.''.

SEC. 1634. DEADLINE FOR REPORTS ON MODIFICATION OF FORCE STRUCTURE FOR STRATEGIC NUCLEAR WEAPONS DELIVERY SYSTEMS.

Section 493 of title 10, United States Code, is amended in the first sentence by inserting after ''report on the modification'' the following: ''not less than 180 days before the intended effective date of the modification''.

SEC. 1635. MODIFICATION OF DEADLINE FOR NOTIFICATIONS RELATING TO REDUCTION, CONSOLIDATION, OR WITHDRAWAL OF NUCLEAR FORCES BASED IN EUROPE.

Section 497(b) of title 10, United States Code, is amended by striking ''60 days'' and inserting ''120 days''.

SEC. 1636. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF THE GROUND-BASED STRATEGIC DETERRENT CRYPTOGRAPHIC DEVICE.

(a) IN GENERAL.—The Secretary of the Air Force may enter into contracts for the life-of-type procurement of covered parts supporting the KS–75 cryptographic device under the ground-based strategic deterrent program.

(b) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2022 by section 101 and available for missile procurement, Air Force, as specified in the corresponding funding table in section 4101, $10,900,000 shall be available for the procurement of covered parts pursuant to contracts entered into under subsection (a).

(c) COVERED PARTS DEFINED.—In this section, the term ''covered parts'' means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1637. CAPABILITY OF B–21 BOMBER AIRCRAFT WITH LONG-RANGE STANDOFF WEAPON.

The Secretary of the Air Force shall ensure that the B–21 bomber aircraft is capable of employing the long-range standoff weapon.

SEC. 1638. MISSION-DESIGN SERIES POPULAR NAME FOR GROUND-BASED STRATEGIC DETERRENT.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall establish a mission-design series popular name for the ground-based strategic deterrent, consistent with the procedures set forth in Department of Defense Directive 4120.15 (relating to designating and naming military aerospace vehicles).

(b) NOTIFICATION.—Not later than 10 days after completing the requirement under subsection (a), the Secretary of the Air Force shall

notify the congressional defense committees of the completion of the requirement.

SEC. 1639. 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 or otherwise made available for fiscal year 2022 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. 1640. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS UNTIL SUBMISSION OF INFORMATION RELATING TO PROPOSED BUDGET FOR NUCLEAR-ARMED SEA-LAUNCHED CRUISE MISSILE.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense for travel by any personnel of the Office of the Secretary of the Navy, not more than 75 percent may be obligated or expended until the Secretary of the Navy submits to the congressional defense committees all written communications from or to personnel of the Department of the Navy regarding the proposed budget amount or limitation for the nuclear-armed sea-launched cruise missile contained in the defense budget materials (as defined by section 231(f) of title 10, United States Code) relating to the Navy for fiscal year 2023.

SEC. 1641. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS UNTIL SUBMISSION OF INFORMATION RELATING TO NUCLEAR-ARMED SEA-LAUNCHED CRUISE MISSILE.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense for travel by any personnel of the Office of the Secretary of Defense (other than travel by the Secretary of Defense or the Deputy Secretary of Defense), not more than 75 percent may be obligated or expended until the Secretary—

(1) submits to the congressional defense committees the analysis of alternatives for the nuclear-armed sea-launched cruise missile; and

(2) provides to such committees a briefing on such analysis of alternatives.

SEC. 1642. ANNUAL CERTIFICATION ON READINESS OF MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

Not later than March 1, 2022, and annually thereafter until the date on which the ground-based strategic deterrent weapon achieves initial operating capability, the Chairman of the Joint Chiefs of Staff shall certify to the congressional defense committees whether the state of the readiness of Minuteman III intercontinental ballistic missiles requires placing heavy bombers equipped with nuclear gravity bombs or air-launched nuclear cruise missiles, and associated refueling tanker aircraft, on alert status.

SEC. 1643. REVISED NUCLEAR POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the nuclear deterrence policy and strategy of the United States for the near term, the Secretary of Defense, acting through the Under Secretary of Defense for Policy and the Vice Chairman of the Joint Chiefs of Staff, shall conduct a comprehensive review of the nuclear posture of the United States for the five- and 10-year periods following the date of the review. The Secretary shall conduct the review in consultation with the Secretary of Energy, the Secretary of State, and the Director of National Intelligence.

(b) ELEMENTS OF REVIEW.—The nuclear posture review under subsection (a) shall include the following elements:

(1) An assessment of the current and projected nuclear capabilities of Russia and China, and such other potential threats as the Secretary considers appropriate.

(2) The role of nuclear forces in military strategy, planning, and programming of the United States.

(3) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture.

(4) The relationship among United States nuclear deterrence policy, targeting strategy, and arms control objectives.

(5) The role that missile defenses, conventional strike forces, and other capabilities play in determining the role and size of nuclear forces.

(6) The levels and composition of the nuclear delivery systems that will be required for implementing the national and military strategy of the United States, including ongoing plans for replacing existing systems.

(7) The nuclear weapons complex that will be required for implementing such national and military strategy, including ongoing plans to modernize the complex.

(8) The active and inactive nuclear weapons stockpile that will be required for implementing the such national and military strategy, including ongoing plans for replacing or modifying warheads.

(c) REPORT.—Concurrent with the national defense strategy required to be submitted under section 113(g) of title 10, United States Code, in 2022, the Secretary shall submit to the congressional defense committees a report on the results of the nuclear posture review conducted under subsection (a). The report shall be submitted in unclassified and classified forms as necessary.

SEC. 1644. REVIEW OF SAFETY, SECURITY, AND RELIABILITY OF NUCLEAR WEAPONS AND RELATED SYSTEMS.

(a) FINDINGS.—Congress finds the following:

(1) On December 20, 1990, Secretary of Defense Cheney chartered a five-person independent committee known as the Federal Advisory Committee on Nuclear Failsafe and Risk Reduction to assess the capability of the nuclear weapon command and control system to meet the dual requirements of assurance against unauthorized use of nuclear weapons and assurance of timely, reliable execution when authorized, and to identify opportunities for positive measures to enhance failsafe features.

(2) The Federal Advisory Committee, chaired by Ambassador Jeane J. Kirkpatrick, recommended changes in the nuclear enterprise, as well as policy proposals to reduce the risks posed by unauthorized launches and miscalculation.

(3) The Federal Advisory Committee found, unambiguously, that ''failsafe and oversight enhancements are possible''.

(4) Since 1990, new threats to the nuclear enterprise have arisen in the cyber, space, and information warfare domains.

(5) Ensuring the continued assurance of the nuclear command, control, and communications infrastructure is essential to the national security of the United States.

(b) REVIEW.—The Secretary of Defense shall provide for the conduct of an independent review of the safety, security, and reliability of covered nuclear systems. The Secretary shall ensure that such review is conducted in a manner similar to the review conducted by the Federal Advisory Committee on Nuclear Failsafe and Risk Reduction.

(c) MATTERS INCLUDED.—The review conducted pursuant to subsection (b) shall include the following:

(1) Plans for modernizing the covered nuclear systems, including options and recommendations for technical, procedural, and policy measures that could strengthen safeguards, improve the security and reliability of digital technologies, and prevent cyber-related and other risks that could lead to the unauthorized or inadvertent use of nuclear weapons as the result of an accident, misinterpretation, miscalculation, terrorism, unexpected technological breakthrough, or deliberate act.

(2) Options and recommendations for nuclear risk reduction measures, focusing on confidence building and predictability, that the United States could carry out alone or with near-peer adversaries to strengthen safeguards against the unauthorized or inadvertent use of a nuclear weapon and to reduce nuclear risks.

(d) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the review conducted pursuant to subsection (b).

(e) PREVIOUS REVIEW.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the final report of the Federal Advisory Committee on Nuclear Failsafe and Risk Reduction.

(f) COVERED NUCLEAR SYSTEMS DEFINED.—In this section, the term ''covered nuclear systems'' means the following systems of the United States:

(1) The nuclear weapons systems.

(2) The nuclear command, control, and communications system.

(3) The integrated tactical warning/attack assessment system.

SEC. 1645. LONG-RANGE STANDOFF WEAPON.

(a) REQUIREMENT.—In addition to the requirements under section 2366c of title 10, United States Code, prior to awarding a procurement contract for the long-range standoff weapon, the Secretary of the Air Force, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall submit to the congressional defense committees each of the following:

(1) A certification that the future-years defense program submitted to Congress under section 221 of title 10, United States Code, includes, or will include, estimated funding for the program in the amounts specified in the independent estimated cost submitted to the congressional defense committees under subsection (a)(2) of such section 2366c.

(2) A copy of the justification and approval documentation regarding the determination by the Secretary to award a sole-source contract for the program, including with respect to how the Secretary will manage the cost of the program in the absence of competition.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall provide to the congressional defense committees a briefing on the execution of the engineering and manufacturing development contract for the long-range standoff weapon, including with respect to—

(1) how the timely development of the long-range standoff weapon may serve as a hedge to delays in other nuclear modernization efforts;

(2) the effects of potential delays in the W80–4 warhead program on the ability of the long-range standoff weapon to achieve the initial operational capability schedule under section 217 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 706), as most recently amended by section 1668 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1774);

(3) options to adjust the budget profile of the long-range standoff weapon program to ensure the program remains on schedule; and

(4) a plan to ensure best value to the United States once the programs enter into procurement.

SEC. 1646. GROUND-BASED STRATEGIC DETERRENT DEVELOPMENT PROGRAM ACCOUNTABILITY MATRICES.

(a) IN GENERAL.—Concurrent with the submission to Congress of the budget of the President for fiscal year 2023 and each fiscal year thereafter pursuant to section 1105(a) of title 31, United States Code, the Secretary of the Air Force shall submit to the congressional defense committees and the Comptroller General of the United States the matrices described in subsection (b) relating to the ground-based strategic deterrent weapon system.

(b) MATRICES DESCRIBED.—The matrices described in this subsection are the following:

(1) ENGINEERING AND MANUFACTURING DEVELOPMENT GOALS.—A matrix that identifies, in six-month increments, key milestones, development events, and specific performance goals for the engineering and manufacturing development phase of the ground-based strategic deterrent weapon system, which shall be subdivided, at a minimum, according to the following:

(A) Technology maturity, including technology readiness levels of major components and key demonstration events leading to technology readiness level 7 full maturity.

(B) Design maturity for the missile, weapon system command and control, and ground systems.

(C) Software maturity, including key events and metrics.

(D) Manufacturing maturity, including manufacturing readiness levels for critical manufacturing operations and key demonstration events.

(E) The schedule with respect to the following:

(i) Ground-based strategic deterrent weapon system level critical path events and margins.

(ii) Separate individual critical path events and margins for each of the following major events:

(I) First flight.

(II) First functional test.

(III) Weapon system qualification.

(IV) Combined certifications.

(V) Operational weapon system article.

(VI) Initial operational capability.

(VII) Wing A completion.

(F) Personnel, including planned and actual staffing for the program office and for contractor and supporting organizations, including for testing, nuclear certification, and civil engineering by the Air Force.

(G) Reliability, including growth plans and key milestones.

(2) COST.—

(A) IN GENERAL.—The following matrices relating to the cost of the ground-based strategic deterrent weapon system:

(i) A matrix expressing, in six-month increments, the total cost for the engineering and manufacturing development phase and low-rate initial production lots of the ground-based strategic deterrent weapon system.

(ii) A matrix expressing the total cost for the prime contractor's estimate for the engineering and manufacturing development phase and production lots.

(B) PHASING AND SUBDIVISION OF MATRICES.—The matrices described in clauses (i) and (ii) of subparagraph (A) shall be—

(i) phased over the entire engineering and manufacturing development period; and

(ii) subdivided according to the costs of the primary subsystems in the ground-based strategic deterrent weapon system work breakdown structure.

(c) SEMI-ANNUAL UPDATES OF MATRICES.—Not later than 180 days after the date on which the Secretary submits the matrices described in subsection (b) for a year as required by subsection (a), the Secretary shall submit to the congressional defense committees and the Comptroller General updates to the matrices.

(d) TREATMENT OF THE FIRST MATRICES AS BASELINE.—

(1) IN GENERAL.—The first set of matrices submitted under subsection (a) shall be treated as the baseline for the full engineering and manufacturing development phase and low-rate initial production of the ground-based strategic deterrent weapon system program for purposes of updates submitted under subsection (c) and subsequent matrices submitted under subsection (a).

(2) ELEMENTS.—After the submission of the first set of matrices required by subsection (a), each update submitted under subsection (c) and each subsequent set of matrices submitted under subsection (a) shall—

(A) clearly identify changes in key milestones, development events, and specific performance goals identified in the first set of matrices; and

(B) provide updated cost estimates.

(e) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after receiving the matrices described in subsection (b) for a year as required by subsection (a), the Comptroller General shall assess the acquisition progress made with respect to the ground-based strategic deterrent weapon system and brief the congressional defense committees on the results of that assessment.

(f) TERMINATION.—The requirements of this section shall terminate on the date that is one year after the ground-based strategic deterrent weapon system achieves initial operational capability.

SEC. 1647. INFORMATION REGARDING REVIEW OF MINUTEMAN III SERVICE LIFE EXTENSION PROGRAM OR OPTIONS FOR THE FUTURE OF THE INTERCONTINENTAL BALLISTIC MISSILE FORCE.

(a) REQUIREMENT.—The Secretary of Defense shall submit to the congressional defense committees all—

(1) scoping documents relating to any covered review; and

(2) reports or other documents relating to any such review.

(b) TIMING.—The Secretary shall submit the documents and reports under subsection (a) by the date that is the later of the following:

(1) 15 days after the date on which the documents or reports are produced.

(2) 15 days after the date of the enactment of this Act.

(c) COVERED REVIEW.—In this section, the term ''covered review'' means any review initiated in 2021 or 2022 by any entity pursuant to an agreement or contract with the Federal Government regarding—

(1) a service life extension program for Minuteman III intercontinental ballistic missiles; or

(2) the future of the intercontinental ballistic missile force.

SEC. 1648. NOTIFICATION REGARDING INTERCONTINENTAL BALLISTIC MISSILES OF CHINA.

(a) REQUIREMENT.—If the Commander of the United States Strategic Command determines that the number of intercontinental ballistic missiles in the active inventory of China exceeds the number of intercontinental ballistic missiles in the active inventory of the United States, the number of nuclear warheads equipped on such missiles of China exceeds the number of nuclear warheads equipped on such missiles of the United States, or the number of intercontinental ballistic missile launchers in China exceeds the number of intercontinental ballistic missile launchers in the United States, the Commander shall submit to the congressional defense committees—

(1) a notification of such determination;

(2) an assessment of the composition of the intercontinental ballistic missiles of China, including the types of nuclear warheads equipped on such missiles; and

(3) a strategy for deterring China.

(b) FORM.—The notification under paragraph (1) of subsection (a) shall be submitted in unclassified form, and the assessment and strategy under paragraphs (2) and (3) of such subsection may be submitted in classified form.

(c) TERMINATION.—The requirement under subsection (a) shall terminate on the date that is four years after the date of the enactment of this Act.

SEC. 1649. INDEPENDENT REVIEW OF NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

(a) REVIEW.—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 to conduct a review of the current plans, policies, and programs of the nuclear command, control, and communications system of the Department of Defense, and such plans, policies, and programs that are planned for the 10- and 30-year periods following such date of enactment.

(b) MATTERS INCLUDED.—The review under subsection (a) shall include a review of each of the following:

(1) The plans, policies, and programs described in such subsection.

(2) The operational, organizational, programmatic, and acquisition challenges and risks with respect to—

(A) maintaining the existing nuclear command, control, and communications system; and

(B) the nuclear command, control, and communications system to be fielded during the 10-year period following the date of the enactment of this Act.

(3) Emerging technologies and how such technologies may be applied to the next generation of the nuclear command, control, and communications system during the 30-year period following the date of the enactment of this Act to ensure—

(A) the survivability of the system; and

(B) the capability of the system with respect to—

(i) decisionmaking;

(ii) situation monitoring;

(iii) planning;

(iv) force direction; and

(v) force management.

(4) The security and surety of the nuclear command, control, and communications system.

(5) Threats to the nuclear command, control, and communications system that may occur and the ability to detect and mitigate such threats during the 10- and 30-year periods following the date of the enactment of this Act.

(c) BRIEFING.—Not later than September 1, 2022, the federally funded research and development center that conducts the review under subsection (a) shall provide the congressional defense committees an interim briefing on the review under subsection (a).

(d) REPORT.—Not later than March 1, 2023, the federally funded research and development center that conducts the review under subsection (a) shall submit to the Secretary and the congressional defense committees a report containing the review under such subsection.

SEC. 1650. REVIEW OF ENGINEERING AND MANUFACTURING DEVELOPMENT CONTRACT FOR GROUND-BASED STRATEGIC DETERRENT PROGRAM.

(a) REVIEW.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall seek to enter into a contract with a federally funded research and development center to conduct a review of the implementation and the execution of the engineering and manufacturing development phase for the ground-based strategic deterrent program.

(2) MATTERS INCLUDED.—The review under paragraph (1) shall include the following:

(A) An analysis of the ability of the Air Force to implement industry best practices regarding digital engineering during the engineering and manufacturing development phase of the ground-based strategic deterrent program.

(B) An assessment of the opportunities offered by the adoption by the Air Force of digital engineering processes and of the challenges the Air

Force faces in implementing such industry best practices.

(C) A review of the ability of the Air Force to leverage digital engineering during such engineering and manufacturing development phase.

(D) A review of any options that may be available to the Air Force during the engineering and manufacturing development phase of the ground-based strategic deterrent program to—

(i) reduce cost and introduce long-term sustainment efficiencies; and

(ii) stimulate competition within the operations and maintenance phase of the program.

(E) Recommendations to improve the cost, schedule, and program management of the engineering and manufacturing development phase for the ground-based strategic deterrent program.

(3) PROVISION OF INFORMATION.—The Secretary shall provide to the individuals conducting the review under paragraph (1) all information necessary for the review.

(4) SECURITY CLEARANCES.—The Secretary shall ensure that each individual who conducts the review under paragraph (1) holds a security clearance at the appropriate level for such review.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the review under subsection (a)(1). The report shall be submitted in unclassified form and shall include a classified annex.

(c) BRIEFING.—Not later than 90 days after the date on which the Secretary submits the report under subsection (b), the Secretary shall provide to the congressional defense committees a briefing on—

(1) plans of the Air Force for implementing any of the recommendations contained in the review under subsection (a)(1); and

(2) an explanation for rejecting any recommendations contained in the review that the Secretary elects not to implement.

SEC. 1651. REPORT ON RE-ALERTING LONG-RANGE BOMBERS.

Not later than 90 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 containing—

(1) a cost estimate with respect to re-alerting long-range bombers and air refueling tanker aircraft in the absence of a ground-based leg of the nuclear triad; and

(2) an assessment of the impact of such re-alerting on force readiness.

SEC. 1652. COMPTROLLER GENERAL STUDY AND UPDATED REPORT ON NUCLEAR WEAPONS CAPABILITIES AND FORCE STRUCTURE REQUIREMENTS.

(a) COMPTROLLER GENERAL STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on the strategic nuclear weapons capabilities, force structure, employment policy, and targeting requirements of the Department of Defense.

(b) MATTERS COVERED.—The study conducted under subsection (a) shall, at minimum, consist of an update to the report of the Comptroller General titled ''Strategic Weapons: Changes in the Nuclear Weapons Targeting Process Since 1991'' (GAO–12–786R) and dated July 31, 2012, including covering any changes to—

(1) how the Department of Defense has assessed threats and modified its nuclear deterrence policy;

(2) targeting and employment guidance from the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Commander of United States Strategic Command;

(3) nuclear weapons planning and targeting, including categories and types of targets;

(4) strategic nuclear forces, including the stockpile, force posture, and modernization;

(5) the level of civilian oversight;

(6) the relationship between targeting and requirements; and

(7) any other matters considered appropriate by the Comptroller General.

(c) REPORTING.—

(1) BRIEFING ON PRELIMINARY FINDINGS.—Not later than March 31, 2022, the Comptroller General shall provide to the congressional defense committees a briefing on the preliminary findings of the study conducted under subsection (a).

(2) FINAL REPORT.—The Comptroller General shall submit to the congressional defense committees a final report on the findings of the study conducted under subsection (a) at a time agreed to by the Comptroller General and the congressional defense committees at the briefing required by paragraph (1).

(3) FORM.—The briefing required by paragraph (1) may be provided, and the report required by paragraph (2) may be submitted, in classified form.

(d) COOPERATION.—The Secretary of Defense and the Secretary of Energy shall provide the Comptroller General with full cooperation and access to appropriate officials, guidance, and documentation for the purposes of conducting the study required by subsection (a).

SEC. 1653. BRIEFING ON CONSULTATIONS WITH UNITED STATES ALLIES REGARDING NUCLEAR POSTURE REVIEW.

(a) IN GENERAL.—Not later than the date on which the Secretary of Defense issues the first Nuclear Posture Review after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall provide to the appropriate congressional committees, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives a briefing on all consultations with allies of the United States regarding the Nuclear Posture Review.

(b) ELEMENTS.—The briefing required by subsection (a) shall include the following:

(1) A listing of all countries consulted with respect to the Nuclear Posture Review, including the dates and circumstances of each such consultation and the countries present.

(2) An overview of the topics and concepts discussed with each such country during such consultations, including any discussion of potential changes to the nuclear declaratory policy of the United States.

(3) An opportunity for the committees and officials referred to in subsection (a) to view documents relating to such consultations.

(4) A summary of any feedback provided during such consultations.

(c) FORM.—The briefing required by subsection (a) shall be conducted in both in an unclassified and classified format.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

Subtitle D—Missile Defense Programs

SEC. 1661. NOTIFICATION OF CHANGES TO NON-STANDARD ACQUISITION AND REQUIREMENTS PROCESSES AND RESPONSIBILITIES OF MISSILE DEFENSE AGENCY.

(a) NOTICE AND WAIT REQUIREMENT.—Section 205 of title 10, United States Code, is amended—

(1) by striking ''The Director'' and inserting ''(a) APPOINTMENT OF DIRECTOR.—The Director''; and

(2) by adding at the end the following new subsection:

''(b) NOTIFICATION OF CHANGES TO NON-STANDARD ACQUISITION AND REQUIREMENTS PROCESSES AND RESPONSIBILITIES.—(1) The Secretary of Defense may not make any changes to the missile defense non-standard acquisition and requirements processes and responsibilities unless, with respect to those proposed changes—

''(A) the Secretary, without delegation, has taken each of the actions specified in paragraph (2); and

''(B) a period of 120 days has elapsed following the date on which the Secretary submits the report under subparagraph (C) of such paragraph.

''(2) If the Secretary proposes to make changes to the missile defense non-standard acquisition and requirements processes and responsibilities, the Secretary shall—

''(A) consult with the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Policy, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, the Commander of the United States Strategic Command, the Commander of the United States Northern Command, and the Director of the Missile Defense Agency, regarding the changes;

''(B) certify to the congressional defense committees that the Secretary has coordinated the changes with, and received the views of, the individuals referred to in subparagraph (A);

''(C) submit to the congressional defense committees a report that contains—

''(i) a description of the changes, the rationale for the changes, and the views of the individuals referred to in subparagraph (A) with respect to the changes;

''(ii) a certification that the changes will not impair the missile defense capabilities of the United States nor degrade the unique special acquisition authorities of the Missile Defense Agency; and

''(iii) with respect to any such changes to Department of Defense Directive 5134.09, or successor directive issued in accordance with this subsection, a final draft of the proposed modified directive, both in an electronic format and in a hard copy format; and

''(D) with respect to any such changes to Department of Defense Directive 5134.09, or successor directive issued in accordance with this subsection, provide to such committees a briefing on the proposed modified directive described in subparagraph (C)(iii).

''(3) In this subsection, the term 'non-standard acquisition and requirements processes and responsibilities' means the processes and responsibilities described in—

''(A) the memorandum of the Secretary of Defense titled 'Missile Defense Program Direction' signed on January 2, 2002, as in effect on the date of the enactment of this subsection or as modified in accordance with this subsection, or any successor memorandum issued in accordance with this subsection;

''(B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this subsection (without regard to any modifications described in Directive-type Memorandum 20–002 of the Deputy Secretary of Defense, or any amendments or extensions thereto made before the date of such enactment), or as modified in accordance with this subsection, or any successor directive issued in accordance with this subsection; and

''(C) United States Strategic Command Instruction 538–3 titled 'MD Warfighter Involvement Process', as in effect on the date of the enactment of this subsection or as modified in accordance with this subsection, or any successor instruction issued in accordance with this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) FY20 NDAA.—Section 1688 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1787) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(2) FY21 NDAA.—Section 1641 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4061) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

SEC. 1662. LIMITATION ON MISSILE DEFENSE AGENCY PRODUCTION OF SATELLITES AND GROUND SYSTEMS ASSOCIATED WITH OPERATION OF SUCH SATELLITES.

(a) LIMITATION.—

(1) PRODUCTION OF SATELLITES AND GROUND SYSTEMS.—The Director of the Missile Defense Agency may not authorize or obligate funding for a program of record for the production of satellites or ground systems associated with the operation of such satellites.

(2) PROTOTYPE SATELLITES.—

(A) AUTHORITY.—The Director, with the concurrence of the Space Acquisition Council established by section 9021 of title 10, United States Code, may authorize the production of one or more prototype satellites, consistent with the requirements of the Missile Defense Agency.

(B) REPORT.—Not later than 30 days after the date on which the Space Acquisition Council concurs with the Director with respect to authorizing the production of a prototype satellite under subparagraph (A), the chair of the Council shall submit to the congressional defense committees a report explaining the reasons for such concurrence.

(C) OBLIGATION OF FUNDS.—The Director may not obligate funds for the production of a prototype satellite under subparagraph (A) before the date on which the Space Acquisition Council submits the report for such prototype satellite under subparagraph (B).

(b) HYPERSONIC AND BALLISTIC MISSILE TRACKING SPACE SENSOR.—Section 1645 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) WAIVER OF CERTAIN LIMITATION.—The Assistant Secretary of the Air Force for Space Acquisition and Integration, acting as the chair of the Space Acquisition Council, may waive the limitation in section 1662 of the National Defense Authorization Act for Fiscal Year 2022, with respect to the hypersonic and ballistic missile tracking space sensor program if the Assistant Secretary—

''(1) determines that such limitation would delay the delivery of an operational hypersonic and ballistic missile tracking space sensor because of technical, cost, or schedule factors; and

''(2) submits to the congressional defense committees—

''(A) the technical, schedule, or cost rationale for the waiver;

''(B) an acquisition strategy for the hypersonic and ballistic missile tracking space sensor program that is signed by both the Director and the Assistant Secretary; and

''(C) a lead service agreement entered into by the Director and the Chief of Space Operations regarding the operation and sustainment of the hypersonic and ballistic missile tracking space sensor and the integration of the sensor into the architecture of the Space Force.''.

SEC. 1663. EXTENSION OF PERIOD FOR TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO MILITARY DEPARTMENTS.

Section 1676(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended by striking ''the date on which the budget of the President for fiscal year 2023 is submitted under section 1105 of title 31, United States Code,'' and inserting, ''October 1, 2023,''.

SEC. 1664. DIRECTED ENERGY PROGRAMS FOR BALLISTIC AND HYPERSONIC MISSILE DEFENSE.

(a) AUTHORITY OF THE MISSILE DEFENSE AGENCY.—The Secretary of Defense shall delegate to the Director of the Missile Defense Agency the authority to budget for, direct, and manage directed energy programs applicable for ballistic and hypersonic missile defense missions, in coordination with other directed energy efforts of the Department of Defense.

(b) PRIORITIZATION.—In budgeting for and directing directed energy programs applicable for ballistic and hypersonic defensive missions pursuant to subsection (a), the Director of the Missile Defense Agency shall—

(1) prioritize the early research and development of technologies; and

(2) address the transition of such technologies to industry to support future operationally relevant capabilities.

SEC. 1665. GUAM INTEGRATED AIR AND MISSILE DEFENSE SYSTEM.

(a) ARCHITECTURE AND ACQUISITION.—The Secretary of Defense, acting through the Director of the Missile Defense Agency, and in coordination with the Commander of the United States Indo-Pacific Command, shall identify the architecture and acquisition approach for implementing a 360-degree integrated air and missile defense capability to defend the people, infrastructure, and territory of Guam from the scope and scale of advanced cruise, ballistic, and hypersonic missile threats that are expected to be fielded during the 10-year period beginning on the date of the enactment of this Act.

(b) REQUIREMENTS.—The architecture identified under subsection (a) shall have the ability to—

(1) integrate, while maintaining high kill chain performance against advanced threats, all applicable—

(A) multi-domain sensors that contribute substantively to track quality and track custody;

(B) interceptors; and

(C) command and control systems;

(2) address robust discrimination and electromagnetic compatibility with other sensors;

(3) engage directly, or coordinate engagements with other integrated air and missile defense systems, to defeat the spectrum of cruise, ballistic, and hypersonic threats expected to be fielded during the 10-year period beginning on the date of the enactment of this Act;

(4) leverage existing programs of record to expedite the development and deployment of the architecture during the five-year period beginning on the date of the enactment of this Act, with an objective of achieving initial operating capability in 2025, including with respect to—

(A) the Aegis ballistic missile defense system;

(B) standard missile–3 and –6 variants;

(C) the terminal high altitude area defense system;

(D) the Patriot air and missile defense system;

(E) the integrated battle control system; and

(F) the lower tier air and missile defense sensor and other lower tier capabilities, as applicable;

(5) integrate future systems and interceptors, including directed energy-based kill systems, that will also have the capability to detect, track, and defeat hypersonic missiles in the glide and terminal phases, including integration of passive measures to protect assets in Guam; and

(6) incentivize competition within the acquisition of the architecture and rapid procurement and deployment wherever possible.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the architecture and acquisition approach identified under subsection (a), including—

(1) an assessment of the development and implementation risks associated with each of the elements identified under subsection (b); and

(2) a plan for expending funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for such architecture.

(d) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense for the Office of Cost Assessment and Program Evaluation, not more than 80 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report under subsection (c).

SEC. 1666. MISSILE DEFENSE RADAR IN HAWAII.

As a part of the defense budget materials (as defined in section 239 of title 10, United States Code) for fiscal year 2023, the Director of the Missile Defense Agency shall certify to the congressional defense committees that—

(1) the future-years defense program submitted to Congress under section 221 of title 10, United States Code, in 2022 includes adequate amounts of estimated funding to develop, construct, test, and integrate into the missile defense system the discrimination radar for homeland defense planned to be located in Hawaii; and

(2) such radar and associated in-flight interceptor communications system data terminal will be operational by not later than December 31, 2028.

SEC. 1667. CERTIFICATION REQUIRED FOR RUSSIA AND CHINA TO TOUR CERTAIN MISSILE DEFENSE SITES.

(a) CERTIFICATION.—Before the Secretary of Defense makes a determination with respect to allowing a foreign national of Russia or China to tour a covered site, the Secretary shall submit to the congressional defense committees a certification that—

(1) the Secretary has determined that such tour is in the national security interest of the United States, including the justifications for such determination; and

(2) the Secretary will not share any technical data relating to the covered site with the foreign nationals.

(b) TIMING.—The Secretary may not conduct a tour described in subsection (a) until a period of 45 days has elapsed following the date on which the Secretary submits the certification for that tour under such subsection.

(c) CONSTRUCTION WITH OTHER REQUIREMENTS.—Nothing in this section shall be construed to supersede or otherwise affect section 130h of title 10, United States Code.

(d) COVERED SITE.—In this section, the term ''covered site'' means any of the following:

(1) The combat information center of a naval ship equipped with the Aegis ballistic missile defense system.

(2) An Aegis Ashore site.

(3) A terminal high altitude area defense battery.

(4) A ground-based midcourse defense interceptor silo.

SEC. 1668. NEXT GENERATION INTERCEPTORS FOR MISSILE DEFENSE OF THE UNITED STATES HOMELAND.

(a) FUNDING PLAN.—The Director of the Missile Defense Agency shall develop a funding plan that includes funding lines across the future-years defense program under section 221 of title 10, United States Code, for the next generation interceptor that—

(1) while applying lessons learned from the redesigned kill vehicle program, incorporating recommendations from the Comptroller General of the United States, and implementing ''fly-before-you-buy'' principles, produces and begins deployment of the next generation interceptor as early as practicable;

(2) includes acquiring at least 20 operational next generation interceptors; and

(3) includes transition plans to replace the current inventory of silo-based boosters with follow-on systems prior to the end of the useful lifecycle of the boosters.

(b) 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 2023 (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 next generation interceptor program through the date on which the program achieves full operational capability.

(c) CONGRESSIONAL NOTIFICATION OF CANCELLATION REQUIREMENT.—Not later than 30 days prior to any final decision to cancel the next generation interceptor program, the Director shall provide to the congressional defense committees a briefing on such decision, including—

(1) a justification for the decision; and

(2) an analysis of the national security risk that the Director accepts by reason of cancelling such program.

(d) INCLUSION IN REQUIRED FLIGHT TESTS.—Section 1689(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2431 note) is amended by adding after the period at the end the following new sentence: ''Beginning not later than five years after the date on which the next generation interceptor achieves initial operational capability, the Director shall ensure that such flight tests include the next generation interceptor.''.

(e) REPORT.—Not later than the date of on which the Director approves the next generation interceptor program to enter the initial production phase of the acquisition process, the Director shall submit to the congressional defense committees a report outlining estimated annual costs for conducting annual, operationally relevant flight testing to evaluate the reliability of the system developed under such program, including associated production costs for procuring sufficient flight systems to support such testing for the projected life of the system.

(f) PROGRAM ACCOUNTABILITY MATRICES.—

(1) REQUIREMENT.—Concurrent with the submission to Congress of the budget of the President for fiscal year 2023 and each fiscal year thereafter pursuant to section 1105(a) of title 31, United States Code, the Director shall submit to the congressional defense committees and the Comptroller General of the United States the matrices described in paragraph (2) relating to the next generation interceptor program.

(2) MATRICES DESCRIBED.—The matrices described in this subsection are the following:

(A) TECHNOLOGY AND PRODUCT DEVELOPMENT GOALS.—A matrix that identifies, in six-month increments, key milestones, development events, and specific performance goals for the technology development phase of the next generation interceptor program, which shall be subdivided, at a minimum, according to the following:

(i) Technology maturity, including technology readiness levels of major interceptor components and key demonstration events leading to full maturity.

(ii) Design maturity, including key events and metrics, at the interceptor all up round level and major interceptor component level.

(iii) Parts testing, including key events and metrics for vetting parts and components through a parts, materials, and processes mission assurance plan.

(iv) Software maturity, including key events and metrics, at the all up round level and major interceptor component level for the interceptor.

(v) Manufacturing maturity, including manufacturing readiness levels for critical manufacturing operations and key demonstration events.

(vi) Schedule, with respect to key program milestones, critical path events, and margins.

(vii) Reliability, including growth plans and key milestones.

(viii) Developmental testing and cybersecurity.

(ix) Any other technology and product development goals the Director determines to be appropriate.

(B) COST.—

(i) IN GENERAL.—The following matrices relating to the cost of the next generation interceptor program:

(I) A matrix expressing, in six-month increments, the total cost for the technology development phase.

(II) A matrix expressing the total cost for each of the contractors' estimates for the technology development phase.

(ii) PHASING AND SUBDIVISION OF MATRICES.—The matrices described in clauses (i) and (ii) of subparagraph (B) shall be—

(I) phased over the entire technology development phase; and

(II) subdivided according to the costs major interceptor component of each next generation interceptor configuration.

(C) STAKEHOLDER AND INDEPENDENT REVIEWS.—A matrix that identifies, in six-month increments, plans and status for coordinating products and obtaining independent reviews for the next generation interceptor program for the technology development phase, which shall be subdivided according to the following:

(i) Performance requirements, including coordinating, updating, and obtaining approval of the top-level requirements document.

(ii) Intelligence inputs, processes, and products, including—

(I) coordinating, updating, and validating the homeland ballistic missile defense validated online lifecycle threat with the Director of the Defense Intelligence Agency; and

(II) coordinating and obtaining approval of a lifecycle mission data plan.

(iii) Independent assessments, including obtaining an initial and updated—

(I) technical risk assessment; and

(II) cost estimate.

(iv) Models and simulations, including—

(I) obtaining accreditation of interceptor models and simulations at both the all up round level and subsystem level from the Ballistic Missile Defense Operational Test Agency;

(II) obtaining certification of threat models used for interceptor ground test from the Ballistic Missile Defense Operational Test Agency; and

(III) obtaining accreditation from the Director of the Defense Intelligence Agency on all threat models, simulations, and associated data used to support interceptor development.

(v) Sustainability and obsolescence, including coordinating and obtaining approval of a lifecycle sustainment plan.

(vi) Cybersecurity, including coordinating and obtaining approval of a cybersecurity strategy.

(3) FORM.—The matrices submitted under paragraph (2) shall be in unclassified form, but may contain a classified annex.

(4) SEMIANNUAL UPDATES OF MATRICES.—Not later than 180 days after the date on which the Director submits the matrices described in paragraph (2) for a year as required by paragraph (1), the Director shall submit to the congressional defense committees and the Comptroller General updates to the matrices.

(5) TREATMENT OF THE FIRST MATRICES AS BASELINE.—

(A) IN GENERAL.—The first set of matrices submitted under paragraph (1) shall be treated as the baseline for the technology development phase of the next generation interceptor program for purposes of updates submitted under subsection (i) and subsequent matrices submitted under paragraph (1).

(B) ELEMENTS.—After the submission of the first set of matrices required by paragraph (1), each update submitted under paragraph (4) and each subsequent set of matrices submitted under paragraph (1) shall—

(i) clearly identify changes in key milestones, development events, and specific performance goals identified in the first set of matrices under subparagraph (A) of paragraph (2);

(ii) provide updated cost estimates under subparagraph (B) of such paragraph; and

(iii) provide updated plans and status under subparagraph (C) of such paragraph.

(6) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after receiving the matrices described in paragraph (2) for a year as required by paragraph (1), the Comptroller General shall—

(A) assess the acquisition progress made with respect to the next generation interceptor program; and

(B) provide to the congressional defense committees a briefing on the results of that assessment.

(7) TERMINATION.—The requirements of this subsection shall terminate on the date that is one year after the date on which the next generation interceptor program is approved to enter the product development phase.

SEC. 1669. 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 2022 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $108,000,000 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 2022 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $30,000,000 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 2022 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $62,000,000 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) WORKSHARE FOR IRON DOME REPLENISHMENT EFFORTS.—

(1) MAINTENANCE OF AGREEMENT.—With respect to replenishment efforts for the Iron Dome short-range rocket defense system carried out during fiscal year 2022, the Secretary of Defense may seek to maintain a workshare agreement for the United States production of systems that are covered, as of the date of the enactment of this Act, under the memorandum of understanding regarding United States and Israeli co-operation on missile defense.

(2) BRIEFING.—The Secretary of Defense shall provide to the appropriate congressional committees a briefing detailing the terms of any workshare agreements described by paragraph (1).

(g) 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. 1670. UPDATE OF STUDY ON DISCRIMINATION CAPABILITIES OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) UPDATE.—The Secretary of Defense shall enter into an arrangement with the private scientific advisory group known as JASON under which JASON shall carry out an update to the study conducted pursuant to section 237 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2236) on the discrimination capabilities and limitations of the missile defense system of the United States, including such discrimination capabilities that exist or are planned as of the date of the update.

(b) REPORT.—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 containing the study.

(c) FORM.—The report under subsection (b) may be submitted in classified form, but shall contain an unclassified summary.

SEC. 1671. SEMIANNUAL UPDATES ON MEETINGS HELD BY THE MISSILE DEFENSE EXECUTIVE BOARD.

(a) SEMIANNUAL UPDATES.—Not later than March 1 and September 1 of each year, the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment, acting in their capacities as co-chairs of the Missile Defense Executive Board pursuant to section 1681(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2162), shall provide to the congressional defense committees a semiannual update including, with respect to the six-month period preceding the update—

(1) the dates on which the Board met; and

(2) except as provided by subsection (b), a summary of any decisions made by the Board at each meeting of the Board and the rationale for and options that informed such decisions.

(b) EXCEPTION FOR CERTAIN BUDGETARY MATTERS.—The co-chairs shall not be required to include in a semiannual update under subsection (a) the matters described in paragraph (2) of such subsection with respect to decisions of the Board relating to the budget of the President for a fiscal year if the budget for that fiscal year has not been submitted to Congress under section 1105 of title 31, United States Code, as of the date of the semiannual update.

(c) FORM OF UPDATE.—The co-chairs may provide a semiannual update under subsection (a) either in the form of a briefing or a written report.

(d) TECHNICAL AMENDMENTS.—

(1) FY18 NDAA.—Section 1676(c)(3)(B) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 205 note) is amended by striking ''chairman'' and inserting ''chair''.

(2) FY19 NDAA.—Section 1681(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2162) is amended—

(A) in the matter preceding paragraph (1), by striking ''chairman'' and inserting ''chair''; and

(B) in paragraph (2), by striking ''co-chairman'' and inserting ''co-chair''.

SEC. 1672. MATTERS REGARDING INTEGRATED DETERRENCE REVIEW.

(a) REPORTS.—Not later than 30 days after the date on which the Integrated Deterrence Review that commenced during 2021 is submitted to the congressional defense committees, the Secretary of Defense shall submit to the congressional defense committees the following:

(1) Each final report, assessment, and guidance document produced by the Department of Defense pursuant to the Integrated Deterrence Review or during subsequent actions taken to implement the conclusions of the Integrated Deterrence Review, including with respect to each covered review.

(2) A report explaining how each such covered review differs from the previous such review.

(b) CERTIFICATIONS.—Not later than 30 days after the date on which a covered review is submitted to the congressional defense committees, the Chairman of the Joint Chiefs of Staff, the Vice Chairman of the Joint Chiefs of Staff, and the Commander of the United States Strategic Command shall each directly submit to such committees—

(1) a certification regarding whether the Chairman, Vice Chairman, or Commander, as the case may be, had the opportunity to provide input into the covered review; and

(2) a description of the degree to which the covered reviews differ from the military advice contained in such input (or, if there was no opportunity to provide such input, would have been contained in the input if so provided).

(c) COVERED REVIEW DEFINED.—In this section, the term ''covered review'' means—

(1) the Missile Defense Review that commenced during 2021; and

(2) the Nuclear Posture Review that commenced during 2021.

SEC. 1673. SEMIANNUAL NOTIFICATIONS REGARDING MISSILE DEFENSE TESTS AND COSTS.

(a) SEMIANNUAL NOTIFICATIONS REQUIRED.—For each period described in subsection (b), the Director of the Missile Defense Agency shall submit to the congressional defense committees a notification of all—

(1) flight tests (intercept and non-intercept) planned to occur during the period covered by the notification based on the Integrated Master Test Plan the Director used to support the President's budget submission under section 1105 of title 31, United States Code, for the fiscal year of the period covered; and

(2) ground tests planned to occur during such period based on such plan.

(b) PERIODS DESCRIBED.—The periods described in this subsection are—

(1) the first 180-calendar-day period beginning on the date that is 90 days after the date of the enactment of this Act; and

(2) each subsequent, sequential 180-calendar-day period beginning thereafter until the date that is five years and 90 calendar days after the date of the enactment of this Act.

(c) TIMING OF NOTIFICATION.—Each notification submitted under subsection (a) for a period described in subsection (b) shall be submitted—

(1) not earlier than 30 calendar days before the last day of the period; and

(2) not later than the last day of the period.

(d) CONTENTS.—Each notification submitted under subsection (a) shall include the following:

(1) For the period covered by the notification:

(A) With respect to each flight test described in subsection (a)(1), the following:

(i) The entity responsible for leading the flight test (such as the Missile Defense Agency, the Army, or the Navy) and the classification level of the flight test.

(ii) The planned cost (the most recent flight test cost estimate, including interceptors and targets), the actual costs and expenditures to-

date, and an estimate of any remaining costs and expenditures.

(iii) All funding (including any appropriated, transferred, or reprogrammed funding) the Agency has received to-date for the flight test.

(iv) All changes made to the scope and objectives of the flight test and an explanation for such changes.

(v) The status of the flight test, such as conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled.

(vi) In the event of a flight test status of conducted-objectives not achieved (failure or no-test), delayed, or canceled—

(I) the reasons the flight test did not succeed or occur;

(II) in the event of a flight test status of failure or no-test, the plan and cost estimate to retest, if necessary, and any contractor liability, if appropriate;

(III) in the event of a flight test delay, the fiscal year and quarter the objectives were first planned to be met, the names of the flight tests the objectives have been moved to, the aggregate duration of the delay to-date, and, if applicable, any risks to the warfighter from the delay; and

(IV) in the event of a flight test cancellation, the fiscal year and quarter the objectives were first planned to be met, whether the objectives from the canceled test were met by other means, moved to a different flight test, or removed, a revised spend plan for the remaining funding the agency received for the flight test to-date, and, if applicable, any risks to the warfighter from the cancellation; and

(vii) the status of any decisions reached by failure review boards open or completed during the period covered by the notification.

(B) With respect to each ground test described in subsection (a)(2), the following:

(i) The planned cost (the most recent ground test cost estimate), the actual costs and expenditures to-date, and an estimate of any remaining costs and expenditures.

(ii) The designation of the ground test, whether developmental, operational, or both.

(iii) All changes made to the scope and objectives of the ground test and an explanation for such changes.

(iv) The status of the ground test, such as conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled.

(v) In the case of a ground test status of conducted-objectives not achieved (failure or no-test), delayed, or canceled—

(I) the reasons the ground test did not succeed or occur; and

(II) if applicable, any risks to the warfighter from the ground test not succeeding or occurring;

(vi) The participating system and element models used for conducting ground tests and the accreditation status of the participating system and element models.

(vii) Identification of any cybersecurity tests conducted or planned to be conducted as part of the ground test.

(viii) For each cybersecurity test identified under subparagraph (G), the status of the cybersecurity test, such as conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled.

(ix) In the case of a cybersecurity test identified under subparagraph (G) with a status of conducted-objectives, not achieved, delayed, or canceled—

(I) the reasons for such status; and

(II) any risks, if applicable, to the warfighter from the cybersecurity test not succeeding or occurring.

(2) To the degree applicable and known, the matters covered by paragraph (1) but for the period subsequent to the covered period.

(e) EVENTS SPANNING MULTIPLE NOTIFICATION PERIODS.—Events that span from one period described in subsection (b) into another period described in such subsection, such as the case of a failure review board convening in one period and reaching a decision in the following period, shall be covered by notifications under subsection (a) for both periods.

(f) FORM.—Each notification submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1674. REPORT ON SENIOR LEADERSHIP OF MISSILE DEFENSE AGENCY.

Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report detailing the following:

(1) The responsibilities of the positions of the Director, Sea-based Weapons Systems, and the Deputy Director of the Missile Defense Agency.

(2) The role of the officials who occupy these positions with respect to the functional combatant commands with missile defense requirements.

(3) The rationale and benefit of having an official in these positions who is a general officer or flag officer versus a civilian.

SEC. 1675. INDEPENDENT STUDY OF ROLES AND RESPONSIBILITIES OF DEPARTMENT OF DEFENSE COMPONENTS RELATING TO MISSILE DEFENSE.

(a) INDEPENDENT STUDY AND REPORT.—

(1) CONTRACT.—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 the National Academy of Public Administration (in this section referred to as the ''Academy'') for the Academy to perform the services covered by this subsection.

(2) STUDY AND REPORT.—

(A) ROLES AND RESPONSIBILITIES.—Under an agreement between the Secretary and the Academy under this subsection, the Academy shall carry out an study regarding the roles and responsibilities of the various components of the Department of Defense as they pertain to missile defense.

(B) MATTERS INCLUDED.—The study required by subparagraph (A) shall include the following:

(i) A comprehensive assessment and analysis of existing Department component roles and responsibilities for the full range of missile defense activities, including establishment of requirements, research and development, system acquisition, and operations.

(ii) Identification of gaps in component capability of each applicability component for performing its assigned missile defense roles and responsibilities.

(iii) Identification of opportunities for deconflicting mission sets, eliminating areas of unnecessary duplication, reducing waste, and improving efficiency across the full range of missile defense activities.

(iv) Development of a timetable for the implementation of the opportunities identified under clause (iii).

(v) Development of recommendations for such legislative or administrative action as the Academy considers appropriate pursuant to carrying out clauses (i) through (iv).

(vi) Such other matters as the Secretary may require.

(C) REPORT.—

(i) REQUIREMENT.—Not later than one year after the date on which the Secretary and the Academy enter into a contract under paragraph (1), the Academy shall submit to the Secretary and the congressional defense committees a report on the study conducted under subparagraph (A).

(ii) ELEMENTS.—The report submitted under clause (i) shall include the findings of the Academy with respect to the study carried out under subparagraph (A) and any recommendations the Academy may have for legislative or administrative action pursuant to such study.

(3) ALTERNATE CONTRACT ORGANIZATION.—

(A) AGREEMENT.—If the Secretary is unable within the time period prescribed in paragraph (1) to enter into an agreement described in such paragraph with the Academy on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(i) is not part of the Government;

(ii) operates as a not-for-profit entity; and

(iii) has expertise and objectivity comparable to that of the Academy.

(B) REFERENCES.—If the Secretary enters into an agreement with another organization as described in subparagraph (A), any reference in this subsection to the Academy shall be treated as a reference to the other organization.

(b) REPORT BY SECRETARY OF DEFENSE.—Not later than 120 days after the date on which the report is submitted pursuant to subsection (a)(2)(C), the Secretary shall submit to the congressional defense committees a report on the views of the Secretary on the findings and recommendations set forth in the report submitted under such subsection, together with such recommendations as the Secretary may have for changes in the structure, functions, responsibilities, and authorities of the Department.

Subtitle E—Other Matters

SEC. 1681. COOPERATIVE THREAT REDUCTION FUNDS.

(a) FUNDING ALLOCATION.—Of the $344,849,000 authorized to be appropriated to the Department of Defense for fiscal year 2022 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, $2,997,000.

(2) For chemical weapons destruction, $13,250,000.

(3) For global nuclear security, $17,767,000.

(4) For cooperative biological engagement, $229,022,000.

(5) For proliferation prevention, $58,754,000.

(6) For activities designated as Other Assessments/Administrative Costs, $23,059,000.

(b) SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2022, 2023, and 2024.

SEC. 1682. MODIFICATION TO ESTIMATE OF DAMAGES FROM FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

Section 1664 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''or any subsequent fiscal year'' after ''fiscal year 2021''; and

(2) by adding at the end the following new subsections:

''(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 may work directly with any licensee (or any future assignee, successor, or purchaser) affected by the Order and Authorization described in subsection (a) to seek recovery of costs incurred by the Department 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 Order and Authorization described in subsection (a) to provide reimbursement to the Department, only to the extent provided in appropriation 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 appropriation 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.''.

SEC. 1683. ESTABLISHMENT OF OFFICE, ORGANIZATIONAL STRUCTURE, AND AUTHORITIES TO ADDRESS UNIDENTIFIED AERIAL PHENOMENA.

(a) ESTABLISHMENT OF OFFICE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall establish an office within a component of the Office of the Secretary of Defense, or within a joint organization of the Department of Defense and the Office of the Director of National Intelligence, to carry out the duties of the Unidentified Aerial Phenomena Task Force, as in effect on the day before the date of enactment of this Act, and such other duties as are required by this section.

(b) DUTIES.—The duties of the Office established under subsection (a) shall include the following:

(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding unidentified aerial phenomena across the Department of Defense and the intelligence community.

(2) Developing processes and procedures to ensure that such incidents from each component of the Department and each element of the intelligence community are reported and incorporated in a centralized repository.

(3) Establishing procedures to require the timely and consistent reporting of such incidents.

(4) Evaluating links between unidentified aerial phenomena and adversarial foreign governments, other foreign governments, or nonstate actors.

(5) Evaluating the threat that such incidents present to the United States.

(6) Coordinating with other departments and agencies of the Federal Government, as appropriate, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and the Department of Energy.

(7) Coordinating with allies and partners of the United States, as appropriate, to better assess the nature and extent of unidentified aerial phenomena.

(8) Preparing reports for Congress, in both classified and unclassified form, including under subsection (i).

(c) RESPONSE TO AND FIELD INVESTIGATIONS OF UNIDENTIFIED AERIAL PHENOMENA.—

(1) DESIGNATION.—The Secretary, in coordination with the Director, shall designate one or more line organizations within the Department of Defense and the intelligence community that possess appropriate expertise, authorities, accesses, data, systems, platforms, and capabilities to rapidly respond to, and conduct field investigations of, incidents involving unidentified aerial phenomena under the direction of the head of the Office established under subsection (a).

(2) ABILITY TO RESPOND.—The Secretary, in coordination with the Director, shall ensure that each line organization designated under paragraph (1) has adequate personnel with the requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations involving unidentified aerial phenomena of which the Office becomes aware.

(d) SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL ANALYSES OF DATA ON UNIDENTIFIED AERIAL PHENOMENA.—

(1) DESIGNATION.—The Secretary, in coordination with the Director, shall designate one or more line organizations that will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted pursuant to subsection (c) and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain unidentified aerial phenomena.

(2) AUTHORITY.—The Secretary and the Director shall each issue such directives as are necessary to ensure that the each line organization designated under paragraph (1) has authority to draw on the special expertise of persons outside the Federal Government with appropriate security clearances.

(e) DATA; INTELLIGENCE COLLECTION.—

(1) AVAILABILITY OF DATA AND REPORTING ON UNIDENTIFIED AERIAL PHENOMENA.—The Director and the Secretary shall each, in coordination with one another, ensure that—

(A) each element of the intelligence community with data relating to unidentified aerial phenomena makes such data available immediately to the Office established under subsection (a) or to an entity designated by the Secretary and the Director to receive such data; and

(B) military and civilian personnel of the Department of Defense or an element of the intelligence community, and contractor personnel of the Department or such an element, have access to procedures by which the personnel shall report incidents or information, including adverse physiological effects, involving or associated with unidentified aerial phenomena directly to the Office or to an entity designated by the Secretary and the Director to receive such information.

(2) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—The head of the Office established under subsection (a), acting on behalf of the Secretary of Defense and the Director of National Intelligence, shall supervise the development and execution of an intelligence collection and analysis plan to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified aerial phenomena, including with respect to the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified aerial phenomena.

(3) USE OF RESOURCES AND CAPABILITIES.—In developing the plan under paragraph (2), the head of the Office established under subsection (a) shall consider and propose, as the head determines appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

(f) SCIENCE PLAN.—The head of the Office established under subsection (a), on behalf of the Secretary and the Director, shall supervise the development and execution of a science plan to develop and test, as practicable, scientific theories to—

(1) account for characteristics and performance of unidentified aerial phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation; and

(2) provide the foundation for potential future investments to replicate any such advanced characteristics and performance.

(g) ASSIGNMENT OF PRIORITY.—The Director, in consultation with, and with the recommendation of the Secretary, shall assign an appropriate level of priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to unidentified aerial phenomena.

(h) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than October 31, 2022, and annually thereafter until October 31, 2026, the Director, in consultation with the Secretary, shall submit to the appropriate congressional committees a report on unidentified aerial phenomena.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by the report, the following information:

(A) All reported unidentified aerial phenomena-related events that occurred during the one-year period.

(B) All reported unidentified aerial phenomena-related events that occurred during a period other than that one-year period but were not included in an earlier report.

(C) An analysis of data and intelligence received through each reported unidentified aerial phenomena-related event.

(D) An analysis of data relating to unidentified aerial phenomena collected through—

(i) geospatial intelligence;

(ii) signals intelligence;

(iii) human intelligence; and

(iv) measurement and signature intelligence.

(E) The number of reported incidents of unidentified aerial phenomena over restricted air space of the United States during the one-year period.

(F) An analysis of such incidents identified under subparagraph (E).

(G) Identification of potential aerospace or other threats posed by unidentified aerial phenomena to the national security of the United States.

(H) An assessment of any activity regarding unidentified aerial phenomena that can be attributed to one or more adversarial foreign governments.

(I) Identification of any incidents or patterns regarding unidentified aerial phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

(J) An update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified aerial phenomena.

(K) An update on any efforts underway on the ability to capture or exploit discovered unidentified aerial phenomena.

(L) An assessment of any health-related effects for individuals that have encountered unidentified aerial phenomena.

(M) The number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines.

(N) In consultation with the Administrator for Nuclear Security, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof.

(O) In consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena or drones of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission.

(P) The names of the line organizations that have been designated to perform the specific functions under subsections (c) and (d), and the specific functions for which each such line organization has been assigned primary responsibility.

(3) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(i) SEMIANNUAL BRIEFINGS.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act and not less frequently than semiannually thereafter until December 31, 2026, the head of the Office established under subsection (a) shall provide to the congressional committees specified in subparagraphs (A), (B), and (D) of subsection (l)(1) classified briefings on unidentified aerial phenomena.

(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified aerial phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the Office established under subsection (a) after June 24, 2021, regardless of the date of occurrence of the incident.

(3) SUBSEQUENT BRIEFINGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified aerial phenomena that occurred during the previous 180 days, and events relating to unidentified aerial phenomena that were not included in an earlier briefing.

(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the head of the Office established under subsection (a) shall jointly provide to the chairman and the ranking minority member or vice chairman of the congressional committees specified in subparagraphs (A) and (D) of subsection (k)(1) an enumeration of any instances in which data relating to unidentified aerial phenomena was not provided to the Office because of classification restrictions on that data or for any other reason.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the work of the Office established under subsection (a), including with respect to—

(1) general intelligence gathering and intelligence analysis; and

(2) strategic defense, space defense, defense of controlled air space, defense of ground, air, or naval assets, and related purposes.

(k) TASK FORCE TERMINATION.—Not later than the date on which the Secretary establishes the Office under subsection (a), the Secretary shall terminate the Unidentified Aerial Phenomenon Task Force.

(l) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means the following:

(A) The Committees on Armed Services of the House of Representatives and the Senate.

(B) The Committees on Appropriations of the House of Representatives and the Senate.

(C) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(D) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(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 ''line organization'' means, with respect to a department or agency of the Federal Government, an organization that executes programs and activities to directly advance the core functions and missions of the department or agency to which the organization is subordinate, but, with respect to the Department of Defense, does not include a component of the Office of the Secretary of Defense.

(4) The term ''transmedium objects or devices'' means objects or devices that are observed to transition between space and the atmosphere, or between the atmosphere and bodies of water, that are not immediately identifiable.

(5) The term ''unidentified aerial phenomena'' means—

(A) airborne objects that are not immediately identifiable;

(B) transmedium objects or devices; and

(C) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that the objects or devices may be related to the objects or devices described in subparagraph (A) or (B).

SEC. 1684. DETERMINATION ON CERTAIN ACTIVITIES WITH UNUSUALLY HAZARDOUS RISKS.

(a) REPORT REQUIRED.—For fiscal years 2022 and 2023, the Secretary concerned shall prepare a report for each indemnification request made by a covered contractor with respect to a contract. Such report shall include the following elements:

(1) A determination of whether the performance of the contract includes an unusually hazardous risk (as defined in this section).

(2) An estimate of the maximum probable loss for claims or losses arising out of the contract.

(3) Consideration of requiring the covered contractor to obtain liability insurance to compensate for claims or losses to the extent such insurance is available under commercially reasonable terms and pricing, including any limits, sub-limits, exclusions and other coverage restrictions.

(4) Consideration of not requiring a covered contractor to obtain liability insurance in amounts greater than amounts available under commercially reasonable terms and pricing or the maximum probable loss, whichever is less.

(b) SUBMISSION TO CONGRESS.—Not later than 90 days after the date on which the Secretary concerned receives an indemnification request by a covered contractor during the period beginning on the date of the enactment of this Act and ending on September 30, 2023, the Secretary concerned shall submit to the congressional defense committees the report required under subsection (a).

(c) REVIEW.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of the implementation by the Department of Defense of section 2354 of title 10, United States Code, and Executive Order 10789, as amended, pursuant to Public Law 85–804 (50 U.S.C. 1431 et seq.) with regard to indemnifying a contractor for the performance of a contract that includes unusually hazardous risk.

(2) MATTERS INCLUDED.—The review required under paragraph (1) shall include the following:

(A) A determination of the extent to which each Secretary concerned is implementing such section 2354 and such Executive Order 10789 consistently.

(B) Identification of discrepancies and potential remedies in the military departments with respect to such implementation.

(3) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees a briefing on the findings of the review under paragraph (1).

(d) DEFINITIONS.—In this section:

(1) The term ''covered contractor'' means a current or prospective prime contractor of the Department of Defense.

(2) The term ''military department'' has the meaning given in section 101 of title 10, United States Code.

(3) The term ''indemnification request'' means a request for indemnification made by a covered contractor under section 2354 of title 10, United States Code, or Executive Order 10789, as amended, pursuant to public Law 85–804 (50 U.S.C. 1431 et seq.) that includes sufficient supporting justification to support a determination as required under those provisions.

(4) The term ''Secretary concerned'' means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy; and

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force and the Space Force.

(5) The term ''unusually hazardous risk'' means risk of burning, explosion, detonation, flight or surface impact, or toxic or hazardous material release associated with one or more of the following products or programs:

(A) Products or programs relating to any hypersonic weapon system, including boost glide vehicles and air-breathing propulsion systems.

(B) Products or programs relating to rocket propulsion systems, including, at a minimum, with respect to rockets, missiles, launch vehicles, rocket engines or motors or hypersonic weapons systems using either a solid or liquid high energy propellant inclusive of any warhead, if any, in excess of 1000 pounds of the chemical equivalent of TNT.

(C) Products or programs relating to the introduction, fielding or incorporating of any item containing high energy propellants, inclusive of any warhead, if any, in excess of 1000 pounds of the chemical equivalent of TNT into any ship, vessel, submarine, aircraft, or spacecraft.

(D) Products or programs relating to a classified program where insurance is not available due to the prohibition of disclosure of classified information to commercial insurance providers, and without such disclosure access to insurance is not possible.

(E) Any other product or program for which the contract under which the product or program is carried out includes a risk that the contract defines as unusually hazardous.

SEC. 1685. STUDY BY PUBLIC INTEREST DECLASSIFICATION BOARD RELATING TO CERTAIN TESTS IN THE MARSHALL ISLANDS.

(a) STUDY.—The Public Interest Declassification Board established by section 703 of the Public Interest Declassification Act of 2000 (50 U.S.C. 3355a) shall conduct a study on the feasibility of carrying out a declassification review relating to nuclear weapons, chemical weapons, or ballistic missile tests conducted by the United States in the Marshall Islands, including with respect to cleanup activities and the storage of waste relating to such tests.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Board shall submit to the Secretary of Defense, the Secretary of Energy, and the congressional defense committees a report containing the findings of the study conducted under subsection (a). The report shall include the following:

(1) The feasibility of carrying out the declassification review described in such subsection.

(2) The resources required to carry out the declassification review.

(3) A timeline to complete such the declassification review.

(4) Any other issues the Board determines relevant.

(c) COMMENTS.—The Secretary of Defense and the Secretary of Energy may submit to the congressional defense committees any comments the respective Secretary determines relevant with respect to the report submitted under subsection (b).

(d) ASSISTANCE.—The Secretary of Defense and Secretary of Energy shall each provide to the Board such assistance as the Board requests in conducting the study under subsection (a).

SEC. 1686. PROTECTION OF MAJOR RANGE AND TEST FACILITY BASE.

The Secretary of Defense may authorize, consistent with the authorities of the Secretary, such actions as are necessary to mitigate threats posed by space-based assets to the security or operation of the Major Range and Test Facility Base (as defined in section 196(i) of title 10, United States Code).

SEC. 1687. CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) ESTABLISHMENT.—There is established in the legislative branch a commission to be known

as the ''Congressional Commission on the Strategic Posture of the United States'' (in this section referred to as the ''Commission''). The purpose of the Commission is to examine and make recommendations to the President and Congress with respect to the long-term strategic posture of the United States.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The Commission shall be composed of 12 members appointed as follows:

(A) One by the Speaker of the House of Representatives.

(B) One by the minority leader of the House of Representatives.

(C) One by the majority leader of the Senate.

(D) One by the minority leader of the Senate.

(E) Two by the chairperson of the Committee on Armed Services of the House of Representatives.

(F) Two by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(G) Two by the chairperson of the Committee on Armed Services of the Senate.

(H) Two by the ranking minority member of the Committee on Armed Services of the Senate.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The members appointed under paragraph (1) shall be from among individuals who—

(i) are United States citizens;

(ii) are not officers or employees of the Federal Government or any State or local government; and

(iii) have received national recognition and have significant depth of experience in such professions as governmental service, law enforcement, the Armed Forces, law, public administration, intelligence gathering, commerce (including aviation matters), or foreign affairs.

(B) POLITICAL PARTY AFFILIATION.—Not more than six members of the Commission may be appointed from the same political party.

(3) DEADLINE FOR APPOINTMENT.—

(A) IN GENERAL.—All members of the Commission shall be appointed under paragraph (1) not later than 45 days after the date of the enactment of this Act.

(B) EFFECT OF LACK OF APPOINTMENTS BY APPOINTMENT DATE.—If one or more appointments under paragraph (1) is not made by the date specified in subparagraph (A)—

(i) the authority to make such appointment or appointments shall expire; and

(ii) the number of members of the Commission shall be reduced by the number of appointments not made by that date.

(4) CHAIRPERSON; VICE CHAIRPERSON.—

(A) CHAIRPERSON.—The chairpersons of the Committees on Armed Services of the Senate and the House of Representatives shall jointly designate one member of the Commission to serve as chairperson of the Commission.

(B) VICE CHAIRPERSON.—The ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives shall jointly designate one member of the Commission to serve as vice chairperson of the Commission.

(5) ACTIVATION.—

(A) IN GENERAL.—The Commission—

(i) may begin operations under this section on the date on which not less than ⅔ of the members of the Commission have been appointed under paragraph (1); and

(ii) shall meet and begin the operations of the Commission as soon as practicable after the date described in clause (i).

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members.

(6) QUORUM.—Eight members of the Commission shall constitute a quorum.

(7) PERIOD OF APPOINTMENT; VACANCIES.—Members of the Commission shall be appointed for the life of the Commission. A vacancy in the Commission does not affect the powers of the Commission and shall (except as provided by paragraph (3)(B)) be filled in the same manner in which the original appointment was made.

(8) REMOVAL OF MEMBERS.—

(A) IN GENERAL.—A member of the Commission may be removed from the Commission for cause by the individual serving in the position responsible for the original appointment of the member under paragraph (1), provided that notice is first provided to that official of the cause for removal, and removal is voted and agreed upon by ¾ of the members of the Commission.

(B) VACANCIES.—A vacancy created by the removal of a member of the Commission under subparagraph (A) does not affect the powers of the Commission and shall be filled in the same manner in which the original appointment was made.

(c) DUTIES.—

(1) REVIEW.—The Commission shall conduct a review of the strategic posture of the United States, including a strategic threat assessment and a detailed review of nuclear weapons policy, strategy, and force structure and factors affecting the strategic stability of near-peer competitors of the United States.

(2) ASSESSMENT AND RECOMMENDATIONS.—

(A) ASSESSMENT.—The Commission shall assess—

(i) the benefits and risks associated with the current strategic posture and nuclear weapons policies of the United States;

(ii) factors affecting strategic stability that relate to the strategic posture; and

(iii) lessons learned from the findings and conclusions of the Congressional Commission on the Strategic Posture of the United States established by section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) and other previous commissions and previous Nuclear Posture Reviews.

(B) RECOMMENDATIONS.—The Commission shall make recommendations with respect to—

(i) the most appropriate strategic posture;

(ii) the extent to which capabilities other than nuclear weapons can contribute to or detract from strategic stability; and

(iii) the most effective nuclear weapons strategy for strategic posture and stability.

(d) REPORT AND BRIEFING REQUIRED.—

(1) IN GENERAL.—Not later than December 31, 2022, the Commission shall submit to the President and the Committees on Armed Services of the Senate and the House of Representatives a report on the Commission's findings, conclusions, and recommendations.

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

(A) the recommendations required by subsection (c)(2)(B);

(B) a description of the military capabilities and force structure necessary to support the nuclear weapons strategy recommended under that subsection, including nuclear, nonnuclear kinetic, and nonkinetic capabilities that might support the strategy, and other factors that might affect strategic stability;

(C) a description of the nuclear infrastructure (that is, the size of the nuclear complex) required to support the strategy and the appropriate organizational structure for the nuclear security enterprise;

(D) an assessment of the role of missile defenses in the strategy;

(E) an assessment of the role of cyber defense capabilities in the strategy;

(F) an assessment of the role of space systems in the strategy;

(G) an assessment of the role of nonproliferation programs in the strategy;

(H) an assessment of the role of nuclear arms control in the strategy;

(I) an assessment of the political and military implications of the strategy for the United States and its allies; and

(J) any other information or recommendations relating to the strategy (or to the strategic posture) that the Commission considers appropriate.

(3) INTERIM BRIEFING.—Not later than 180 days after the deadline for appointment of members of the Commission specified in subsection (b)(3)(A), the Commission shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of the review, assessments, and recommendations required by subsection (c), including a discussion of any interim recommendations.

(e) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from the Department of Defense, the National Nuclear Security Administration, the Department of State, or the Office of the Director of National Intelligence information, suggestions, estimates, and statistics for the purposes of this section. Each of such agency shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon receiving a request made by—

(A) the chairperson of the Commission;

(B) the chairperson of any subcommittee of the Commission created by a majority of members of the Commission; or

(C) any member of the Commission designated by a majority of the Commission for purposes of making requests under this paragraph.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information, suggestions, estimates, and statistics provided to the Commission under paragraph (1) may be received, handled, stored, and disseminated only by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(f) ASSISTANCE FROM FEDERAL AGENCIES.—In addition to information, suggestions, estimates, and statistics provided under subsection (e), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as those departments and agencies may determine advisable and as may be authorized by law.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the requirements relating to supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(2) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(3) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(h) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(2) PAY.—The Executive Director appointed under paragraph (1) may, with the approval of the Commission, appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(i) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(j) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

(k) AUTHORITY TO ACCEPT GIFTS.—

(1) IN GENERAL.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority under this paragraph does not extend to gifts of money.

(2) DOCUMENTATION; CONFLICTS OF INTEREST.—The Commission shall document gifts accepted under the authority provided by paragraph (1) and shall avoid conflicts of interest or the appearance of conflicts of interest.

(3) COMPLIANCE WITH CONGRESSIONAL ETHICS RULES.—Except as specifically provided in this section, a member of the Commission shall comply with rules set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing employees of the Senate and the House of Representatives, respectively.

(l) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(m) COMMISSION SUPPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to provide appropriate staff and administrative support for the activities of the Commission.

(n) EXPEDITION OF SECURITY CLEARANCES.—The Office of Senate Security and the Office of House Security shall ensure the expedited processing of appropriate security clearances for personnel appointed to the Commission by offices of the Senate and the House of Representatives, respectively, under processes developed for the clearance of legislative branch employees.

(o) LEGISLATIVE ADVISORY COMMITTEE.—The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App) or section 552b, United States Code (commonly known as the ''Government in the Sunshine Act'').

(p) FUNDING.—Of the amounts authorized to be appropriated by this Act for fiscal year 2022 for the Department of Defense, up to $7,000,000 shall be made available to the Commission to carry out its duties under this section. Funds made available to the Commission under the preceding sentence shall remain available until expended.

(q) TERMINATION.—

(1) IN GENERAL.—The Commission, and all authorities under this section, shall terminate on the date that is 90 days after the Commission submits the final report required by subsection (d).

(2) ADMINISTRATIVE ACTIONS BEFORE TERMINATION.—The Commission may use the 90-day period described in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress with respect to and disseminating the report required by subsection (d).

TITLE XVII—TECHNICAL AMENDMENTS RELATED TO THE TRANSFER AND REORGANIZATION OF DEFENSE ACQUISITION STATUTES

SEC. 1701. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS RELATED TO TITLE XVIII OF THE FISCAL YEAR 2021 NDAA.

(a) DEFINITIONS; EFFECTIVE DATE; APPLICABILITY.—

(1) DEFINITIONS.—In this section, the terms ''FY2021 NDAA'' and ''such Act'' mean the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(2) AMENDMENTS TO APPLY PRE-TRANSFER OF DEFENSE ACQUISITION STATUTES.—The amendments made by subsections (b), (i), and (j) through (v) shall apply as if included in the enactment of title XVIII of the FY2021 NDAA as enacted.

(3) AMENDMENTS TO TAKE EFFECT POST-TRANSFER OF DEFENSE ACQUISITION STATUTES.—The amendments made by subsections (c) through (h) and (w) shall take effect immediately after the amendments made by title XVIII of the FY2021 NDAA have taken effect. Sections 1883 through 1885 of the FY2021 NDAA shall apply with respect to the transfers, redesignations, and amendments made under such subsections as if such transfers, redesignations, and amendments were made under title XVIII of the FY2021 NDAA.

(4) REORGANIZATION REGULATION UPDATE NOTICE.—Section 1801(d)(3)(B)(i) of FY2021 NDAA is amended by inserting ''and provides public notice that such authorities have been revised and modified pursuant to such paragraph'' after ''paragraph (2)''.

(5) SAVINGS PROVISION RELATING TO TRANSFER AND REORGANIZATION OF DEFENSE ACQUISITION STATUTES.—If this Act is enacted after December 31, 2021, notwithstanding section 1801(d)(1) of the FY2021 NDAA, the amendments made by title XVIII of the FY2021 NDAA shall take effect immediately after the enactment of this Act.

(b) TECHNICAL CORRECTIONS TO TITLE XVIII OF FY2021 NDAA.—Title XVIII of the FY2021 NDAA is amended as follows:

(1) Section 1806(a) is amended in paragraph (4) by striking ''TRANSFER'' and all that follows through ''and amended'' and inserting the following: ''RESTATEMENT OF SECTION 2545(1).—Section 3001 of such title, as added by paragraph (1), is further amended by inserting after subsection (b), as transferred and redesignated by paragraph (3), a new subsection (c) having the text of paragraph (1) of section 2545 of such title, as in effect on the day before the date of the enactment of this Act, revised''.

(2) Section 1807 is amended—

(A) in subsection (b)(1), by striking ''new sections'' and inserting ''new section'';

(B) in subsection (c)(3)(A)—

(i) by striking the semicolon and close quotation marks at the end of clause (i) and inserting close quotation marks and a semicolon; and

(ii) by striking ''by any'' in the matter to be inserted by clause (ii); and

(C) in subsection (e)—

(i) by striking ''of this title'' in the matter to be inserted by paragraph (2)(B); and

(ii) by striking ''Sections'' in the quoted matter before the period at the end of paragraph (3) and inserting ''For purposes of''.

(3) Section 1809(e) is amended by striking subparagraph (B) of paragraph (2) (including the amendment made by that subparagraph).

(4) Section 1811 is amended—

(A) in subsection (c)(2)—

(i) in subparagraph (B), by striking the comma before the close quotation marks in both the matter to be stricken and the matter to be inserted; and

(ii) in subparagraph (D), by inserting a comma after ''3901'' in the matter to be inserted;

(B) in subsection (d)(3)(B)—

(i) by striking the dash after ''mobilization'' in the matter to be inserted by clause (ii) and inserting a semicolon; and

(ii) by striking the dash after ''center'' in the matter to be inserted by clause (iv) and inserting ''; or'';

(C) in subsection (d)(4)(D), by striking ''this'' in the matter to be stricken by clause (ii) and inserting ''This'';

(D) in subsection (d)(5)(A), by striking ''inserting'' and all that follows through ''; and'' and inserting ''inserting 'OFFER REQUESTS TO POTENTIAL SOURCES.—' before 'The head of an agency'; and'';

(E) in subsection (d)(6)(A), in the matter to be inserted—

(i) by striking the close quotation marks after ''PROCEDURES.—''; and

(ii) by striking the comma after ''(7)''; and

(F) in subparagraphs (C)(ii) and (E)(ii) of subsection (e)(3), by striking ''and (ii)'' each place it appears and inserting ''and (iii)''.

(5) Section 1813 is amended in subsection (c)(1)(D) by inserting ''and inserting'' after the first close quotation marks.

(6) Section 1816(c) is amended—

(A) in paragraph (5)—

(i) in subparagraph (C)—

(I) by striking ''the second sentence'' and inserting ''the second and third sentences''; and

(II) by striking ''subsection (d)'' and inserting ''subsections (d) and (e), respectively''; and

(ii) by striking subparagraph (G) and inserting the following:

''(G) in subsection (d), as so designated, by inserting 'NOTICE OF AWARD.—' before 'The head of'; and

''(H) in subsection (e), as so designated, by striking 'This subparagraph does not' and inserting 'EXCEPTION FOR PERISHABLE SUBSISTENCE ITEMS.—Subsections (c) and (d) do not'.''; and

(B) in paragraph (7)(J)(ii), in the matter to be inserted, by inserting ''under'' before ''this section''.

(7) Section 1818 is amended by striking the close quotation marks and second period at the end of subsection (b).

(8) Section 1820 is amended—

(A) in subsection (a), in the matter to be inserted, by striking the item relating to section 3404 and inserting the following new item:

''3404. [Reserved].'';

(B) in subsection (c)(3)(A), by striking ''section'' in the matter to be stricken; and

(C) in subsection (d)(4)(B), by inserting ''section'' before ''3403(b)'' in the matter to be inserted.

(9) Section 1821 is amended in subsection (b)(5) by striking ''subsection (b)(2)(B)(i)'' and inserting ''subsection (c)(2)(B)(i)''.

(10) Section 1831 is amended—

(A) in subsection (b), by striking ''redesignated as subsection (a), and'' and inserting ''amended by striking the subsection designation and subsection heading, and further'';

(B) in subsection (c)(2)(A), in the matter to be stricken, by striking ''the'' and inserting ''The'';

(C) in subsection (c)(2)(D)—

(i) by striking clauses (ii) through (v); and

(ii) in the matter preceding clause (i), by striking ''as so redesignated'' and all that follows through ''by inserting'' and inserting ''as so redesignated, by inserting'';

(D) in subsection (c)(2)(E)—

(i) by striking clauses (ii) through (v); and

(ii) in the matter preceding clause (i), by striking ''as so redesignated'' and all that follows through ''by inserting'' and inserting ''as so redesignated, by inserting''; and

(iii) by inserting ''and'' after the semicolon at the end;

(E) in subsection (c)(2)(F)—

(i) by striking clauses (ii) through (v); and

(ii) in the matter preceding clause (i), by striking ''as so redesignated'' and all that follows through ''by inserting'' and inserting ''as so redesignated, by inserting''; and

(iii) by striking the semicolon at the end and inserting a period;

(F) in subsection (c)(4)(A), by striking the matter proposed to be inserted and inserting ''CERTIFICATION.—'';

(G) in subsection (c)(8)—

(i) by striking subparagraph (C); and

(ii) in subparagraph (B), by adding ''and'' at the end;

(H) in subsection (h), by striking ''such section 3706'' in paragraphs (2) and (3) and inserting ''such section 3707''; and

(I) in subsection (j)—

(i) in paragraph (3), in the matter to be inserted, by striking ''3701–3708'' and inserting ''3701 through 3708''; and

(ii) by striking paragraphs (4) and (5).

(11) Section 1832(i)(7)(F)—

(A) in clause (iv), by striking ''and'' at the end;

(B) in clause (v), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(vi) in subparagraph (B) (as so redesignated), by striking 'paragraph (1)' and inserting 'subsection (b)'.''.

(12) Section 1833 is amended—

*(A) in subsection (n), in the section heading for section 3791, by striking ''***DEPARTMENT OF DEFENSE***'' and inserting ''***DEPARTMENT OF DEFENSE***''; and*

(B) in subsection (o)(2), by striking ''Section'' and ''as section'' and inserting ''Sections'' and ''as sections'', respectively.

(13) Section 1834(h)(2) is amended by striking ''section 3801(1)'' in the matter to be inserted and inserting ''section 3801(a)''.

(14) Section 1845(c)(2) is amended by striking ''section'' in the matter to be stricken and inserting ''sections''.

(15) Section 1846 is amended—

(A) in subsection (f)(6)(A), in the matter to be inserted, by inserting a period after ''OVERSIGHT'';

(B) in subsection (i)(3), by striking ''Section 1706(c)(1)'' and inserting ''Section 1706(a)''; and

(C) by adding at the end the following:

''(j) FURTHER CROSS-REFERENCE AMENDMENT.—Section 1706(a) of title 10, United States Code, is further amended by striking 'section 2430(a)(1)(B)' and inserting 'section 4201(a)(2)'.''.

(16) Section 1847 is amended—

(A) in the table of subchapters to be inserted by subsection (a), by striking the item relating to the second subchapter III (relating to contractors) and inserting the following:

''V. Contractors ..... 4291''; and

(B) in subsection (e)(3)(A), by inserting ''section'' before ''4376(a)(1)'' in the matter to be inserted.

(17) Section 1848(d) is amended by striking paragraph (2).

(18) Section 1850(e)(2) is amended by inserting ''transferred and'' before ''redesignated''.

(19) Section 1856 is amended—

(A) in subection (f)(5)(A), in the matter to be inserted, by striking the comma at the end; and

(B) in subsection (h), by striking ''subsection (d)'' and inserting ''subsection (g)''.

(20) Section 1862(c)(2) is amended by striking ''section 4657'' and inserting ''section 4658''.

(21) Section 1866 is amended—

(A) in subsection (c)—

(i) in paragraph (1), by inserting ''and'' at the end;

(ii) in paragraph (2), by striking ''; and'' at the end and inserting a period; and

(iii) by striking paragraph (3) (including the amendment made by that paragraph); and

(B) in subsection (d), by striking ''4817'' in the matter to be inserted by paragraph (4)(A)(ii) and inserting ''4818''.

(22) Section 1867(d) is amended—

(A) in paragraph (3), by striking ''Section 4814'' and inserting ''Section 4814(a)'';

(B) by amending paragraph (5) to read as follows:

''(5) Section 4818 is amended in subsection (a)—

''(A) by striking 'of this chapter' and inserting 'of chapters 381 through 385 and chapter 389'; and

''(B) by striking 'under this chapter' and inserting 'under such chapters'.''; and

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

''(7) Section 4817(d)(1) is amended by striking 'this chapter' and inserting 'chapters 381 through 385 and chapter 389'.''.

(23) Section 1870(c)(3) is amended—

(A) by inserting after subparagraph (A) the following new subparagraph:

''(B) in each of paragraphs (4) and (5) of subsection (d), by striking 'section 2500(1)' and inserting 'section 4801(1)';'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(C) in subparagraph (D) (as so redeisgnated), by striking ''of the first subsection (k) (relating to 'Limitation on certain procurements application process'),'' and inserting ''of subsection (j),''.

(24) Section 1872(a) is amended in each of paragraphs (5) through (11) by striking ''chapter 385 of such title, as amended'' and inserting ''chapter 388 of such title, as added''.

(c) CONFORMING AMENDMENTS TO PROVISIONS OF TITLE 10, UNITED STATES CODE, THAT ARE TRANSFERRED AND REDESIGNATED BY TITLE XVIII OF THE FY2021 NDAA.—Title 10, United States Code, as transferred and redesignated by title XVIII of the FY2021 NDAA, is amended as follows:

(1) Section 3221 of title 10, United States Code, as added by subsection (a) and amended by subsection (b) of section 1812 of such Act, is amended in subsection (c) by striking ''under this section'' and inserting ''under this chapter''.

(2) Section 3223 of such title, as added by subsection (a) and amended by subsection (d) of section 1812 of such Act, is amended by striking ''under this section'' in paragraph (2) and inserting ''under this chapter''.

(3) Section 3702 of such title, as added and amended by section 1831 of such Act, is amended—

(A) in subsection (a)(3) by striking ''under this section'' in the matter preceding subparagraph (A) and inserting ''under this chapter''; and

(B) in subsection (d), by striking ''this section'' and inserting ''this chapter''.

(4) Section 4375 of such title, as added by subsection (a) and amended by subsection (i) of section 1850 of such Act, is amended in subsection (d)(7)—

(A) by striking ''under the program (i) expressed as'' and inserting ''under the program— ''(A) expressed as''; and

(B) by striking ''or subprogram, and (ii) expressed as'' and inserting ''or subprogram; and ''(B) expressed as''.

(d) CROSS-REFERENCE AMENDMENTS WITHIN TRANSFERRED SECTIONS.—Title 10, United States Code, as transferred and redesignated by title XVIII of the FY2021 NDAA, is amended as follows:

(1) Section 3131 of title 10, United States Code, as transferred and redesignated by section 1809(b) of such Act, is amended in subsection (b)(1) by striking ''section 2353'' and inserting ''section 4141''.

(2) Section 3137 of such title, as transferred and redesignated by section 1809(h)(1) of such Act, is amended in subsection (b)(2) by striking ''section 2330a'' and inserting ''section 4505''.

(3) Section 3203 of such title, as added by paragraph (1) and amended by paragraph (2) of section 1811(d)(2) of such Act, is amended in subsection (c) by striking ''paragraphs (1) and (2)'' and inserting ''subsections (a)(1) and (b)''.

(4) Section 3206 of such title, as added by paragraph (1) and amended by paragraphs (2) and (3) of section 1811(e)(2) of such Act, is amended in subsection (a)(3) by striking ''subparagraphs (A) and (B)'' in the matter preceding subparagraph (A) and inserting ''paragraphs (1) and (2)''.

(5) Section 3221 of such title, as added by subsection (a) and amended by subsection (b) of section 1812 of such Act, is amended in subsection (b)(2) by striking ''chapter 144'' before ''of this title'' and inserting ''chapters 321, 324, and 325, subchapter I of chapter 322, and sections 3042, 4232, 4273, 4293, 4321, 4323, and 4328''.

(6) Section 3862 of such title, as transferred and redesignated by section 1836(b) of such Act, is amended in subsection (b) by striking ''section 2303(a)'' and inserting ''section 3063''.

(7) Section 4008 of such title, as transferred and redesignated by section 1841(c) of such Act, is amended by striking ''section 2303(a)'' in subsections (a) and (d) and inserting ''section 3063''.

(8) Section 4061 of such title, as transferred and redesignated by section 1842(b) of such Act, is amended in subsection (b)(5) by striking ''section 2302e'' and inserting ''section 4004''.

(9) Section 4062 of such title, as transferred and redesignated by section 1842(b) of such Act, is amended—

(A) in subsection (c)(4)(A)—

(i) in clause (i), by striking ''section 2433(d)'' and inserting ''section 4374''; and

(ii) in clause (ii), by striking ''section 2433(e)(2)(A)'' and inserting ''section 4375(b)'';

(B) in subsection (j), by striking ''chapter 137'' and inserting ''sections 3201 through 3205''; and

(C) in subsection (k)(2), by striking ''(as defined in section 2302(5) of this title)''.

(10) Section 4171 of such title, as transferred and redesignated by section 1845(b) of such Act, is amended in subsection (a)(2)—

(A) in subparagraph (A), by striking ''within the meaning'' and all that follows through ''this title''; and

(B) in subparagraph (B), by striking ''under'' and all that follows through ''this title'' and inserting ''under section 4203(a)(1) of this title''.

(11) Section 4324 of such title, as amended by section 802(a) and transferred and redesignated by section 1848(d)(1) of such Act, is amended in subsection (d)—

(A) in paragraph (5), by striking ''section 2430'' in subparagraph (A) and ''section 2430(a)(1)(B)'' in subparagraph (B) and inserting ''section 4201'' and ''section 4201(a)(2) of this title'', respectively;

(B) in paragraph (6), by striking ''section 2366(e)(7)'' and inserting ''section 4172(e)(7)''; and

(C) in paragraph (7), by striking ''section 2431a(e)(5)'' and inserting ''section 4211(e)(3)''.

(12) Section 4375 of such title, as added by subsection (a) and amended by subsection (h) section 1850), is amended in subsection (c)(2)—

(A) in subparagraph (A), by striking ''or (b)(2)''; and

(B) in subparagraph (B)—

(i) by striking ''or (b)(2)'' ; and

(ii) by striking ''subsection (b)(1)'' and inserting ''section 4376''.

(13) Section 4505 of such title, as transferred and redesignated by section 1856(g) of such Act, is amended by striking ''section 2383(b)(3)'' in subsection (h)(2) and inserting ''section 4508(b)(3)''.

(14) Section 4660 of such title, as transferred and redesignated by section 1862(b) of such Act, is amended by striking ''section 2324'' in subsection (c)(2) and inserting ''subchapter I of chapter 273''.

(15) Section 4814 of such title, as transferred and redesignated by section 1867(b) of such Act, is amended by striking ''subchapter V of chapter 148'' in paragraph (5) of subsection (a), as added by section 842(a)(2) of such Act, and inserting ''chapter 385''.

(16) Section 4819 of such title, as transferred and redesignated by section 1867(b) of such Act and amended by section 843 of such Act, is amended in subsection (b)(2)—

(A) in subparagraph (C)(xi), by striking ''section 2339a'' and inserting ''section 3252''; and

(B) in subparagraph (E)—

(i) in clause (i), by striking ''(as defined in section 2500(1) of this title)'';

(ii) in clause (ii), by striking ''section 2533a'' and inserting ''section 4862''; and

(iii) in clause (v), by striking ''section 2521'' and inserting ''sections 4841 and 4842''.

(17) Section 4862 of such title, as transferred and redesignated by section 1870(c)(2) of such Act, is amended by striking ''section 2304(c)(2)'' in subsection (d)(4) and inserting ''section 3204(a)(2)''.

(18) Section 4863 of such title, as transferred and redesignated by section 1870(c)(2) of such Act, is amended—

(A) in subsection (c)(2), by striking ''section 2304(c)(2)'' and inserting ''section 3204(a)(2)''; and

(B) in subsection (f), by striking ''section 2304(g)'' and inserting ''section 3205''.

(19) Section 4981 of such title, as transferred by subsection (b) and redesignated by subsection (c) of section 1873 of such Act, is amended by striking ''section 2501(a)'' in subsection (a) and inserting ''section 4811(a)''.

(e) DISPOSITION OF NEW TITLE 10 ACQUISITION PROVISIONS ADDED BY THE FY2021 NDAA.—

(1) TRANSFER OF NEW SECTION 2339C.—

(A) TRANSFER.—Section 2339c of title 10, United States Code, as added by section 803 of the FY2021 NDAA, is transferred to chapter 873 of such title, inserted after section 8754, and redesignated as section 8755, and amended in subsection (d)(3) by striking ''section 2430'' and inserting ''section 4201''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8755. Disclosures for offerors for certain shipbuilding major defense acquisition program contracts.''.

(2) TRANSFER OF NEW SECTION 2533D.—

(A) TRANSFER.—Section 2533d of title 10, United States Code, as added by section 841(a) of the FY2021 NDAA, is transferred to chapter 385 of such title, inserted after section 4872 of subchapter III of such chapter, redesignated as section 4873, and amended in subsection (a)(2) by striking ''section 2338'' and inserting ''section 3573''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4872 the following new item:

''4873. Additional requirements pertaining to printed circuit boards.''.

(3) TRANSFER OF NEW SECTION 2358C.—

(A) TRANSFER.—Section 2358c of title 10, United States Code, as added by section 1115(a) of the FY2021 NDAA, is transferred to subchapter II of chapter 303 of such title, as added by section 1842(a) of the FY2021 NDAA, inserted after section 4093, as transferred and redesignated by section 1843(a) (as amended by this section), and redesignated as section 4094.

(B) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter, as added by section 1842(a) of the FY2021 NDAA (as amended by this section), is amended by inserting after the item relating to section 4093 the following new item:

''4094. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.''.

(4) TRANSFER OF NEW SECTION 2374B.—

(A) TRANSFER.—Section 2374b of title 10, United States Code, as added by section 212(a)(1) of the FY2021 NDAA, is transferred to subchapter II of chapter 301 of such title, added at the end of such subchapter, and redesignated as section 4027.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4027. Disclosure requirements for recipients of research and development funds.''.

(f) AMENDMENTS TO TABLES OF SECTIONS.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 136 is amended by striking the item relating to section 2283.

(2) The table of sections at the beginning of chapter 165 is amended by striking the item relating to section 2784.

(3) The table of sections at the beginning of chapter 203, as added by section 1807(a) of the FY2021 NDAA, is amended in the item relating to section 3064 by inserting ''of'' after ''Applicability''.

(4) The table of sections at the beginning of chapter 223, as added by section 1813(a) of such Act, is amended by striking the item relating to section 3248 and inserting the following new item:

''3248. [Reserved].''.

(5) The table of sections at the beginning of subchapter II of chapter 273, as added by section 1832(j) of such Act, is amended by striking the items relating to sections 3764 and 3765.

(6) The table of sections at the beginning of subchapter III of chapter 275, as added by section 1833(n) of such Act, is amended by striking the item relating to section 3792 and inserting the following new item:

''3792. [Reserved].''.

(7) The table of sections at the beginning of subchapter I of chapter 322, as added by section 1847(a), is amended by striking the item relating to section 4212 and inserting the following new item:

''4212. Risk management and mitigation in major defense acquisition programs and major systems.''.

(8) The table of sections at the beginning of subchapter II of chapter 322, as added by section 1847(a), is amended by striking the item relating to section 4232 and inserting the following new item:

''4232. Prohibition on use of lowest price technically acceptable source selection process.''.

(9) The table of sections at the beginning of chapter 323, as added by section 1848(a), is amended by striking the item relating to section 4324 and inserting the following new item:

''4324. Life-cycle management and product support.''.

(10) The table of sections at the beginning of chapter 382, as added by section 1867(a) of such Act, is amended by striking the item relating to section 4814 and inserting the following new item:

''4814. National technology and industrial base: annual report and quarterly briefings.''.

(g) AMENDMENTS TO TABLES OF CHAPTERS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended—

(1) in the items for chapters 203, 205, and 207, by striking the section number at the end of each item and inserting ''3061'', ''3101'', and ''3131'', respectively;

(2) by striking the item for chapter 247 and inserting the following:

''247. Procurement of Commercial Products and Commercial Services ..... 3451'';

(3) in the item for chapter 251, by striking the section number at the end and inserting ''3571'';

(4) by striking the item for chapter 257 and inserting the following:

''257. Contracts for Long-Term Lease or Charter of Vessels, Aircraft, and Combat Vehicles 3671
''258. Other Types of Contracts Used for Procurements for Particular Purposes ..... 3681''; and

(5) by striking the last word in the item for the heading for subpart D and inserting ''Provisions''.

(h) AMENDMENTS TO HEADINGS.—Subtitle A of title 10, United States Code, is amended as follows:

(1) The heading of subpart D of part V is amended to read as follows:

''Subpart D—General Contracting Provisions''.

(2) The heading of subchapter II of chapter 273, as added by section 1832(j) of the FY2021 NDAA, is amended to read as follows:

''Subchapter II—Other Allowable Cost Provisions''.

(i) AMENDMENTS TO DELETE HEADINGS FROM SECTIONS SPECIFIED AS ''RESERVED''.—Title XVIII of the FY2021 NDAA is amended as follows:

(1) CHAPTER 201.—The matter inserted by section 1806(a)(1) is amended—

(A) in each of the items relating to sections 3003 and 3005 in the table of sections at the beginning of subchapter I, by striking the text after the section designation and inserting ''[Reserved].'';

(B) by striking section 3003 and inserting the following:

''§ 3003. [Reserved]''; and

(C) by striking section 3005 and inserting the following:

''§ 3005. [Reserved]''.

(2) CHAPTER 209.—

(A) In the table of contents for chapter 209 inserted by section 1810(a), by striking the text after the subchapter II designation and inserting ''[Reserved]''.

(B) Section 1810(d) is amended to read as follows:

''(d) ADDITIONAL SUBCHAPTER.—Chapter 209 of title 10, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER II—[RESERVED]

''Sec.
''3171. [Reserved].
''3172. [Reserved].

''§ 3171. [Reserved]
''§ 3172. [Reserved]'.''.

(3) CHAPTER 225.—The matter inserted by section 1813(h) is amended by striking the text after the chapter designation and inserting ''[Reserved]''.

(4) CHAPTER 242.—The matter inserted by section 1817(a) is amended—

(A) in the item relating to section 3324 in the table of sections, by striking the text after the section designation and inserting ''[Reserved].''; and

(B) by striking section 3324 and inserting the following:

''§ 3324. [Reserved]''.

(5) CHAPTER 253.—

(A) The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended by striking the text after the chapter designation for chapter 253 in each place and inserting ''[Reserved]''.

(B) Section 1824 is amended—

(i) in the matter inserted by subsection (a), by striking the text after the chapter designation and inserting ''[Reserved]''; and

(ii) in the matter inserted by subsection (b), by striking the text after the chapter designation and inserting ''[Reserved]''.

(6) CHAPTER 272.—The matter inserted by section 1831(k) is amended—

(A) by striking the text after the chapter designation and inserting ''**[Reserved]**''; and

(B) by striking all after the chapter heading and inserting the following:

''Sec.
''3721. [Reserved].
''3722. [Reserved].
''3723. [Reserved].
''3724. [Reserved].

''§ 3721. [Reserved]
''§ 3722. [Reserved]
''§ 3723. [Reserved]
''§ 3724. [Reserved]''.

(7) CHAPTER 279.—

(A) The matter inserted by section 1835(a) is amended in the table of sections by striking the text after the section designation in each of the items relating to sections 3843, 3844, and 3846 and inserting ''[Reserved].''.

(B) Section 1835(e) is amended—

(i) by striking the matter inserted by paragraph (1) and inserting the following:

''§ 3843. [Reserved]
''§ 3844. [Reserved]''; and

(ii) by striking matter inserted by paragraph (2) and inserting the following:

''§ 3846. [Reserved]''.

(8) CHAPTER 283.—

(A) The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended by striking the text after the chapter designation for chapter 283 in each place and inserting ''[Reserved]''.

(B) Section 1837 is amended to read as follows:

''SEC. 1837. RESERVATION OF CHAPTER 283.

''Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115– 232), is amended by striking chapter 283 and inserting the following:

''''CHAPTER 283—[RESERVED]'.''.

(9) CHAPTER 343.—Section 1856 is amended—

(A) in the matter to be inserted by subsection (a), by striking the text following the designation of chapter 343 and inserting ''[Reserved]''; and

(B) by amending the matter to be inserted by subsection (j) to read as follows:

''CHAPTER 343—[RESERVED]

''Subchapter Sec.
''I. [Reserved] 4541
''II. [Reserved] 4551

''SUBCHAPTER I—[RESERVED]

''Sec.
''4541. [Reserved].

''SUBCHAPTER II—[RESERVED]

''Sec.
''4551. [Reserved].''.

(10) CHAPTER 387.—Section 1871 is amended by amending the matter to be inserted by subsection (a)(2)—

(A) by inserting after the item relating to subchapter I the following new item:

''II. [Reserved] ..... 4991''; and

(B) by inserting after the item relating to section 4901 the following new item:

''SUBCHAPTER II—[RESERVED]

''Sec.
''4911. [Reserved].''.

(j) REVISED SECTION RELATING TO REGULATIONS.—Section 1807(b) of the FY2021 NDAA is amended in the matter to be inserted by paragraph (1), by striking ''shall prescribe'' and inserting ''is required by section 2202 of this title to prescribe''.

(k) REVISED TRANSFER OF SECTIONS RELATING TO MULTIYEAR CONTRACTS FOR ACQUISITION OF PROPERTY.—Section 1822 of the FY2021 NDAA is amended as follows:

(1) REVISED SECTIONS.—In the matter to be inserted by subsection (a)—

(A) in the table of sections for subchapter I, by striking the items relating to sections 3501 through 3511 and inserting the following:

''3501. Multiyear contracts: acquisition of property.''; and

(B) by striking the section headings for sections 3501 through 3511 and inserting the following:

''§ 3501. Multiyear contracts: acquisition of property''.

(2) TRANSFER OF SECTION 2306B.—Such section is further amended—

(A) by striking subsections (b) through (l); and

(B) by inserting after subsection (a) the following new section:

''(b) TRANSFER OF SECTION 2306B.—Section 2306b of title 10, United States Code, is transferred to section 3501 of such title, as added by subsection (a).''.

(3) TRANSFER OF SECTION 2306C.—Such section is further amended—

(A) in the matter to be inserted by subsection (m)—

(i) in the table of sections, by striking the items relating to sections 3531 through 3535 and inserting the following:

''3531. Multiyear contracts: acquisition of services.''; and

(ii) by striking the section headings for sections 3531 through 3535 and inserting the following:

''§ 3531. Multiyear contracts: acquisition of services'';

(B) by redesignating such subsection (m) as subsection (c);

(C) by striking subsections (n) through (s);

(D) by adding after subsection (c) (as so redesignated) the following new subsection:

''(d) TRANSFER OF SECTION 2306C.—Section 2306c of title 10, United States Code, is transferred to section 3531 of such title, as added by subsection (c).''.

(4) CONFORMING REDESIGNATION.—Such section is further amended by redesignating subsection (t) as subsection (e).

(l) RENAMING OF CHAPTER 287.—

(1) RENAMING OF CHAPTER.—Section 1838 of the FY2021 NDAA is amended—

(A) in the section heading, by striking the penultimate word in the heading and inserting ''**OTHER CONTRACTING**''; and

(B) by striking the penultimate word in the chapter heading in the matter inserted by subsection (a) and inserting ''***OTHER CONTRACTING***''.

(2) TABLES OF CHAPTERS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended by striking the item relating to chapter 287 and inserting the following new item:

''287. Other Contracting Programs ..... 3961''.

(m) REVISED TRANSFER OF SECTIONS WITHIN CHAPTER 388.—

(1) TRANSFER.—Section 1872(a) of title XVIII of the FY2021 NDAA, as amended by this section, is further amended—

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

''(2) TRANSFER.—The text of section 2411 of title 10, United States Code, is transferred to section 4951 of such title, as added by paragraph (1).'';

(B) by amending paragraph (3) to read as follows:

''(3) TRANSFER OF SECTION 2412.—The text of section 2412 of title 10, United States Code, is transferred to section 4952 of such title, as added by paragraph (1).''; and

(C) by amending paragraph (4) to read as follows:

''(4) TRANSFER OF SECTION 2420.—The text of section 2420 of title 10, United States Code, is transferred to section 4953 of such title, as added by paragraph (1).''.

(2) CONFORMING AMENDMENTS.—Such section 1872(a) is further amended—

(A) in paragraph (5)—

(i) by striking ''inserted after section 4951, redesignated as section 4952'' and inserting ''inserted after section 4953, redesignated as section 4954'';

(ii) in the matter to be inserted by subparagraph (B)(ii), by striking ''section 4957(b)'' and inserting ''section 4959(b)'';

(B) in paragraph (6)—

(i) by striking ''section 4952'' and inserting ''section 4954'';

(ii) by striking ''section 4953'' and inserting ''section 4955'';

(iii) in the matter to be inserted by subparagraph (B), by striking ''section 4951(b)(1)(D)'' and inserting ''section 4951(1)(D)''; and

(iv) in the matter to be inserted by subparagraph (C), by striking ''section 4957(b)'' and inserting ''section 4959(b)'';

(C) in paragraph (7)—

(i) by striking ''section 4953'' and inserting ''section 4955'';

(ii) by striking ''section 4954'' and inserting ''section 4956'';

(D) in paragraph (8)—

(i) by striking ''section 4954'' and inserting ''section 4956'';

(ii) by striking ''section 4955'' and inserting ''section 4957'';

(E) in paragraph (9)—

(i) by striking ''section 4955'' and inserting ''section 4957'';

(ii) by striking ''section 4956'' and inserting ''section 4958'';

(F) in paragraph (10)—

(i) by striking ''section 4956'' and inserting ''section 4958'';

(ii) by striking ''section 4957'' and inserting ''section 4959'';

(G) in paragraph (11)—

(i) by striking ''inserted after section 4957, as added by paragraph (10),'' and inserting ''added at the end of such chapter''; and

(ii) by striking ''section 4959'' and inserting ''section 4961''.

(3) TABLE OF SECTIONS.—Section 1872(a)(B) of the FY2021 NDAA is amended by striking the matter to be inserted and inserting the following:

''CHAPTER 388—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

''4951. Definitions.
''4952. Purposes.
''4953. Regulations.
''4954. Cooperative agreements.
''4955. Funding.
''4956. Distribution.
''4957. Subcontractor information.
''4958. Authority to provide certain types of technical assistance.
''4959. Advancing small business growth.
''4960. [Reserved].
''4961. Administrative and other costs.

''SEC. 4951. DEFINITIONS.

''SEC. 4952. PURPOSES.

''SEC. 4953. REGULATIONS.''.

(n) REVISED SECTION RELATING TO NAVY CONTRACT FINANCING.—Title XVIII of the FY2021 NDAA is amended as follows:

(1) REVISED PLACEMENT.—The matter to be inserted by section 1834(a) is amended—

(A) in the table of sections, by adding at the following new item:

''3808. Certain Navy contracts.''; and

(B) by adding after the heading for section 3807 the following:

''§ 3808. Certain Navy contracts''.

(2) TRANSFER OF SECTION 2307(G).—Section 1834 is further amended by adding at the end the following new subsection:

''(i) TRANSFER OF SUBSECTION (G) OF SECTION 2307.—

''(1) TRANSFER.—Subsection (g) of section 2307 of title 10, United States Code, is transferred to section 3808 of such title, as added by subsection (a), inserted after the section heading, and amended—

''(A) by striking the subsection designation and subsection heading; and

''(B) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively.

''(2) REVISIONS TO NEW 3808(A).—Subsection (a) of such section 3808, as so transferred and redesignated, is amended—

''(A) by inserting 'REPAIR, MAINTENANCE, OR OVERHAUL OF NAVAL VESSELS: RATE FOR PROGRESS PAYMENTS.—' before 'The Secretary of the Navy'; and

''(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

''(3) REVISIONS TO NEW 3808(B).—Subsection (b) of such section 3808, as so transferred and redesignated, is amended—

''(A) by inserting 'AUTHORITY TO ADVANCE FUNDS FOR IMMEDIATE SALVAGE OPERATIONS.—' before 'The Secretary of the Navy'; and

''(B) by striking 'this paragraph' in the second sentence and inserting 'this subsection'.

''(4) REVISIONS TO NEW 3808(C).—Subsection (c) of such section 3808, as so transferred and redesignated, is amended by inserting 'SECURITY FOR CONSTRUCTION AND CONVERSION OF NAVAL VESSELS.—' before 'The Secretary of the Navy'.

''(5) CONFORMING AMENDMENT.—Section 8702(c) is amended by striking 'section 2307(g)(2)' and inserting 'section 3808(b)'.''''.

(3) REPEAL OF PRIOR TRANSFER.—Section 1876 is repealed.

(o) REVISED TRANSFER RELATING TO SELECTED ACQUISITION REPORTS.—

(1) TRANSFER AS SINGLE SECTION.—

(A) Subsection (a) section 1849 of the FY2021 NDAA is amended in the matter to be inserted by striking all after the chapter heading and inserting the following:

''Sec.

''4351. Selected Acquisition Reports.''.

(B) Subsection (b) of such section 1849 is amended to read as follows:

''(b) TRANSFER OF SECTION 2432.—Section 2432 of title 10, United States Code, is transferred to chapter 324 of such title, as added by subsection (a), and redesignated as section 4351.''.

(2) CONFORMING AMENDMENTS.—

(A) The section heading for section 1849 of the FY2021 NDAA is amended to read as follows:

''SEC. 1849. SELECTED ACQUISITION REPORTS.''.

(B) Section 1849 of the FY2021 NDAA is amended in the matter to be inserted by striking the text after the chapter designation and inserting ''***SELECTED ACQUISITION REPORTS***''.

(3) CROSS-REFERENCE AMENDMENTS IN SECTION 4351(C).—Subsection (c) of such section 1849 is amended to read as follows:

''(c) CROSS-REFERENCE AMENDMENTS IN NEW SECTION 4351(C).—Subsection (c)(1) of such section, as so transferred and redesignated, is amended—

''(1) by striking 'section 2431' in subparagraph (A) and inserting 'section 4205';

''(2) by striking 'section 2433(a)(2)' in subparagraph (B)(i) and inserting 'section 4371(a)(4)';

''(3) by striking 'section 2435(d)(1)' in subparagraph (B)(ii) and inserting 'section 4214(d)(1)';

''(4) by striking 'section 2435(d)(2)' in subparagraph (B)(iii) and inserting 'section 4214(d)(2)';

''(5) by striking 'section 2432(e)(4)' in subparagraph (B)(iv) and inserting 'section 4355(4)'; and

''(6) by striking 'section 2446a' in subparagraph (G) and inserting 'section 4401'.''''.

(4) CROSS-REFERENCE AMENDMENT IN SECTION 4351(H).—Subsection (d) of such section 1849 is amended to read as follows:

''(d) CROSS-REFERENCE AMENDMENT IN NEW SECTION 4351(H).—Subsection (h)(2)(A) of such section, as so transferred and redesignated, is amended by striking 'section 2431' and inserting 'section 4205'.''''.

(5) DELETION OF SUPERSEDED AMENDMENTS.—Such section 1849 is further amended—

(A) by striking subsections (e) through (k); and

(B) redesignating subsections (l) and (m) as subsections (e) and (f), respectively.

(6) CONFORMING CROSS-REFERENCE AMENDMENTS.—Title XVIII of the FY2021 NDAA is amended—

(A) in section 1812—

(i) in subsection (b)(2)(D), by striking ''section 4353(a)'' in the matter to be inserted and inserting ''section 4351(c)(1)''; and

(ii) in subsection (f)(2)(C), by striking ''sections 4351 through 4358'' in the matter to be inserted and inserting ''section 4351'';

(B) in section 1846—

(i) in subsection (f)(5)(C), by striking ''sections 4351 through 4358'' in the matter to be inserted and inserting ''section 4351''; and

(ii) in subsection (g)(1), by striking ''section 4351'' in the matter to be inserted and inserting ''section 4351(a)'';

(C) in section 1847—

(i) in subsection (b)(4)(B)(iii), by striking ''sections 4351 through 4358'' in the matter to be inserted and inserting ''section 4351'';

(ii) in subsection (c)(1)(A)(i), by striking ''sections 4351 through 4358'' in the matter to be inserted and inserting ''section 4351'';

(iii) in subsection (d)(2)(C)(ii), by striking ''sections 4351 through 4358'' in the matter to be inserted and inserting ''section 4351''; and

(iv) in subsection (e)(1)(A), by striking ''section 4351(2)'' in the matter to be inserted and inserting ''section 4351(a)(2)'';

(D) in section 1849(f) (as so redesignated), by striking ''chapter 324'' in the matter to be inserted and inserting ''section 4351''; and

(E) in section 1850—

(i) in subsection (b)(3)(A)(ii), by striking ''section 4351'' in the matter to be inserted and inserting ''section 4351(a)'';

(ii) in subsection (c)(2), by striking ''section 4358'' in the matter to be inserted and inserting ''section 4351(h)'';

(iii) in subsection (e)(4)(A), by striking ''section 4352(c)'' in the matter to be inserted and inserting ''section 4351(b)(3)'';

(iv) in subsection (h)(2)(C)(ii), by striking ''and inserting'' and all that follows through ''respectively'' and inserting ''and inserting 'section 4351(e)' and 'section 4351(f)', respectively'';

(v) in subsection (j)(3)(B)(ii), by striking ''section 4356(a)'' in the matter to be inserted and inserting ''section 4351(f)'';

(vi) in subsection (k)(4)(D), by striking ''section 4352'' in the matter to be inserted and inserting ''section 4351''; and

(vii) in subsection (k)(6)(D)(i)(II), by striking ''section 4356'' in the matter to be inserted and inserting ''section 4351(f)''.

(p) TRANSFER OF SECTIONS 2196 & 2197 TO CHAPTER 384 (MANUFACTURING TECHNOLOGY).—

(1) TRANSFER.—Section 1869(d) of the FY2021 NDAA is amended—

(A) by striking ''SECTION 2522.—Section 2522 of title 10, United States Code, is'' and inserting ''SECTIONS 2196, 2197, AND 2522.—

''(1) TRANSFER.—Sections 2196, 2197, and 2522 of title 10, United States Code, are'';

(B) by striking ''as section 4843'' and inserting ''as sections 4843, 4844, and 4845, respectively''; and

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

''(2) CONFORMING AMENDMENTS.—Section 4844, as transferred and redesignated by paragraph (1), is amended in subsection (a)(6), by striking 'section 2196' and inserting 'section 4843'.''.

(2) TABLES OF SECTIONS.—

(A) CHAPTER 384.—Section 1869(a) of the FY2021 NDAA is amended in the matter to be inserted by striking the item relating to section 4843 and inserting the following:

''4843. Manufacturing engineering education program.

''4844. Manufacturing experts in the classroom.

''4845. Armament retooling and manufacturing.''.

(B) CHAPTER 111.—The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the items relating to sections 2196 and 2197.

(q) REVISED TRANSFER OF SECTION 2358B.—Title XVIII of the FY2021 NDAA is amended as follows:

(1) DELETION OF TRANSFER TO CHAPTER 303.—Section 1842(b) is amended—

(A) by striking ''2358b,''; and

(B) by striking ''4064,''.

(2) TRANSFER TO CHAPTER 87.—Subtitle J of title XVIII of the FY2021 NDAA is amended by inserting after section 1878 the following new section:

''SEC. 1878A. TRANSFER OF TITLE 10 SECTION RELATING TO JOINT RESERVE DETACHMENT OF DEFENSE INNOVATION UNIT.

''(a) TRANSFER.—Section 2358b of title 10, United States Code, is transferred to subchapter V of chapter 87 of such title, inserted after section 1765, and redesignated as section 1766.

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

''1766. Joint reserve detachment of the Defense Innovation Unit.''.

(r) REVISED SECTION RELATING TO ACQUISITION-RELATED FUNCTIONS OF CHIEFS OF THE ARMED FORCES.—Title XVIII of the FY2021 NDAA is amended as follows:

(1) DELETION OF SEPARATE SECTION FOR ACQUISITIONS FUNCTIONS OF SERVICE CHIEFS.—Section 1847 is amended—

(A) in the matter to be inserted by subsection (a), by striking the item relating to section 4274 in the table of sections for subchapter IV and inserting:

''4274. [Reserved].''; and

(B) in subsection (e), by striking paragraphs (4), (5), and (6)(B).

(2) CROSS-REFERENCE AMENDMENT.—Section 1808(d) is amended by adding at the end the following new paragraph:

''(3) Sections 7033(d)(5), 8033(d)(5), 8043(e)(5), and 9033(d)(5) of such title are amended by striking 'and 2547' and inserting 'and 3104'.''''.

(s) REVISED TRANSFER OF SECTION RELATING TO NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Title XVIII of the FY2021 NDAA is amended as follows:

(1) DELETION OF PREVIOUS TRANSFER OF SECTION 2440.—Section 1847(b)(2) is amended—

(A) by striking ''TRANSFER OF'' and all that follow through ''(B)''; and

(B) by striking ''paragraph (3)'' in the matter to be inserted and inserting ''section 4820 of this title''.

(2) REVISED TRANSFER.—

(A) Section 2440 of title 10, United States Code, as amended by section 846(b) of the FY2021 NDAA, is transferred to chapter 382 of such title, inserted after section 4819, and redesignated as section 4820.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4820. National technology and industrial base plans, policy, and guidance.''.

(C) Such section 4820, as so transferred and redesignated, is amended—

(i) in subsection (a), by striking ''section 2501'' and inserting ''section 4811''; and

(ii) in subsection (b), by striking ''chapter 148'' and inserting ''subchapters 381 through 385 and subchapter 389''.

(t) REVISION OF SUBCHAPTER III OF CHAPTER 385.—Section 1870(d) of the FY2021 NDAA is amended—

(1) in the matter inserted by paragraph (1)—

(A) by striking the items relating to sections 4871 and 4872 and inserting the following new items:

''4871. Contracts: consideration of national security objectives.
''4872. Acquisition of sensitive materials from non-allied foreign nations: prohibition.''; and

(B) by adding after the item relating to section 4873, as added by this section, the following new item:

''4874. Award of certain contracts to entities controlled by a foreign government: prohibition.'';

(2) in paragraph (2)—

(A) in the paragraph heading, by striking ''sections 2533c and 2536'' and inserting ''sections 2327, 2533c, and 2536'';

(B) by striking ''sections 2533c and 2536 of title 10'' and inserting ''sections 2327, 2533c, and 2536 of title 10''; and

(C) by striking ''sections 4871 and 4872'' and inserting ''sections 4871, 4872, and 4874'';

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''Section 4871'' and inserting ''Section 4872''; and

(B) in the matter inserted by subparagraph (B), by striking ''***4871***'' and inserting ''***4872***''; and

(4) in the matter inserted by paragraph (4), by striking ''section 4872(c)(1)'' and inserting ''section 4874(c)(1)''.

(u) RESTRUCTURING OF CHAPTERS OF SUBPART E (RESEARCH & ENGINEERING).—Section 1841 of the FY2021 NDAA is amended as follows:

(1) REVISED SUBPART E.—The matter to be inserted by subsection (a)(2) is amended to read as follows:

''Subpart E—Research and Engineering

''301. Research and Engineering Generally 4001
''303. Research and Engineering Activities 4061
''305. Universities 4131
''307. Test and Evaluation ..... 4171''.

(2) REVISED CHAPTER 301.—Section 1841 of the FY2021 NDAA is further amended as follows:

(A) REVISED TABLE OF SECTIONS.—The matter to be inserted by subsection (a)(1)(B) is amended—

(i) by inserting after the item relating to chapter 301 the following:

''SUBCHAPTER I—GENERAL'';

(ii) by striking the items relating to sections 4002, 4003, and 4004 and inserting the following:

''4002. ***[***Reserved***]***.
''4003. ***[***Reserved***]***.
''4004. Contract authority for development and demonstration of initial or additional prototype units.'';

(iii) by striking the items relating to sections 4008 and 4009 and inserting the following:

''4008. ***[***Reserved***]***.
''4009. ***[***Reserved***]***.''; and

(iv) by striking the item relating to section 4015 and inserting the following:

''SUBCHAPTER II—AGREEMENTS

''4021. Research projects: transactions other than contracts and grants.
''4022. Authority of the Department of Defense to carry out certain prototype projects.
''4023. Procurement for experimental purposes.
''4024. Merit-based award of grants for research and development.
''4025. Prizes for advanced technology achievements.
''4026. Cooperative research and development agreements under Stevenson-Wydler Technology.''.

(B) REVISED TRANSFER OF TITLE 10 SECTIONS.—Subsection (b)(1) is amended—

(i) by inserting ''2302e, 2359,'' after ''2358,'';

(ii) by striking ''and 2373'' and inserting '', 2373, 2374, 2374a, and 2371a'';

(iii) by striking ''4002, 4003, and''; and

(iv) by inserting '', 4007, 4021, 4022, 4023, 4024, 4025, and 4026'' before '', respectively''.

(C) TECHNICAL AMENDMENT.—Subsection (b)(2)(A)(i) is amended by striking ''by striking'' and all that follows through the semicolon at the end and inserting ''by striking 'section 2371 or 2371b' and inserting 'section 4021 or 4022';''.

(D) DESIGNATION OF SUBCHAPTERS.—Subsection (c) is amended to read as follows:

''(c) DESIGNATION OF SUBCHAPTERS.—Chapter 301 of such title, as added by subsection (a), is amended—

''(1) by inserting before section 4001, as transferred and redesignated by subsection (b)(1), the following:

''`Subchapter I—General'; and

''(2) by inserting before section 4021, as transferred and redesignated by subsection (b)(1), the following:

''`Subchapter II—Agreements'.''.

(E) REVISED TRANSFER OF SECTION 2364(A).—Subsection (d)(1) is amended by striking ''section 4009'' and inserting ''section 4007''.

(F) REVISED CROSS-REFERENCE AMENDMENTS.—

(i) Subsection (b)(2) is amended—

(I) in subparagraph (A)(ii), by striking ''sections 4004'' in the matter to be inserted and inserting ''section 4023'';

(II) in subparagraph (A)(iii), by striking ''sections 4002 and 4143'' in the matter to be inserted and inserting ''sections 4021 and 4026'';

(III) in subparagraph (B), by striking ''Section 4002'' and inserting ''Section 4021'';

(IV) in subparagraph (C)—

(aa) by striking ''Section 4003'' and inserting ''Section 4022''; and

(bb) by striking ''section 4002'' in the matter to be inserted and inserting ''section 4021''; and

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

''(D) Section 4004 of such title, as so transferred and redesignated, is amended by striking 'section 2302(2)(B)' in subsection (a) and inserting 'section 3012(2)'.''.

(ii) Subsection (e)(2) is amended by striking ''section 4003'' in the matter to be inserted and inserting ''section 4022''.

(3) REVISED CHAPTER 303, SUBCHAPTER I.—Section 1842 of the FY2021 NDAA is amended as follows:

(A) REVISED HEADING AND TABLE OF SECTIONS.—The matter to be inserted by subsection (a) is amended to read as follows:

''CHAPTER 303—RESEARCH AND ENGINEERING ACTIVITIES

''SUBCHAPTER I—GENERAL

''Sec.
''4061. Defense Research and Development Rapid Innovation Program.
''4062. Defense Acquisition Challenge Program.
''4063. ***[***Reserved***]***.
''4064. ***[***Reserved***]***.
''4065. ***[***Reserved***]***.
''4066. Global Research Watch Program.
''4067. Technology protection features activities.

''SUBCHAPTER II—PERSONNEL

''4091. Authorities for certain positions at science and technology reinvention laboratories.
''4092. Personnel management authority to attract experts in science and engineering.
''4093. Science, Mathematics, and Research for Transformation (SMART) Defense Education Program.

''SUBCHAPTER III—RESEARCH AND DEVELOPMENT CENTERS AND FACILITIES

''4121. ***[***Reserved***]***.
''4122. ***[***Reserved***]***.
''4123. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
''4124. Centers for Science, Technology, and Engineering Partnership.
''4125. Functions of Defense research facilities.
''4126. Use of federally funded research and development centers.

''Subchapter I—General

''Subchapter II—Personnel

''Subchapter III—Research and Development Centers and Facilities''.

(B) TRANSFER OF TITLE 10 SECTIONS TO SUBCHAPTER I.—Subsection (b) is amended—

(i) by striking ''2361a'' and all that follows through ''2365'' and inserting ''2365, and 2357'';

(ii) by striking ''after the table of sections'' and inserting ''after the heading for subchapter I''; and

(iii) by striking ''4063'' and all that follows through ''4066'' and inserting ''4066, and 4067''.

(C) REVISED CROSS-REFERENCE AMENDMENT.—Subsection (c)(1) is amended by striking ''section 4065'' in the matter to be inserted and inserting ''section 4025''.

(4) REVISED CHAPTER 303, SUBCHAPTERS II & III.—

(A) IN GENERAL.—Section 1843 of the FY2021 NDAA is amended by striking the section heading and subsections (a) and (b) and inserting the following:

''SEC. 1843. PERSONNEL; RESEARCH AND DEVELOPMENT CENTERS AND FACILITIES.

''(a) TRANSFER OF TITLE 10 SECTIONS TO SUBCHAPTER II.—Sections 2358a, 1599h, and 2192a of title 10, United States Code, are transferred to subchapter II of chapter 303 of such title, as added by section 1842(a), inserted (in that order) after the subchapter heading, and redesignated as sections 4091, 4092, and 4093, respectively.

''(b) TRANSFER OF TITLE 10 SECTIONS TO SUBCHAPTER III.—

''(1) IN GENERAL.—Sections 2363, 2368, and 2367 of title 10, United States Code, are transferred to subchapter III of chapter 303 of such title, as added by section 1842(a), inserted (in that order) after the subchapter heading, and redesignated as sections 4123, 4124, and 4126, respectively.

''(2) TRANSFER OF SECTION 2364(B) AND (C).—

''(A) HEADING.—Such subchapter III is further amended by inserting after section 4124, as transferred and redesignated by paragraph (1), the following:

''`§ 4125. Functions of Defense research facilities'.

''(B) TEXT.—Subsections (b) and (c) of section 2364 of such title are transferred to such subchapter, inserted after the section heading for section 4125, as added by subparagraph (A), and redesignated as subsections (a) and (b), respectively.''.

(B) REVISED CROSS-REFERENCE AMENDMENT.—Subsection (c) of such section 1843 is amended by striking ''section 4103(a)'' in the matter to be inserted and inserting ''section 4123(a)''.

(C) CONFORMING AMENDMENTS TO TRANSFERRED SECTION.—Such section 1843 is further amended by adding at the end the following new subsection:

''(d) CONFORMING AMENDMENTS TO TRANSFERRED SECTION.—Section 4124 of such title, as transferred and redesignated by subsection (b)(1), is amended in subsection (b)(3)(B)(ii), by striking '2358, 2371, 2511, 2539b, and 2563' and inserting '2563, 4001, 4021, 4831, and 4062'.''.

(5) REVISED CHAPTER 305.—

(A) NEW CHAPTER 305.—Subsection (a) of section 1844 of the FY2021 NDAA is amended—

(i) by striking ''chapter 305, as added by the preceding section'' and inserting ''chapter 303, as added by section 1842''; and

(ii) by striking the matter inserted by that subsection and inserting:

''CHAPTER 305—UNIVERSITIES

''Sec.
''4141. Award of grants and contracts to colleges and universities: requirement of competition.
''4142. Extramural acquisition innovation and research activities.

''4143. Research and development laboratories: contracts for services of university students.
''4144. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education.''.

(B) TRANSFER OF TITLE 10 SECTIONS TO NEW CHAPTER 305.—Such section is further amended by striking subsections (b), (c), (d), and (e) and inserting the following:

''(b) TRANSFER OF TITLE 10 SECTIONS.—Sections 2361, 2361a, 2360, and 2362 of title 10, United States Code, are transferred to chapter 305 of such title, as added by subsection (a), inserted (in that order) after the table of sections, and redesignated as section 4141, 4142, 4143, and 4144, respectively.''.

(6) REVISED CHAPTER 307.—

(A) REDESIGNATION OF CHAPTER 309 AS CHAPTER 307.—Subsection (a) of section 1845 of the FY2021 NDAA is amended—

(i) by striking ''chapter 307, as added by the preceding section'' and inserting ''chapter 305, as added by section 1844''; and

(ii) by redesignating the chapter added by that section as chapter 307.

(B) TRANSFER OF ADDITIONAL SECTIONS TO REDESIGNATED CHAPTER 307.—Subsection (b) of such section is amended—

(i) by striking ''and 196'' and inserting ''196, 2353, and 2681''; and

(ii) by striking ''section 4171, 4172, and 4173'' and inserting ''sections 4171, 4172, 4173, 4174, and 4175''.

(C) TABLE OF SECTIONS.—The table of sections inserted by subsection (a) of such section is amended by adding at the end the following new items:

''4174. Contracts: acquisition, construction, or furnishing of test facilities and equipment.
''4175. Use of test and evaluation installations by commercial entities.''.

(v) CONFORMING AMENDMENTS TO DELETE CONFLICTING TRANSFERS OF CERTAIN SECTIONS.—

(1) DELETION OF TRANSFER OF SECTION 2302E TO CHAPTER 243.—Section 1818 of the FY2021 NDAA is amended—

(A) by striking subsection (c); and

(B) by striking the last item in the table of sections inserted by subsection (a).

(2) DELETION OF TRANSFER OF SECTION 2362 TO CHAPTER 287.—Section 1838 of the FY2021 NDAA is amended—

(A) in subsection (b), by striking ''2362,'' and ''3904,''; and

(B) by striking the item relating to section 3904 in the table of sections inserted by subsection (a) and inserting the following new item:

''3904. [Reserved].''.

(w) AMENDMENTS TO TABLES OF SECTIONS NOT IN PART V.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 1599h.

(2) The table of sections at the beginning of chapter 111 is amended by striking the item relating to section 2192a.

(3) The table of sections at the beginning of chapter 159 is amended by striking the item relating to section 2681.

SEC. 1702. CONFORMING CROSS REFERENCE TECHNICAL AMENDMENTS RELATED TO THE TRANSFER AND REORGANIZATION OF DEFENSE ACQUISITION STATUTES.

(a) AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 171a(i)(3) is amended by striking ''2366a(d)'' and inserting ''4251(d)''.

(2) Section 181(b)(6) is amended by striking ''sections 2366a(b), 2366b(a)(4),'' and inserting ''sections 4251(b), 4252(a)(4),''.

(3) Section 1734(c)(2) is amended by striking ''section 2435(a)'' and inserting ''section 4214(a)''.

(b) AMENDMENTS TO LAWS CLASSIFIED AS NOTES IN TITLE 10, UNITED STATES CODE.—

(1) Section 801(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2302 note) is amended by striking ''section 2545'' and inserting ''section 3001''.

(2) Section 323(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2463 note) is amended by striking ''section 235, 2330a, or 2463'' and inserting ''section 2463, 3137, or 4505''.

(3) Section 8065 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 10 U.S.C. 2540 note), is amended—

(A) by striking ''subchapter VI of chapter 148'' both places it appears and inserting ''subchapter I of chapter 389''; and

(B) by striking ''section 2540c(d)'' and inserting ''section 4974(d)''.

(c) AMENDMENTS TO LAWS CLASSIFIED IN TITLE 6, UNITED STATES CODE (HOMELAND SECURITY).—

(1) Section 831(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 391(a)) is amended by striking ''section 2371'' and inserting ''section 4021''.

(2) Section 853(b) of such Act (6 U.S.C. 423(b)) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) Section 134 of title 41, United States Code.
''(2) Section 153 of title 41, United States Code.
''(3) Section 3015 of title 10, United States Code.''.

(3) Section 855 of such Act (6 U.S.C. 425) is amended—

(A) in subsection (a)(2), by striking subparagraphs (A), (B), and (C) and inserting the following:

''(A) Sections 1901 and 1906 of title 41, United States Code.

''(B) Section 3205 of title 10, United States Code.

''(C) Section 3305 of title 41, United States Code.''; and

(B) in subsection (b)(1), by striking ''provided in'' and all that follows through ''shall not'' and inserting ''provided in section 1901(a)(2) of title 41, United States Code, section 3205(a)(2) of title 10, United States Code, and section 3305(a)(2) of title 41, United States Code, shall not''.

(4) Section 856(a) of such Act (6 U.S.C. 426(a)) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—In division C of subtitle I of title 41, United States Code:

''(A) Paragraphs (1), (2), (6), and (7) of subsection (a) of section 3304 of such title, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (d) of such section).

''(B) Section 4106 of such title, relating to orders under task and delivery order contracts.

''(2) TITLE 10, UNITED STATES CODE.—In part V of subtitle A of title 10, United States Code:

''(A) Paragraphs (1), (2), (6), and (7) of subsection (a) of section 3204, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (d) of such section).

''(B) Section 3406, relating to orders under task and delivery order contracts.

''(3) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Paragraphs (1)(B), (1)(D), and (2)(A) of section 1708(b) of title 41, United Sates Code, relating to inapplicability of a requirement for procurement notice.''.

(5) Section 604(f) of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b(f)) is amended by striking ''section 2304(g)'' and inserting ''section 3205''.

(d) AMENDMENTS TO TITLE 14, UNITED STATES CODE (COAST GUARD).—Title 14, United States Code, is amended as follows:

(1) Section 308(c)(10)(B)(ii) is amended by striking ''section 2547(c)(1)'' and inserting ''section 3104(c)(1)''.

(2) Section 1137(b)(4) is amended by striking ''section 2306b'' and inserting ''section 3501''.

(3) Section 1906(b)(2) is amended by striking ''chapter 137'' and inserting ''sections 3201 through 3205''.

(e) AMENDMENTS TO LAWS CLASSIFIED IN TITLE 15, UNITED STATES CODE (COMMERCE).—

(1) Section 14(a) of the Metric Conversion Act of 1975 (15 U.S.C. 205l(a)) is amended—

(A) in the first sentence, by striking ''set forth in chapter 137'' and all that follows through ''et seq.),'' and inserting ''set forth in the provisions of title 10, United States Code, referred to in section 3016 of such title as 'chapter 137 legacy provisions', section 3453 of such title, division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, United States Code,'';

(B) in the second sentence, by striking ''under section 2377(c)'' and all that follows through the period and inserting ''under section 3453(c) of title 10, United States Code, and section 3307(d) of title 41, United States Code.''; and

(C) in the third sentence, by striking ''section 2377'' and all that follows through ''shall take'' and inserting ''section 3453 of title 10, United Sates Code, or section 3307(b) to (d) of title 41, United States Code, then the provisions of such sections 3453 or 3307(b) to (d) shall take''.

(2) Section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(A) in subsection (g)(2), by striking ''section 2304(c)'' and inserting ''section 3204(a)''; and

(B) in subsection (h)—

(i) in paragraph (1)(B), by striking ''chapter 137'' and inserting ''sections 3201 through 3205''; and

(ii) in paragraph (2), by striking ''section 2304(f)(2)'' and ''section 2304(f)(1)'', and inserting ''paragraphs (3) and (4) of section 3204(e)'' and ''section 3204(e)(1)'', respectively.

(3) Section 9 of the Small Business Act (15 U.S.C. 638) is amended in subsection (r)(4)(A) by striking ''section 2304'' and inserting ''sections 3201 through 3205''.

(4) Section 884(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 15 U.S.C. 638 note) is amended by striking ''section 2500'' and inserting ''section 4801''.

(5) Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(A) in subsection (k)—

(i) in paragraph (17)(B), by striking ''section 2318'' and inserting ''section 3249'';

(ii) in paragraph (17)(C), by striking ''chapter 142'' and inserting ''chapter 388''; and

(iii) in paragraph (18), by striking ''section 2784'' and inserting ''section 4754'';

(B) in subsection (r)(2), by striking ''section 2304c(b)'' and inserting ''section 3406(c)''; and

(C) in subsections (u) and (v), by striking ''chapter 142'' and inserting ''chapter 388''.

(6) Section 16 of the Small Business Act (15 U.S.C. 645) is amended in subsection (d)(3) by striking ''chapter 142'' and inserting ''chapter 388''.

(7) Section 272 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 15 U.S.C. 4602) is amended in subsection (c) by striking ''section 2306a'' and inserting ''chapter 271''.

(f) AMENDMENTS TO TITLES 32, UNITED STATES CODE (NATIONAL GUARD) AND 37, UNITED STATES CODE (PAY AND ALLOWANCES).—

(1) Section 113 of title 32, United States Code, is amended in subsection (b)(1)(B) by striking ''section 2304(c)'' and inserting ''section 3204(a)''.

(2) Section 418 of title 37, United States Code, is amended in subsection (d)(2)(A)—

(A) by striking ''section 2533a'' and inserting ''section 4862''; and

(B) by striking ''chapter 137 of title 10'' and inserting ''chapter 137 legacy provisions (as such term is defined in section 3016 of title 10)''.

(g) AMENDMENTS TO TITLE 40, UNITED STATES CODE (PUBLIC BUILDINGS).—Title 40, United States Code, is amended as follows:

(1) Section 113(e) is amended—

(A) in paragraph (3)—

(i) by striking ''chapter 137'' and inserting ''section 3063''; and

(ii) by striking ''that chapter;'' and inserting ''the provisions of that title referred to in section 3016 of such title as 'chapter 137 legacy provisions';''; and

(B) in paragraph (5), by striking ''section 2535'' and inserting ''section 4881''.

(2) Section 581(f)(1)(A) is amended by striking ''section 2535'' and inserting ''section 4881''.

(h) AMENDMENTS TO TITLE 41, UNITED STATES CODE (PUBLIC CONTRACTS).—Title 41, United States Code, is amended as follows:

(1) Section 1127(b) is amended by striking ''section 2324(e)(1)(P)'' and inserting ''section 3744(a)(16)''.

(2) Section 1303(a)(1) is amended by striking ''chapters 4 and 137 of title 10'' and inserting ''chapter 4 of title 10, chapter 137 legacy provisions (as such term is defined in section 3016 of title 10)''.

(3) Section 1502(b)(1)(B) is amended by striking ''section 2306a(a)(1)(A)(i)'' and inserting ''section 3702(a)(1)(A)''.

(4) Section 1708(b)(2)(A) is amended by striking ''section 2304(c)'' and inserting ''section 3204(a)''.

(5) Section 1712(b)(2)(B) is amended by striking ''section 2304(c)'' and inserting ''section 3204(a)''.

(6) Section 1901(e)(2) is amended by striking ''section 2304(f)'' and inserting ''section 3204(e)''.

(7) Section 1903 is amended—

(A) in subsection (b)(3), by striking ''section 2304(g)(1)(B)'' and inserting ''section 3205(a)(2)''; and

(B) in subsection (c)(2)(B), by striking ''section 2306a'' and inserting ''chapter 271''.

(8) Section 1907(a)(3)(B)(ii) is amended by striking ''section 2305(e) and (f)'' and inserting ''section 3308''.

(9) Section 1909(e) is amended by striking ''section 2784'' and inserting ''section 4754''.

(10) Section 2101(2)(A) is amended by striking ''section 2306a(h)'' and inserting ''section 3701''.

(11) Section 2311 is amended by striking ''section 2371'' and inserting ''section 4021''.

(12) Section 3302 is amended—

(A) in subsection (a)(3)—

(i) in subparagraph (A), by striking ''section 2302(2)(C)'' and inserting ''section 3012(3)''; and

(ii) in subparagraph (B), by striking ''sections 2304a to 2304d of title 10,'' and inserting ''chapter 245 of title 10'';

(B) in subsection (c)(1)(A)(i), by striking ''section 2304c(b)'' and inserting ''section 3406(c)''; and

(C) in subsection (d)(1)(B), by striking ''section 2304(f)(1)'' and inserting ''section 3204(e)(1)''.

(13) Section 3307(e)(1) is amended by striking ''chapter 140'' and inserting ''chapter 247''.

(14) Section 4104 is amended—

(A) in subsection (a), by striking ''sections 2304a to 2304d'' and inserting ''chapter 245''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''sections 2304a to 2304d'' and inserting ''chapter 245'';

(ii) in paragraph (2)(B), by striking ''section 2304c(b)'' and inserting ''section 3406(c)''; and

(iii) in paragraph (2)(C), by striking ''section 2304c(c)'' and inserting ''section 3406(e)''.

(i) AMENDMENTS TO LAWS CLASSIFIED AS NOTES IN TITLE 41, UNITED STATES CODE.—

(1) Section 555 of the FAA Reauthorization Act of 2018 (Public Law 115–254; 41 U.S.C. preceding 3101 note) is amended by striking ''section 2305'' in subsections (a)(4) and (c)(1) and inserting ''sections 3206 through 3208 and sections 3301 through 3309''.

(2) Section 846(f)(5) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 41 U.S.C. 1901 note) is amended by striking ''section 2304'' and inserting ''sections 3201 through 3205''.

(3) Section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 41 U.S.C. 3304 note) is amended—

(A) in subsection (a)(3), by striking ''sections 2304(f)(1)(C) and 2304(l)'' and inserting ''sections 3204(e)(1)(C) and 3204(f)''; and

(B) in subsection (c)—

(i) in paragraph (1)(A), by striking ''section 2304(f)(2)(D)(ii)'' and inserting ''section 3204(e)(4)(D)(ii)'';

(ii) in paragraph (2)(A), by striking ''section 2302(1)'' and inserting ''section 3004''; and

(iii) in paragraph (3)(A), by striking ''section 2304(f)(1)(B)'' and inserting ''section 3204(e)(1)(B)''.

(j) AMENDMENTS TO LAWS CLASSIFIED IN TITLE 42, UNITED STATES CODE.—

(1) The Public Health Service Act (Public Law 78–410) is amended—

(A) in section 301(a)(7) (42 U.S.C. 241(a)(7)), by striking ''sections 2353 and 2354'' and inserting ''sections 3861 and 4141''; and

(B) in section 405(b)(1) (42 U.S.C. 284(b)(1)), by striking ''section 2354'' and inserting ''section 3861''.

(2) Section 403(a) of the Housing Amendments of 1955 (42 U.S.C. 1594(a)) is amended by striking ''section 3 of the Armed Services Procurement Act of 1947'' and inserting ''chapters 221 and 241 of title 10, United States Code''.

(3) Title II of the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1986 (Public Law 99–160), is amended by striking ''section 2354'' in the last proviso in the paragraph under the heading ''National Science Foundation—Research and Related Activities'' (42 U.S.C. 1887) and inserting ''section 3861''.

(4) Section 306(b)(2) of the Disaster Mitigation Act of 2000 (42 U.S.C. 5206(b)(2)) is amended by striking ''section 2393(c)'' and inserting ''section 4654(c)''.

(5) Section 801(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking ''section 2304c(d)'' and all that follows and inserting ''section 3406(d) of title 10, United States Code, and section 4106(d) of title 41, United States Code.''.

(6) Section 3021(a) of the Energy Policy Act of 1992 (42 U.S.C. 13556) is amended by striking ''chapter 137 of title 10'' and inserting ''chapter 137 legacy provisions (as such term is defined in section 3016 of title 10, United States Code)''.

(k) AMENDMENTS TO LAWS CLASSIFIED IN TITLE 50, UNITED STATES CODE.—

(1) Section 141(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 50 U.S.C. 1521a(a)) is amended by striking ''section 2430'' and inserting ''section 4201''.

(2) Section 502(a) of the National Emergencies Act (50 U.S.C. 1651(a)) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) Chapters 1 to 11 of title 40, United States Code, and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, United States Code.

''(2) Section 3727(a)–(e)(1) of title 31, United States Code.

''(3) Section 6305 of title 41, United States Code.

''(4) Public Law 85–804 (Act of Aug. 28, 1958, 72 Stat. 972; 50 U.S.C. 1431 et seq.).

''(5) Section 3201(a) of title 10, United States Code.''.

(3) The Atomic Energy Defense Act is amended as follows:

(A) Sections 4217 and 4311 (50 U.S.C. 2537, 2577) are each amended in subsection (a)(2) by striking ''section 2432'' and inserting ''section 4351''.

(B) Section 4813 (50 U.S.C. 2794) is amended by striking ''section 2500'' in subsection (c)(1)(C) and inserting ''section 4801''.

(4) Section 107 of the Defense Production Act (50 U.S.C. 4517) is amended in subsection (b)(2)(B) by striking clauses (i) and (ii) and inserting the following:

''(i) section 3203(a)(1)(B) or 3204(a)(3) of title 10, United States Code;

''(ii) section 3303(a)(1)(B) or 3304(a)(3) of title 41, United States Code; or''.

(l) OTHER AMENDMENTS.—

(1) Section 1473H of the National Agriculture Advanced Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319k) is amended by striking ''section 2371'' in subsections (b)(6)(A) and (d)(1)(B) and inserting ''section 4021''.

(2) Section 1301 of title 17, United States Code, is amended in subsection (a)(3) by striking ''section 2320'' and inserting ''subchapter I of chapter 275''.

(3) Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by striking ''chapter 137'' in subsection (l)(4) and subsection (m)(4) and inserting ''chapter 137 legacy provisions (as such term is defined in section 3016 of title 10, United States Code)''.

(4) Section 3 of the Foreign Direct Investment and International Financial Data Improvements Act of 1990 (Public Law 101–533; 22 U.S.C. 3142) is amended in subsection (c)(2) by striking ''section 2505'' and inserting ''section 4816''.

(5) Section 3553 of title 31, United States Code, is amended in subsection (d)(4)(B) by striking ''section 2305(b)(5)(B)(vii)'' and inserting ''section 3304(c)(1)(G)''.

(6) Section 226 of the Water Resources Development Act of 1992 (33 U.S.C. 569f) is amended by striking ''section 2393(c)'' and inserting ''section 4654(c)''.

(7) Section 40728B(e) of title 36, United States Code, is amended—

(A) striking ''subsection (k) of section 2304'' and inserting ''section 3201(e)''; and

(B) by striking ''subsection (c) of such section'' and inserting ''section 3204(a)''.

(8) Section 1427(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 40 U.S.C. 1103 note) is amended by striking ''sections 2304a and 2304b'' and inserting ''sections 3403 and 3405''.

(9) Section 895(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 40 U.S.C. 11103 note) is amended by striking ''section 2366a(d)(7)'' and inserting ''section 4251(d)(5)''.

(10) Sections 50113(c), 50115(b), and 50132(a) of title 51, United States Code, are amended by striking ''including chapters 137 and 140'' and inserting ''including applicable provisions of chapters 201 through 285, 341 through 343, and 363''.

(11) Section 823(c)(3)(C) of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. preceding 30301 note) is amended by striking ''section 2319'' and inserting ''section 3243''.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division and title XLVI of division D may be cited as the ''Military Construction Authorization Act for Fiscal Year 2022''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII 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, 2024; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025.

(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, 2024; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2025 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 AND AUTOMATIC EXECUTION OF CONFORMING CHANGES TO TABLES OF SECTIONS, TABLES OF CONTENTS, AND SIMILAR TABULAR ENTRIES.

(a) EFFECTIVE DATE.—Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2021; or

(2) the date of the enactment of this Act.

(b) ELIMINATION OF NEED FOR CERTAIN SEPARATE CONFORMING AMENDMENTS.—

(1) AUTOMATIC EXECUTION OF CONFORMING CHANGES.—When an amendment made by a provision of this division to a covered defense law adds a section or larger organizational unit to the covered defense law, repeals or transfers a section or larger organizational unit in the covered defense law, or amends the designation or heading of a section or larger organizational unit in the covered defense law, that amendment also shall have the effect of amending any table of sections, table of contents, or similar table of tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to an amendment described in such paragraph when—

(A) the amendment, or a separate clerical amendment enacted at the same time as the amendment, expressly amends a table of sections, table of contents, or similar table of tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment; or

(B) the amendment otherwise expressly exempts itself from the operation of this section.

(3) COVERED DEFENSE LAW.—In this subsection, the term ''covered defense law'' means—

(A) titles 10, 32, and 37 of the United States Code;

(B) any national defense authorization Act or military construction authorization Act that authorizes funds to be appropriated for a fiscal year to the Department of Defense; and

(C) any other law designated in the text thereof as a covered defense law for purposes of application of this section.

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
Alabama	*Anniston Army Depot*	*$25,000,000*
	Fort Rucker	*$66,000,000*
	Redstone Arsenal	*$55,000,000*
California	*Fort Irwin*	*$52,000,000*
Georgia	*Fort Stewart*	*$105,000,000*
Hawaii	*West Loch Naval Magazine Annex*	*$51,000,000*
	Wheeler Army Airfield	*$140,000,000*
Kansas	*Fort Leavenworth*	*$34,000,000*
Kentucky	*Fort Knox*	*$27,000,000*
Louisiana	*Fort Polk*	*$111,000,000*
Maryland	*Fort Detrick*	*$23,981,000*
	Fort Meade	*$81,000,000*
New Mexico	*White Sands Missile Range*	*$29,000,000*
New York	*Fort Hamilton*	*$26,000,000*
	Watervliet Arsenal	*$20,000,000*
Pennsylvania	*Letterkenny Army Depot*	*$21,000,000*
Texas	*Fort Hood*	*$130,000,000*

(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 installations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

State	Installation	Amount
Belgium	*Shape Headquarters*	*$16,000,000*
Germany	*East Camp Grafenwoehr*	*$103,000,000*
	Smith Barracks	*$33,500,000*
Classified Location	*Classified Location*	*$31,000,000*

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units or for the purpose, and in the amount set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units or Purpose	Amount
Italy	Vicenza	Family Housing New Construction ..	$92,304,000

(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 $22,545,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, 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 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2688), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (130 Stat. 2689), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2017 Project Authorization

Country	Installation	Project	Original Authorized Amount
Germany	Wiesbaden Army Airfield	Hazardous Material Storage Building	$2,700,000

SEC. 2105. ADDITIONAL AUTHORITY TO CARRY OUT FISCAL YEAR 2018 PROJECT AT FORT BLISS, TEXAS.

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a defense access road at Fort Bliss, Texas, in the amount of $20,000,000.

(b) USE OF AMOUNTS.—The Secretary of the Army may use funds appropriated under section 131 of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018 (title I of division J of Public Law 115–141; 132 Stat. 805) for the Defense Access Road Program to carry out subsection (a).

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2021 PROJECT.

(a) MODIFICATION OF PROJECT AUTHORITY.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283) for Fort Wainwright, Alaska, for construction of Unaccompanied Enlisted Personnel Housing, as specified in the funding table in section 4601 of such Public Law, the Secretary of the Army may construct—

(1) an Unaccompanied Enlisted Personnel Housing building of 104,300 square feet to incorporate a modified standard design; and

(2) an outdoor recreational shelter, sports fields and courts, barbecue and leisure area, and fitness stations associated with the Unaccompanied Enlisted Personnel Housing.

(b) MODIFICATION OF PROJECT AMOUNTS.—

(1) DIVISION B TABLE.—The authorization table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283) is amended in the item relating to Fort Wainwright, Alaska, by striking ''$114,000,000'' and inserting ''$146,000,000'' to reflect the project modification made by subsection (a).

(2) DIVISION D TABLE.—The funding table in section 4601 of Public Law 116–283 is amended in the item relating to Fort Wainwright Unaccompanied Enlisted Personnel Housing by striking ''$59,000'' in the Conference Authorized column and inserting ''$91,000'' to reflect the project modification made by subsection (a).

SEC. 2107. ADDITIONAL AUTHORIZED FUNDING SOURCE FOR CERTAIN FISCAL YEAR 2022 PROJECT.

To carry out an unspecified minor military construction project in the amount of $3,600,000 at Aberdeen Proving Ground, Maryland, to construct a 6,000 square foot recycling center to meet the requirements of a qualified recycling program at the installation, the Secretary of the Army may use funds available to the Secretary under section 2667(e)(1)(C) of title 10, United States Code, in addition to funds appropriated for unspecified minor military construction for the project.

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station Yuma	$29,300,000
California	Marine Corps Air Station Miramar	$240,900,000
	Marine Corps Base Camp Pendleton	$106,100,000
	Marine Corps Reserve Depot San Diego	$93,700,000
	Naval Base Coronado	$63,600,000
	Naval Base Ventura County	$197,500,000
	San Nicolas Island	$19,907,000
Florida	Marine Corps Support Facility Blount Island	$69,400,000
	Naval Undersea Warfare Center Panama City Division	$37,980,000
Guam	Andersen Air Force Base	$50,890,000
	Joint Region Marianas	$507,527,000
Hawaii	Marine Corps Base Kaneohe	$165,700,000
	Marine Corps Training Area Bellows	$6,220,000
North Carolina	Marine Corps Air Station Cherry Point	$321,417,000
Pennsylvania	Naval Surface Warfare Center Philadelphia Division	$77,290,000
South Carolina	Marine Corps Reserve Depot Parris Island	$6,000,000
	Marine Corps Air Station Beaufort	$130,300,000
Virginia	Marine Corps Base Quantico	$42,850,000
	Naval Station Norfolk	$344,793,000
	Naval Weapons Station Yorktown	$93,500,000
	Portsmouth Naval Shipyard	$156,380,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects outside the United States as specified 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
Japan	Fleet Activities Yokosuka	$49,900,000
Spain	Naval Station Rota	$85,600,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units or for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Units or Purpose	Amount
District of Columbia	Marine Barracks Washington	Family housing improvements	$10,415,000
Japan	Fleet Activities Yokosuka	Family housing improvements	$61,469,000

(b) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $71,884,000.

(c) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,634,000.

SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, 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 not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	$44,850,00
	Joint Base Elmendorf-Richardson	$251,000,000
Arizona	Davis-Monthan Air Force Base	$13,400,000
	Luke Air Force Base	$49,000,000
California	Vandenberg Space Force Base	$67,000,000
Colorado	Schriever Space Force Base	$30,000,000
	United States Air Force Academy	$4,360,000
District of Columbia	Joint Base Anacostia-Bolling	$24,000,000
Florida	Eglin Air Force Base	$14,000,000
Guam	Joint Region Marianas	$85,000,000
Louisiana	Barksdale Air Force Base	$272,000,000
Maryland	Joint Base Andrews	$26,000,000
Massachusetts	Hanscom Air Force Base	$66,000,000
Nevada	Creech Air Force Base	$14,200,000
Ohio	Wright-Patterson Air Force Base	$24,000,000
Oklahoma	Tinker Air Force Base	$160,000,000
South Carolina	Joint Base Charleston	$59,000,000
South Dakota	Ellsworth Air Force Base	$242,000,000
Tennessee	Arnold Air Force Base	$14,600,000
Texas	Joint Base San Antonio	$141,000,000
	Joint Base San Antonio-Fort Sam Houston	$29,000,000
	Joint Base San Antonio-Lackland	$29,000,000
	Sheppard Air Force Base	$20,000,000
Virginia	Joint Base Langley-Eustis	$24,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(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
Australia	Royal Australian Air Force Base Darwin	$7,400,000
	Royal Australian Air Force Base Tindal	$14,400,000
Italy	Aviano Air Force Base	$10,200,000
Japan	Kadena Air Base	$206,000,000
	Misawa Air Base	$25,000,000
	Yokota Air Base	$39,000,000
United Kingdom	Royal Air Force Lakenheath	$108,500,000

SEC. 2302. FAMILY HOUSING.

(a) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $105,528,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $10,458,000.

SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2688), the authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2902 of that Act (130 Stat. 2696, 2743), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2017 Project Authorizations

State or Country	Installation or Location	Project	Original Authorized Amount
Germany	Ramstein Air Base	37 AS Squadron Operations/Aircraft Maintenance Unit	$13,437,000
	Spangdahlem Air Base	F/A-22 Low Observable/Composite Repair Facility	$12,000,000
	Spangdahlem Air Base	Upgrade Hardened Aircraft Shelters for F/A-22	$2,700,000
Guam	Joint Region Marianas	APR - Munitions Storage Igloos, Phase 2	$35,300,000
	Joint Region Marianas	APR - SATCOM C4I Facility	$14,200,000
Japan	Kadena Air Base	APR - Replace Munitions Structures	$19,815,000
	Yokota Air Base	C-130J Corrosion Control Hangar	$23,777,000
	Yokota Air Base	Construct Combat Arms Training and Maintenance Facility	$8,243,000
Massachusetts	Hanscom Air Force Base	Vandenberg Gate Complex	$10,965,000
United Kingdom	Royal Air Force Croughton	Main Gate Complex	$16,500,000

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS AT TYNDALL AIR FORCE BASE, FLORIDA.

(a) FISCAL YEAR 2018 PROJECT.—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. 1825) for Tyndall Air Force Base, Florida, for construction of a Fire Station, as specified in the funding table in section 4601 of that Public Law (131 Stat. 2002), the Secretary of the Air Force may construct a crash rescue/structural fire station encompassing up to 3,588 square meters.

(b) FISCAL YEAR 2020 PROJECTS.—In the case of the authorization contained in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1913) for Tyndall Air Force Base, Florida—

(1) for construction of Site Development, Utilities, and Demo Phase 1, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

(A) up to 3,698 lineal meters of waste water utilities;

(B) up to 6,306 lineal meters of storm water utilities; and

(C) two emergency power backup generators;

(2) for construction of Munitions Storage Facilities, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

(A) up to 4,393 square meters of aircraft support equipment storage yard;

(B) up to 1,535 square meters of tactical missile maintenance facility; and

(C) up to 560 square meters of missile warhead assembly and maintenance shop and storage;

(3) for construction of 53 WEG Complex, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

(A) up to 1,693 square meters of aircraft maintenance shop;

(B) up to 1,458 square meters of fuel systems maintenance dock; and

(C) up to 3,471 square meters of group headquarters;

(4) for construction of 53 WEG Subscale Drone Facility, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct up to 511 square meters of pilotless aircraft shop in a separate facility;

(5) for construction of CE/Contracting/USACE Complex, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

(A) up to 557 square meters of base engineer storage shed 6000 area; and

(B) up to 183 square meters of non-Air Force administrative office;

(6) for construction of Logistics Readiness Squadron Complex, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

(A) up to 802 square meters of supply administrative headquarters;

(B) up to 528 square meters of vehicle wash rack; and

(C) up to 528 square meters of vehicle service rack;

(7) for construction of Fire Station Silver Flag #4, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct up to 651 square meters of fire station;

(8) for construction of AFCEC RDT&E, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

(A) up to 501 square meters of CE Mat Test Runway Support Building;

(B) up to 1,214 square meters of Robotics Range Control Support Building; and

(C) up to 953 square meters of fire garage;

(9) for construction of Flightline–Munitions Storage, 7000 Area, as specified in the funding table in section 4603 of Public Law 116–92; 133 Stat. 2103), the Secretary of the Air Force may construct—

(A) up to 1,861 square meters of above ground magazines; and

(B) up to 530 square meters of air support equipment shop/storage facility pad;

(10) for construction of Site Development, Utilities and Demo Phase 2, as specified in such

funding table and modified by section 2306(a)(6) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), the Secretary of the Air Force may construct—

(A) up to 5,233 lineal meters of storm water utilities;

(B) up to 48,560 square meters of roads;

(C) up to 3,612 lineal meters of gas pipeline; and

(D) up to 993 square meters of water fire pumping station with an emergency backup generator;

(11) for construction of Tyndall AFB Gate Complexes, as specified in such funding table and modified by section 2306(a)(9) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), the Secretary of the Air Force may construct—

(A) up to 52,694 square meters of roadway with serpentines; and

(B) up to 20 active/passive barriers;

(12) for construction of Deployment Center/Flight Line Dining/AAFES, as specified in such funding table and modified by section 2306(a)(11) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), the Secretary of the Air Force may construct up to 144 square meters of AAFES shoppette;

(13) for construction of Airfield Drainage, as specified in such funding table and modified by section 2306(a)(12) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), the Secretary of the Air Force may construct—

(A) up to 37,357 meters of drainage ditch;

(B) up to 18,891 meters of storm drain piping;

(C) up to 19,131 meters of box culvert;

(D) up to 3,704 meters of concrete block swale;

(E) up to 555 storm drain structures; and

(F) up to 81,500 square meters of storm drain ponds; and

(14) for construction of 325th Fighting Wing HQ Facility, as specified in such funding table and modified by section 2306(a)(13) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), the Secretary of the Air Force may construct up to 769 square meters of separate administrative space for SAPR/SARC.

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	Redstone Arsenal	$153,000,000
California	Marine Corps Base Camp Pendleton	$13,600,000
	Silver Strand Training Complex	$33,700,000
Colorado	Buckley Air Force Base	$20,000,000
Georgia	Fort Benning	$62,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	$29,800,000
Maryland	Fort Meade	$1,201,000,000
New Mexico	Kirtland Air Force Base	$8,600,000
Virginia	Fort Belvoir	$29,800,000
	Humphries Engineer Center and Support Activity	$36,000,000
	Pentagon	$50,543,000
Washington	Oak Harbor	$59,000,000

(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 installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$93,000,000
Japan	Kadena Air Base	$24,000,000
	Misawa Air Base	$6,000,000
United Kingdom	Royal Air Force Lakenheath	$19,283,000

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
California	Marine Corps Air Station Miramar	$4,054,000
	Naval Air Weapons Station China Lake-Ridgecrest	$9,120,000
District of Columbia	Joint Base Anacostia-Bolling	$31,261,000
Florida	MacDill Air Force Base	$22,000,000
Georgia	Fort Benning	$17,593,000
	Fort Stewart	$22,000,000
	Naval Submarine Base Kings Bay	$19,314,000
Guam	Polaris Point Submarine Base	$38,300,000
Idaho	Mountain Home Air Force Base	$33,800,000
Michigan	Camp Grayling	$5,700,000
Mississippi	Camp Shelby	$45,655,000
New York	Fort Drum	$27,000,000
North Carolina	Fort Bragg	$27,169,000
North Dakota	Cavalier Air Force Station	$24,150,000
Ohio	Springfield-Beckley Municipal Airport	$4,700,000
Puerto Rico	Aguadilla	$10,120,000

***ERCIP Projects: Inside the United States**—Continued*

State	Installation or Location	Amount
	Fort Allen	*$12,190,000*
Tennessee	*Memphis International Airport*	*$4,780,000*
Virginia	*Fort Belvoir*	*$365,000*
	National Geospatial-Intelligence Agency Campus East	*$5,299,000*
	Pentagon, Mark Center, and Raven Rock Mountain Complex	*$2,600,000*

(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
Japan	*Naval Air Facility Atsugi*	*$3,810,000*
Kuwait	*Camp Arifjan*	*$15,000,000*

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, 2021, 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 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. EXTENSION AND MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEARS 2017 AND 2019 PROJECTS.

(a) EXTENSION OF FISCAL YEAR 2017 AUTHORIZATION.—

(1) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2688), the authorization set forth in the table in paragraph (2), as provided in section 2401 of that Act (130 Stat. 2700), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Defense Agencies: Extension of 2017 Project Authorization

Country	Installation	Project	Original Authorized Amount
Japan	*Yokota Air Base*	*Hanger/AMU*	*$39,466,000*

(b) MODIFICATION OF FISCAL YEAR 2019 AUTHORIZATION.—In the case of the authorization contained in the table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 133 Stat. 2250) for Kinnick High School in Yokosuka, Japan, as specified in the funding table in section 4601 of such Public Law (133 Stat. 2407), the Secretary of Defense may treat the high school and the field house as a single facility for the purposes of defining the scope of work for the project.

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.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, 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.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

(a) AUTHORITY TO ACCEPT 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 Humphreys*	*Unaccompanied Enlisted Personnel Housing*	*$52,000,000*
Army	*Camp Humphreys*	*Type I Aircraft Parking Apron and Parallel Taxiway*	*$48,000,000*
Army	*Camp Humphreys*	*Black Hat Intelligence Fusion Center*	*$149,000,000*
Navy	*Mujuk*	*Expeditionary Dining Facility*	*$10,200,000*
Air Force	*Gimhae Air Base*	*Repair Contingency Hospital*	*$75,000,000*
Air Force	*Osan Air Base*	*Munitions Storage Area Move Delta (Phase 2)*	*$171,000,000*

(b) AUTHORIZED APPROACH TO CERTAIN CONSTRUCTION PROJECT.—Section 2350k of title 10, United States Code, shall apply with respect to the construction of the Black Hat Intelligence Fusion Center at Camp Humphreys, Republic of Korea, as set forth in the table in subsection (a).

SEC. 2512. REPUBLIC OF POLAND FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Poland for required in-kind contributions, the

Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Poland, and in the amounts, set forth in the following table:

Republic of Poland Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Poznan	Command and Control Facility	$30,000,000
Army	Poznan	Information Systems Facility	$7,000,000

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
Alabama	Redstone Arsenal	$17,000,000
Connecticut	Army National Guard Readiness Center Putnam	$17,500,000
Georgia	Fort Benning	$13,200,000
Guam	National Guard Readiness Center Barrigada	$34,000,000
Idaho	Jerome National Guard Armory	$15,000,000
Illinois	National Guard Armory Bloomington	$15,000,000
Kansas	Nickell Memorial Armory Topeka	$16,732,000
Louisiana	Camp Minden	$13,800,000
	Lake Charles National Guard Readiness Center	$18,500,000
Maine	Saco National Guard Readiness Center	$21,200,000
Michigan	Camp Grayling	$16,000,000
Mississippi	Camp Shelby	$15,500,000
Montana	Butte Military Entrance Testing Site	$16,000,000
Nebraska	Mead Army National Guard Readiness Center	$11,000,000
North Dakota	Dickinson National Guard Armory	$15,500,000
South Dakota	Sioux Falls National Guard Armory	$15,000,000
Vermont	Bennington National Guard Armory	$16,900,000
	Camp Ethan Allen Training Site	$4,665,000
Virginia	National Guard Armory Troutville	$13,000,000

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
Michigan	Army Reserve Center Southfield	$12,000,000
Ohio	Wright-Patterson Air Force Base	$19,000,000
Wisconsin	Fort McCoy	$70,600,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out 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
Michigan	Naval Operational Support Center Battle Creek	$49,090,000
Minnesota	Minneapolis Air Reserve Station	$14,350,000

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	$19,200,000
	Sumpter Smith Air National Guard Base	$7,500,000
Connecticut	Bradley International Airport	$17,000,000
Delaware	New Castle Air National Guard Base	$17,500,000
Idaho	Gowen Field	$6,500,000
Illinois	Abraham Lincoln Capital Airport	$10,200,000
Massachusetts	Barnes Air National Guard Base	$12,200,000
Michigan	Alpena County Regional Airport	$23,000,000
	Selfridge Air National Guard Base	$28,000,000
	W. K. Kellogg Regional Airport	$10,000,000
Mississippi	Jackson International Airport	$9,300,000
New York	Francis S. Gabreski Airport	$14,800,000
	Schenectady Municipal Airport	$10,800,000
Ohio	Camp Perry	$7,800,000
South Carolina	McEntire Joint National Guard Base	$18,800,000
South Dakota	Joe Foss Field	$9,800,000
Texas	Kelly Field Annex	$9,500,000
Washington	Camp Murray Air National Guard Station	$27,000,000
Wisconsin	Truax Field	$44,200,000
Wyoming	Cheyenne Municipal Airport	$13,400,000

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 installations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Installation	Amount
California	Beale Air Force Base	$33,000,000
Florida	Homestead Air Force Reserve Base	$14,000,000
	Patrick Air Force Base	$18,500,000
Indiana	Grissom Air Reserve Base	$29,000,000
Minnesota	Minneapolis-St. Paul International Airport	$14,000,000
New York	Niagara Falls Air Reserve Station	$10,600,000
Ohio	Youngstown Air Reserve Station	$8,700,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, 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.

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, 2021, 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. CONDITIONS ON CLOSURE OF CERTAIN PORTION OF PUEBLO CHEMICAL DEPOT AND CHEMICAL AGENT-DESTRUCTION PILOT PLANT, COLORADO.

(a) DEFINITIONS.—In this section:

(1) COVERED PORTION OF PUEBLO CHEMICAL DEPOT DEFINED.—The term ''covered portion of Pueblo Chemical Depot'' means the portion of Pueblo Chemical Depot, Colorado, that has not been declared surplus before the date of the enactment of this Act.

(2) LOCAL REDEVELOPMENT AUTHORITY.—The term ''Local Redevelopment Authority'' means the Local Redevelopment Authority for Pueblo Chemical Depot, as recognized by the Office of Local Defense Community Cooperation.

(b) SUBMISSION OF CLOSURE AND DISPOSAL PLANS.—

(1) PLANS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) a plan for the closure of the covered portion of Pueblo Chemical Depot upon the completion of the chemical demilitarization mission of the Chemical Agent-Destruction Pilot Plant at Pueblo Chemical Depot; and

(B) a plan for the disposal of all remaining land, buildings, facilities, and equipment of the covered portion of Pueblo Chemical Depot.

(2) LOCAL REDEVELOPMENT AUTHORITY ROLE.—In preparing the disposal plan for the covered portion of Pueblo Chemical Depot required by paragraph (1)(B), the Secretary of the Army shall take into account the future role of the Local Redevelopment Authority.

(c) LOCAL REDEVELOPMENT AUTHORITY ELIGIBILITY FOR ASSISTANCE.—The Secretary of Defense, acting through the Office of Local Defense Community Cooperation, may make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist the Local Redevelopment Authority in planning community adjustments and economic diversification required by the closure of Pueblo Chemical Depot and the Chemical Agent-Destruction Pilot Plant if the Secretary determines that the closure is likely to have a direct and significantly adverse consequence on nearby communities.

(d) GENERAL CLOSURE, REALIGNMENT, AND DISPOSAL PROHIBITION.—

(1) PROHIBITION; CERTAIN RECIPIENT EXCEPTED.—During the period specified in paragraph (2), the Secretary of the Army shall take no action—

(A) to close or realign the covered portion of Pueblo Chemical Depot or the Chemical Agent-Destruction Pilot Plant; or

(B) to dispose of any surplus land, building, facility, or equipment that comprises any portion of the Chemical Agent-Destruction Pilot Plant other than to the Local Redevelopment Authority.

(2) DURATION.—The prohibition imposed by paragraph (1) shall apply until the date on which the Secretary of the Army makes a final closure and disposal decision for the covered portion of Pueblo Chemical Depot following the submission of the closure and disposal plans for the covered portion of Pueblo Chemical Depot required by subsection (b).

(e) PROHIBITION ON DEMOLITION OR DISPOSAL RELATED TO CHEMICAL AGENT-DESTRUCTION PILOT PLANT.—

(1) PROHIBITION; CERTAIN RECIPIENT EXCEPTED.—During the period specified in paragraph (4), the Secretary of the Army may not—

(A) demolish any building, facility, or equipment described in paragraph (2) that comprises any portion of the Chemical Agent-Destruction Pilot Plant; or

(B) dispose of any such building, facility, or equipment declared to be surplus other than to the Local Redevelopment Authority.

(2) COVERED BUILDINGS, FACILITIES, AND EQUIPMENT.—The prohibition imposed by paragraph (1) shall apply to the following:

(A) Any surplus building, facility, or equipment located outside of a Hazardous Waste Management Unit where chemical munitions were present, but where contamination did not occur, which are considered by the Secretary of the Army as clean, safe, and acceptable for reuse by the public, after a risk assessment by the Secretary.

(B) Any surplus building, facility, or equipment located outside of a Hazardous Waste Management Unit that was not contaminated by chemical munitions and that was without the potential to be contaminated, such as office buildings, parts warehouses, or utility infrastructure, which are considered by the Secretary of the Army as suitable for reuse by the public.

(3) EXCEPTION TO PROHIBITION.—The prohibition imposed by paragraph (1) shall not apply to any building, facility, or equipment otherwise described in paragraph (2) for which the Local Redevelopment Authority provides to the Secretary of the Army a written determination specifying that the building, facility, or equipment is not needed for community adjustment and economic diversification following the closure of the Chemical Agent-Destruction Pilot Plant.

(4) DURATION OF PROHIBITION.—The prohibition imposed by paragraph (1) shall apply for a period of not less than two years beginning on the date o the enactment of this Act.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program Changes

SEC. 2801. PUBLIC AVAILABILITY OF INFORMATION ON FACILITIES SUSTAINMENT, RESTORATION, AND MODERNIZATION PROJECTS.

(a) INCLUSION OF INFORMATION ON REQUIRED INTERNET SITE.—Section 2851(c)(1) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) by adding after subparagraph (D) the following new subparagraph (E):

''(E) Each military department project with a total cost in excess of $15,000,000 for Facilities Sustainment, Restoration, and Modernization.''; and

(3) in subparagraph (F), as so redesignated, by inserting after ''construction project'' the following: '', military department Facilities Sustainment, Restoration, and Modernization project,''.

(b) APPLICATION OF AMENDMENTS.—Subparagraph (E) of section 2851(c)(1) of title 10, United States Code, as added by subsection (a)(2), and subparagraph (F) of such section, as amended by subsection (a)(3), shall apply with respect to a military department Facilities Sustainment, Restoration, and Modernization project described in such subparagraphs for which an award of a contract or delivery order for the project is made on or after June 1, 2022.

SEC. 2802. LIMITATIONS ON AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.

(a) PROCESS FOR APPROVING CERTAIN EXCEPTIONS; LIMITATIONS.—Subsections (c) and (d) of section 2853 of title 10, United States Code, are amended to read as follows:

''(c) EXCEPTIONS TO LIMITATION ON COST VARIATIONS AND SCOPE OF WORK REDUCTIONS.—(1)(A) Except as provided in subparagraph (D), the Secretary concerned may waive the percentage or dollar cost limitation applicable to a military construction project or a military family housing project under subsection (a) and approve an increase in the cost authorized for the project in excess of that limitation if the Secretary concerned notifies the appropriate committees of Congress of the cost increase in the manner provided in this paragraph.

''(B) The notification required by subparagraph (A) shall—

''(i) identify the amount of the cost increase and the reasons for the increase;

''(ii) certify that the cost increase is sufficient to meet the mission requirement identified in the justification data provided to Congress as part of the request for authorization of the project; and

''(iii) describe the funds proposed to be used to finance the cost increase.

''(C) A waiver and approval by the Secretary concerned under subparagraph (A) shall take

effect only after the end of the 14-day period beginning on the date on which the notification required by such subparagraph is received by the appropriate committees of Congress in an electronic medium pursuant to section 480 of this title.

''(D) The Secretary concerned may not use the authority provided by subparagraph (A)—

''(i) to waive the cost limitation applicable to a military construction project with a total authorized cost greater than $500,000,000 or a military family housing project with a total authorized cost greater than $500,000,000; and

''(ii) to approve an increase in the cost authorized for the project that would increase the project cost by more than 50 percent of the total authorized cost of the project.

''(E) In addition to the notification required by this paragraph, subsection (f) applies whenever a military construction project or military family housing project with a total authorized cost greater than $40,000,000 will have a cost increase of 25 percent or more. Subsection (f) may not be construed to authorize a cost increase in excess of the limitation imposed by subparagraph (D).

''(2)(A) The Secretary concerned may waive the percentage or dollar cost limitation applicable to a military construction project or a military family housing project under subsection (a) and approve a decrease in the cost authorized for the project in excess of that limitation if the Secretary concerned notifies the appropriate committees of Congress of the cost decrease not later than 14 days after the date funds are obligated in connection with the project.

''(B) The notification required by subparagraph (A) shall be provided in an electronic medium pursuant to section 480 of this title.

''(3)(A) The Secretary concerned may waive the limitation on a reduction in the scope of work applicable to a military construction project or a military family housing project under subsection (b)(1) and approve a scope of work reduction for the project in excess of that limitation if the Secretary concerned notifies the appropriate committees of Congress of the reduction in the manner provided in this paragraph.

''(B) The notification required by subparagraph (A) shall—

''(i) describe the reduction in the scope of work and the reasons for the decrease; and

''(ii) certify that the mission requirement identified in the justification data provided to Congress can still be met with the reduced scope.

''(C) A waiver and approval by the Secretary concerned under subparagraph (A) shall take effect only after the end of the 14-day period beginning on the date on which the notification required by such subparagraph is received by the appropriate committees of Congress in an electronic medium pursuant to section 480 of this title.

''(d) EXCEPTIONS TO LIMITATION ON SCOPE OF WORK INCREASES.—(1) Except as provided in paragraph (4), the Secretary concerned may waive the limitation on an increase in the scope of work applicable to a military construction project or a military family housing project under subsection (b)(1) and approve an increase in the scope of work for the project in excess of that limitation if the Secretary concerned notifies the appropriate committees of Congress of the reduction in the manner provided in this subsection.

''(2) The notification required by paragraph (1) shall describe the increase in the scope of work and the reasons for the increase.

''(3) A waiver and approval by the Secretary concerned under paragraph (1) shall take effect only after the end of the 14-day period beginning on the date on which the notification required by such paragraph is received by the appropriate committees of Congress in an electronic medium pursuant to section 480 of this title.

''(4) The Secretary concerned may not use the authority provided by paragraph (1) to waive the limitation on an increase in the scope of work applicable to a military construction project or a military family housing project and approve an increase in the scope of work for the project that would increase the scope of work by more than 10 percent of the amount specified for the project in the justification data provided to Congress as part of the request for authorization of the project.''.

(b) CONFORMING AMENDMENT RELATED TO CALCULATING LIMITATION ON COST VARIATIONS.—Section 2853(a) of title 10, United States Code, is amended by striking ''the amount appropriated for such project'' and inserting ''the total authorized cost of the project''

(c) CLERICAL AMENDMENTS.—Section 2853 of title 10, United States Code, is further amended—

(1) in subsection (a), by inserting ''COST VARIATIONS AUTHORIZED; LIMITATION.—'' after the enumerator ''(a)'';

(2) in subsection (b), by inserting ''SCOPE OF WORK VARIATIONS AUTHORIZED; LIMITATION.—'' after the enumerator ''(b)'';

(3) in subsection (e), by inserting ''ADDITIONAL COST VARIATION EXCEPTIONS.—'' after the enumerator ''(e)'';

(4) in subsection (f), by inserting ''ADDITIONAL REPORTING REQUIREMENT FOR CERTAIN COST INCREASES.—'' after the enumerator ''(f)''; and

(5) in subsection (g), by inserting ''RELATION TO OTHER LAW.—'' after the enumerator ''(g)''.

SEC. 2803. DEPARTMENT OF DEFENSE STORMWATER MANAGEMENT PROJECTS FOR MILITARY INSTALLATIONS AND DEFENSE ACCESS ROADS.

Chapter 169 of title 10, United States Code, is amended by inserting after section 2815 the following new section:

''§2815a. Stormwater management projects for installation and defense access road resilience and waterway and ecosystems conservation

''(a) PROJECTS AUTHORIZED.—The Secretary concerned may carry out a stormwater management project on or related to a military installation for the purpose of—

''(1) improving military installation resilience or the resilience of a defense access road or other essential civilian infrastructure supporting the military installation; and

''(2) protecting nearby waterways and stormwater-stressed ecosystems.

''(b) PROJECT METHODS AND FUNDING SOURCES.—Using such amounts as may be provided in advance in appropriation Acts, the Secretary concerned may carry out a stormwater management project under this section as, or as part of, any of the following:

''(1) An authorized military construction project.

''(2) An unspecified minor military construction project under section 2805 of this title, including using appropriations available for operation and maintenance subject to the limitation in subsection (c) of such section.

''(3) A military installation resilience project under section 2815 of this title, including the use of appropriations available for operations and maintenance subject to the limitation of subsection (e)(3) of such section.

''(4) A defense community infrastructure resilience project under section 2391(d) of this title.

''(5) A construction project under section 2914 of this title.

''(6) A reserve component facility project under section 18233 of this title.

''(7) A defense access road project under section 210 of title 23.

''(c) PROJECT PRIORITIES.—In selecting stormwater management projects to be carried out under this section, the Secretary concerned shall give a priority to project proposals involving the retrofitting of buildings and grounds on a military installation or retrofitting a defense access road to reduce stormwater runoff and ponding or standing water that includes the combination of stormwater runoff and water levels resulting from extreme weather conditions.

''(d) PROJECT ACTIVITIES.—Activities carried out as part of a stormwater management project under this section may include, but are not limited to, the following:

''(1) The installation, expansion, or refurbishment of stormwater ponds and other water-slowing and retention measures.

''(2) The installation of permeable pavement in lieu of, or to replace existing, nonpermeable pavement.

''(3) The use of planters, tree boxes, cisterns, and rain gardens to reduce stormwater runoff.

''(e) PROJECT COORDINATION.—In the case of a stormwater management project carried out under this section on or related to a military installation and any project related to the same installation carried out under section 2391(d), 2815, or 2914 of this title, the Secretary concerned shall ensure coordination between the projects regarding the water access, management, conservation, security, and resilience aspects of the projects.

''(f) ANNUAL REPORT.—(1) Not later than 90 days after the end of each fiscal year, each Secretary concerned shall submit to the congressional defense committees a report describing—

''(A) the status of planned and active stormwater management projects carried out by that Secretary under this section; and

''(B) all projects completed by the Secretary concerned during the previous fiscal year.

''(2) Each report shall include the following information with respect to each stormwater management project described in the report:

''(A) The title, location, a brief description of the scope of work, the original project cost estimate, and the current working cost estimate.

''(B) The rationale for how the project will—

''(i) improve military installation resilience or the resilience of a defense access road or other essential civilian infrastructure supporting a military installation; and

''(ii) protect waterways and stormwater-stressed ecosystems.

''(C) Such other information as the Secretary concerned considers appropriate.

''(g) DEFINITIONS.—In this section:

''(1) The term 'defense access road' means a road certified to the Secretary of Transportation as important to the national defense under the provisions of section 210 of title 23.

''(2) The terms 'facility' and 'State' have the meanings given those terms in section 18232 of this title.

''(3) The term 'military installation' includes a facility of a reserve component owned by a State rather than the United States.

''(4) The term 'military installation resilience' has the meaning given that term in section 101(e)(8) of this title.

''(5) The term 'Secretary concerned' means—

''(A) the Secretary of a military department with respect to military installations under the jurisdiction of that Secretary; and

''(B) the Secretary of Defense with respect to matters concerning the Defense Agencies and facilities of a reserve component owned by a State rather than the United States.''.

SEC. 2804. USE OF AMOUNTS AVAILABLE FOR OPERATION AND MAINTENANCE IN CARRYING OUT MILITARY CONSTRUCTION PROJECTS FOR ENERGY RESILIENCE, ENERGY SECURITY, OR ENERGY CONSERVATION.

Section 2914 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) ALTERNATIVE FUNDING SOURCE.—(1) In addition to the authority under section 2805(c) of this title, in carrying out a military construction project for energy resilience, energy security, or energy conservation under this section,

the Secretary concerned may use amounts available for operation and maintenance for the military department concerned if the Secretary concerned submits to the congressional defense committees a notification 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 deferring the project pending the availability of funds appropriated for or otherwise made available for military construction would be inconsistent with the timely assurance of energy resilience, energy security, or energy conservation for one or more critical national security functions.

''(2) A project carried out under this section using amounts under paragraph (1) may be carried out only after the end of the seven-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.''.

SEC. 2805. FLOOD RISK MANAGEMENT FOR MILITARY CONSTRUCTION.

(a) FURTHER MODIFICATION OF DEPARTMENT OF DEFENSE FORM 1391.—Section 2805(a)(1) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note) is amended—

(1) in subparagraph (A), by inserting ''or a 500-year floodplain if outside a 100-year floodplain'' after ''100-year floodplain''; and

(2) in subparagraph (B), by striking ''100-year floodplain'' and inserting ''floodplain described in subparagraph (A)''.

(b) REPORTING REQUIREMENTS.—Section 2805(a)(3) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note) is amended—

(1) in subparagraph (A), by inserting before the period at the end the following: ''using hydrologic, hydraulic, and hydrodynamic data, methods, and analysis that integrate current and projected changes in flooding based on climate science over the anticipated service life of the facility and future forecasted land use changes''; and

(2) in subparagraph (D), by inserting after ''future'' the following: ''flood risk and''.

(c) MITIGATION PLAN ASSUMPTIONS.—Section 2805(a)(4) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note) is amended—

(1) in subparagraphs (A) and (B), by striking ''buildings'' and inserting ''facilities''; and

(2) in subparagraph (C), by inserting after ''future'' the following: ''flood risk and''.

(d) CONFORMING AMENDMENT OF UNIFIED FACILITIES CRITERIA.—

(1) AMENDMENT REQUIRED.—Not later than September 1, 2022, the Secretary of Defense shall amend the Unified Facilities Criteria relating to military construction planning and design to ensure that building practices and standards of the Department of Defense incorporate the minimum flood mitigation requirements of section 2805(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note), as amended by this section.

(2) IMPLEMENTATION OF UNIFIED FACILITIES CRITERIA AMENDMENTS.—

(A) IMPLEMENTATION.—Any Department of Defense Form 1391 submitted to Congress after September 1, 2022, shall comply with the Unified Facilities Criteria, as amended pursuant to paragraph (1).

(B) CERTIFICATION.—Not later than March 1, 2023, the Secretary of Defense shall certify to the Committees on Armed Services of the House of Representatives and the Senate the completion of the amendment process required by paragraph (1) and the full incorporation of the amendments into military construction planning and design.

SEC. 2806. MODIFICATION AND EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.

(a) TWO-YEAR EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2806(a) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), is further amended—

(1) in paragraph (1), by striking ''December 31, 2021'' and inserting ''December 31, 2023''; and

(2) paragraph (2), by striking ''fiscal year 2022'' and inserting ''fiscal year 2024''.

(b) CONTINUATION OF LIMITATION ON USE OF AUTHORITY.—Subsection (c)(1) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by subsections (b) and (c) of section 2806 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), is further amended—

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraph (C) as subparagraph (A); and

(3) by adding at the end the following new subparagraphs:

''(B) The period beginning October 1, 2021, and ending on the earlier of December 31, 2022, or the date of the enactment of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2023.

''(C) The period beginning October 1, 2022, and ending on the earlier of December 31, 2023, or the date of the enactment of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2024.''.

(c) ESTABLISHMENT OF PROJECT MONETARY LIMITATION.—Subsection (c) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723) is amended by adding at the end the following new paragraph:

''(3) The total amount of operation and maintenance funds used for a single construction project carried out under the authority of this section shall not exceed $15,000,000. The Secretary of Defense may waive this limitation on a project-by-project basis. This waiver authority may not be delegated.''.

(d) MODIFICATION OF NOTICE AND WAIT REQUIREMENT.—Subsection (b) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723) is amended—

(1) by striking ''10-day period'' and inserting ''14-day period''; and

(2) by striking ''or, if earlier, the end of the 7-day period beginning on the date on which'' and inserting '', including when''.

Subtitle B—Continuation of Military Housing Reforms

SEC. 2811. MODIFICATION OF CALCULATION OF MILITARY HOUSING CONTRACTOR PAY FOR PRIVATIZED MILITARY HOUSING.

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), as amended by section 3036 of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1938) and section 2811(i) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), is further amended—

(1) in paragraph (1)(B)—

(A) by striking ''2.5 percent'' and inserting ''50 percent''; and

(B) by striking ''section 403(b)(3)(A)(i)'' and inserting ''section 403(b)(3)(A)(ii)''; and

(2) in paragraph (2)(B)—

(A) by striking ''2.5 percent'' and inserting ''50 percent''; and

(B) by striking ''section 403(b)(3)(A)(i)'' and inserting ''section 403(b)(3)(A)(ii)''.

SEC. 2812. APPLICABILITY OF WINDOW FALL PREVENTION REQUIREMENTS TO ALL MILITARY FAMILY HOUSING WHETHER PRIVATIZED OR GOVERNMENT-OWNED AND GOVERNMENT-CONTROLLED.

(a) TRANSFER OF WINDOW FALL PREVENTION SECTION TO MILITARY FAMILY HOUSING ADMINISTRATION SUBCHAPTER.—Section 2879 of title 10, United States Code—

(1) is transferred to appear after section 2856 of such title; and

(2) is redesignated as section 2857.

(b) APPLICABILITY OF SECTION TO ALL MILITARY FAMILY HOUSING.—Section 2857 of title 10, United States Code, as transferred and redesignated by subsection (a), is amended—

(1) in subsection (a)(1), by striking ''acquired or constructed under this chapter'';

(2) in subsection (b)(1), by striking ''acquired or constructed under this chapter''; and

(3) by adding at the end the following new subsection:

''(e) APPLICABILITY TO ALL MILITARY FAMILY HOUSING.—This section applies to military family housing under the jurisdiction of the Department of Defense and military family housing acquired or constructed under subchapter IV of this chapter.''.

(c) IMPLEMENTATION PLAN.—In the report required to be submitted in 2022 pursuant to subsection (d) of section 2857 of title 10, United States Code, as transferred and redesignated by subsection (a) and amended by subsection (b), the Secretary of Defense shall include a plan for implementation of the fall protection devices described in subsection (a)(3) of such section as required by such section.

(d) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF OVERDUE REPORT.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Office of the Assistant Secretary of Defense for Energy, Installations, and Environment, not more than 50 percent may be obligated or expended until the date on which the Secretary of Defense certifies to the congressional defense committees that—

(1) the independent assessment required by section 2817(b) of the Military Construction Authorization Act of 2018 (division B of Public Law 115–91; 131 Stat. 1852) has been initiated; and

(2) the Secretary expects the report containing the results of the assessment to be submitted to the congressional defense committees by February 1, 2023.

SEC. 2813. APPLICABILITY OF DISABILITY LAWS TO PRIVATIZED MILITARY HOUSING UNITS AND CLARIFICATION OF PROHIBITION AGAINST COLLECTION FROM TENANTS OF AMOUNTS IN ADDITION TO RENT.

(a) APPLICABILITY OF DISABILITY LAWS.—Section 2891 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) APPLICABILITY OF DISABILITY LAWS.—For purposes of this subchapter and subchapter IV of this chapter, housing units shall be considered as military family housing for purposes of application of Department of Defense policy implementing section 804 of the Fair Housing Act (42 U.S.C. 3604) and title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181 et seq.).''.

(b) CLARIFICATION OF PROHIBITION.—

(1) TREATMENT OF REASONABLE MODIFICATION AND ACCOMMODATION REQUIREMENTS.—Section 2891a(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) Costs incurred to reasonably modify or upgrade a housing unit to comply with standards addressing discrimination against an individual with a disability established pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or to meet the reasonable modification and accommodation requirements of section 804 of the Fair Housing Act (42 U.S.C. 3604) and in order to facilitate occupancy of a housing unit by an individual with a disability, may not be considered optional services under paragraph (2)(A)(i) or another exception to the prohibition in paragraph (1) against collection from tenants of housing units of amounts in addition to rent.

''(B) In subparagraph (A), the term 'disability' has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).''.

(2) APPLICABILITY OF REQUIREMENTS.—Subsection (e)(3) of section 2891a of title 10, United States Code, as added by paragraph (1), shall apply to contracts described in subsection (a) of such section entered into on or after the date of the enactment of this Act.

SEC. 2814. REQUIRED INVESTMENTS IN IMPROVING MILITARY UNACCOMPANIED HOUSING.

(a) INVESTMENTS IN MILITARY UNACCOMPANIED HOUSING.—Of the total amount authorized to be appropriated by the National Defense Authorization Act for a covered fiscal year for Facilities Sustainment, Restoration, and Modernization activities of a military department, the Secretary of that military department shall reserve an amount equal to five percent of the estimated replacement cost of the total inventory of unaccompanied housing under the jurisdiction of that Secretary for the purpose of carrying out projects for the improvement of military unaccompanied housing.

(b) DEFINITIONS.—In this section:

(1) The term ''military unaccompanied housing'' means military housing intended to be occupied by members of the Armed Forces serving a tour of duty unaccompanied by dependents.

(2) The term ''replacement cost'', with respect to military unaccompanied housing, means the amount that would be required to replace the remaining service potential of that military unaccompanied housing.

(c) DURATION OF INVESTMENT REQUIREMENT.—The requirement in subsection (a) shall apply for fiscal years 2022 through 2026.

SEC. 2815. IMPROVEMENT OF SECURITY OF LODGING AND LIVING SPACES ON MILITARY INSTALLATIONS.

(a) ASSESSMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an assessment of all on-base dormitories and barracks at military installations for purposes of identifying—

(1) locking mechanisms on points of entry into the main facility, including doors and windows, or interior doors leading into private sleeping areas that require replacing or repairing;

(2) areas, such as exterior sidewalks, entry points, and other public areas where closed-circuit television security cameras should be installed; and

(3) other passive security measures, such as additional lighting, that may be necessary to prevent crime, including sexual assault.

(b) EMERGENCY REPAIRS.—The Secretary of Defense shall make any necessary repairs of broken locks or other safety mechanisms discovered during the assessment conducted under subsection (a) not later than 30 days after discovering the issue.

(c) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the assessment conducted under subsection (a).

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

(A) a cost estimate to make any improvements recommended pursuant to the assessment under subsection (a), disaggregated by military department and installation; and

(B) an estimated schedule for making such improvements.

SEC. 2816. IMPROVEMENT OF DEPARTMENT OF DEFENSE CHILD DEVELOPMENT CENTERS AND INCREASED AVAILABILITY OF CHILD CARE FOR CHILDREN OF MILITARY PERSONNEL.

(a) SAFETY INSPECTION OF CHILD DEVELOPMENT CENTERS.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall complete an inspection of all facilities under the jurisdiction of that Secretary used as a child development center to identify any unresolved safety issues, including lead, asbestos, and mold, that adversely impact the facilities.

(b) BRIEFING ON RESULTS OF SAFETY INSPECTIONS AND REMEDIATION PLANS.—

(1) BRIEFING REQUIRED.—Not later than March 1, 2022, each Secretary of a military department shall brief the Committees on Armed Services of the Senate and the House of Representatives regarding the results of the safety inspections conducted of child development centers under the jurisdiction of that Secretary.

(2) REQUIRED ELEMENTS OF BRIEFING.—In the briefing required by paragraph (1), the Secretary of a military department shall provide the following:

(A) A list of any child development centers under the jurisdiction of that Secretary considered to be in poor or failing condition. In the case of each child development center included on this list, the Secretary shall provide a remediation plan for the child development center, which shall include the following elements:

(i) An estimate of the funding required to complete the remediation plan.

(ii) The Secretary's funding strategy to complete the remediation plan.

(iii) Any additional statutory authorities the Secretary needs to complete the remediation plan

(B) A list of life-threatening and non-life-threatening violations during the previous three years recorded at child development centers under the jurisdiction of that Secretary that are not included on the list required by subparagraph (A), which shall include the name of the installation where the violation occurred and date of inspection.

(C) A list of what that Secretary considers a life-threatening and non-life-threatening violation, including with regard to the presence of lead, asbestos, and mold.

(D) A list of how often the 90-day remediation requirement has been waived and the name of each child development center under the jurisdiction of that Secretary at which a waiver was granted.

(E) Data on child development center closures under the jurisdiction of that Secretary due to a non-life-threatening violation not remedied within 90 days.

(F) An additional plan to conduct preventive maintenance on other child development centers under the jurisdiction of that Secretary to prevent additional child development centers from degrading to poor or failing condition.

(c) PARTNERSHIPS ENCOURAGED FOR CHILD CARE FOR CHILDREN OF MILITARY PERSONNEL.—Beginning one year after the date of the enactment of this Act, and pursuant to such regulations as the Secretary of Defense may prescribe, each Secretary of a military department is encouraged to enter into agreements with public and private entities to provide child care to the children of personnel (including members of the Armed Forces and civilian employees of the Department of Defense) under the jurisdiction of that Secretary.

(d) ANNUAL STATUS UPDATES.—Not later than 18 months after the date of the enactment of this Act, and every 12 months thereafter, each Secretary of a military department shall brief the Committees on Armed Services of the Senate and the House of Representatives on the progress made by that Secretary—

(1) in implementing the child development center remediation plans required by subsection (b)(2)(A) for child development centers under the jurisdiction of that Secretary considered to be in ''poor'' or ''failing'' condition, including details about projects planned, funded, under construction, and completed under the plans;

(2) in conducting preventive maintenance on other child development centers under the jurisdiction of that Secretary pursuant to the preventive maintenance plan required by subsection (b)(2)(F); and

(3) in entering into partnerships encouraged by subsection (c), including with regard to each partnership—

(A) the terms of the agreement, including cost to the United States;

(B) the number of children described in such subparagraph projected to receive child care under the partnership; and

(C) if applicable, the actual number of such children who received child care under the partnership during the previous year.

(e) CHILD DEVELOPMENT CENTER DEFINED.—In this section, the term ''child development center'' has the meaning given that term in section 2871(2) of title 10, United States Code, and includes facilities identified as a child care center or day care center.

Subtitle C—Real Property and Facilities Administration

SEC. 2821. SECRETARY OF THE NAVY AUTHORITY TO SUPPORT DEVELOPMENT AND OPERATION OF NATIONAL MUSEUM OF THE UNITED STATES NAVY.

Chapter 861 of title 10, United States Code, is amended by inserting after section 8616 the following new section:

''§ 8617. National Museum of the United States Navy

''(a) AUTHORITY TO SUPPORT DEVELOPMENT AND OPERATION OF MUSEUM.—(1) The Secretary of the Navy may select and enter into a contract, cooperative agreement, or other agreement with one or more eligible nonprofit organizations to support the development, design, construction, renovation, or operation of a multipurpose museum to serve as the National Museum of the United States Navy.

''(2) The Secretary may—

''(A) authorize a partner organization to contract for each phase of development, design, construction, renovation, or operation of the museum, or all such phases; or

''(B) authorize acceptance of funds from a partner organization for each or all such phases.

''(b) PURPOSES OF MUSEUM.—(1) The museum shall be used for the identification, curation, storage, and public viewing of artifacts and artwork of significance to the Navy, as agreed to by the Secretary of the Navy.

''(2) The museum also may be used to support such education, training, research, and associated activities as the Secretary considers compatible with and in support of the museum and the mission of the Naval History and Heritage Command.

''(c) ACCEPTANCE UPON COMPLETION.—Upon the satisfactory completion, as determined by the Secretary of the Navy, of any phase of the museum, and upon the satisfaction of any financial obligations incident thereto, the Secretary shall accept such phase of the museum from the partner organization, and all right, title, and interest in and to such phase of the museum shall vest in the United States. Upon

becoming the property of the United States, the Secretary shall assume administrative jurisdiction over such phase of the museum.

''(d) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease portions of the museum to an eligible nonprofit organization for use in generating revenue for the support of activities of the museum and for such administrative purposes as may be necessary for support of the museum. Such a lease may not include any part of the collection of the museum.

''(2) Any rent received by the Secretary under a lease under paragraph (1), including rent-in-kind, shall be used solely to cover or defray the costs of development, maintenance, or operation of the museum.

''(e) AUTHORITY TO ACCEPT GIFTS.—(1) The Secretary of the Navy may accept, hold, administer, and spend any gift, devise, or bequest of real property, personal property, or money made on the condition that the gift, devise, or bequest be used for the benefit, or in connection with, the establishment, operation, or maintenance, of the museum. Section 2601 (other than subsections (b), (c), and (e)) of this title shall apply to gifts accepted under this subsection.

''(2) The Secretary may display at the museum recognition for an individual or organization that contributes money to a partner organization, or an individual or organization that contributes a gift directly to the Navy, for the benefit of the museum, whether or not the contribution is subject to the condition that the recognition be provided. The Secretary shall prescribe regulations governing the circumstances under which contributor recognition may be provided, appropriate forms of recognition, and suitable display standards.

''(3) The Secretary may authorize the sale of donated property received under paragraph (1). A sale under this paragraph need not be conducted in accordance with disposal requirements that would otherwise apply, so long as the sale is conducted at arms-length and includes an auditable transaction record.

''(4) Any money received under paragraph (1) and any proceeds from the sale of property under paragraph (3) shall be deposited into a fund established in the Treasury to support the museum.

''(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with a contract, cooperative agreement, or other agreement under subsection (a) or a lease under subsection (d) as the Secretary considers appropriate to protect the interests of the United States.

''(g) USE OF NAVY INDICATORS.—(1) In a contract, cooperative agreement, or other agreement under subsection (a) or a lease under subsection (d), the Secretary of the Navy may authorize, consistent with section 2260 (other than subsection (d)) of this title, a partner organization to enter into licensing, marketing, and sponsorship agreements relating to Navy indicators, including the manufacture and sale of merchandise for sale by the museum, subject to the approval of the Department of the Navy.

''(2) No such licensing, marketing, or sponsorship agreement may be entered into if it would reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or if the Secretary determines that the use of the Navy indicator would compromise the integrity or appearance of integrity of any program of the Department of the Navy.

''(h) DEFINITIONS.—In this section:

''(1) The term 'eligible nonprofit organization' means an entity that—

''(A) qualifies as an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986; and

''(B) has as its primary purpose the preservation and promotion of the history and heritage of the Navy.

''(2) The term 'museum' means the National Museum of the United States Navy, including its facilities and grounds.

''(3) The term 'Navy indicator' includes trademarks and service marks, names, identities, abbreviations, official insignia, seals, emblems, and acronyms of the Navy and Marine Corps, including underlying units, and specifically includes the term 'National Museum of the United States Navy'.

''(4) The term 'partner organization' means an eligible nonprofit organization with whom the Secretary of the Navy enters into a contract, cooperative agreement, or other agreement under subsection (a) or a lease under subsection (d).''.

SEC. 2822. EXPANSION OF SECRETARY OF THE NAVY AUTHORITY TO LEASE AND LICENSE UNITED STATES NAVY MUSEUM FACILITIES TO GENERATE REVENUE TO SUPPORT MUSEUM ADMINISTRATION AND OPERATIONS.

(a) INCLUSION OF ADDITIONAL UNITED STATES NAVY MUSEUMS.—Section 2852 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3530) is amended—

(1) in subsection (a)—

(A) by striking the text preceding paragraph (1) and inserting ''The Secretary of the Navy may lease or license any portion of the facilities of a United States Navy museum to a foundation established to support that museum for the purpose of permitting the foundation to carry out the following activities:''; and

(B) in paragraphs (1) and (2), by striking ''the United States Navy Museum'' and inserting ''that United States Navy museum'';

(2) in subsection (b), by striking ''the United States Navy Museum'' and inserting ''the United States Navy museum of which the facility is a part'';

(3) in subsection (c), by striking ''the Naval Historical Foundation'' and inserting ''a foundation described in subsection (a)''; and

(4) in subsection (d)—

(A) by striking ''the United States Navy Museum'' and inserting ''the applicable United States Navy museum''; and

(B) by striking ''the Museum'' and inserting ''that museum''.

(b) UNITED STATES NAVY MUSEUM DEFINED.—Section 2852 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3530) is amended by adding at the end the following new subsection:

''(f) UNITED STATES NAVY MUSEUM.—In this section, the term 'United States Navy museum' means a museum under the jurisdiction of the Secretary of Defense and operated through the Naval History and Heritage Command.''.

(c) CONFORMING CLERICAL AMENDMENT.—The heading of section 2852 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3530) is amended by striking ''**AT WASHINGTON, NAVY YARD, DISTRICT OF COLUMBIA**''.

Subtitle D—Military Facilities Master Plan Requirements

SEC. 2831. COOPERATION WITH STATE AND LOCAL GOVERNMENTS IN DEVELOPMENT OF MASTER PLANS FOR MAJOR MILITARY INSTALLATIONS.

Section 2864(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The commander of a major military installation shall develop and update the master plan for that major military installation in consultation with representatives of the government of the State in which the installation is located and representatives of local governments in the vicinity of the installation to improve cooperation and consistency between the Department of Defense and such governments in addressing each component of the master plan described in paragraph (1).

''(B) The consultation required by subparagraph (A) is in addition to the consultation specifically required by subsection (b)(1) in connection with the transportation component of the master plan for a major military installation.''.

SEC. 2832. ADDITIONAL CHANGES TO REQUIREMENTS REGARDING MASTER PLANS FOR MAJOR MILITARY INSTALLATIONS.

(a) CONSIDERATION OF MILITARY INSTALLATION RESILIENCE.—Section 2864(a)(2)(E) of title 10, United States Code, is amended by inserting before the period at the end the following: ''and military installation resilience''.

(b) COORDINATION EFFORTS RELATED TO MILITARY INSTALLATION RESILIENCE COMPONENT.—Section 2864(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) Extent of current coordination efforts and plans for additional coordination, as of the time of the development of the plan, with public or private entities for the purpose of maintaining or enhancing military installation resilience or resilience of the community infrastructure and resources described in paragraph (5).''.

(c) CROSS REFERENCE TO DEFINITION OF MILITARY INSTALLATION RESILIENCE.—Section 2864(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) The term 'military installation resilience' has the meaning given that term in section 101(e) of this title.''.

SEC. 2833. PROMPT COMPLETION OF MILITARY INSTALLATION RESILIENCE COMPONENT OF MASTER PLANS FOR AT-RISK MAJOR MILITARY INSTALLATIONS.

(a) IDENTIFICATION OF AT-RISK INSTALLATIONS.—Not later than 30 days after the date of the enactment of this Act, each Secretary of a military department shall—

(1) identify at least two major military installations under the jurisdiction of that Secretary that the Secretary considers at risk from extreme weather events; and

(2) notify the Committees on Armed Services of the Senate and the House of Representatives of the major military installations identified under paragraph (1).

(b) COMPLETION DEADLINE.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall ensure that the military installation resilience component of the master plan for each major military installation identified by the Secretary under subsection (a) is completed.

(c) BRIEFINGS.—Not later than 60 days after completion of a master plan component as required by subsection (b) for a major military installation, the Secretary of the military department concerned shall brief the Committees on Armed Services of the Senate and the House of Representatives regarding the results of the master plan efforts for that major military installation.

(d) DEFINITIONS.—In this section:

(1) The term ''major military installation'' has the meaning given that term in section 2864(f) of title 10, United States Code.

(2) The term ''master plan'' means the master plan required by section 2864(a) of title 10, United States Code, for a major military installation.

SEC. 2834. MASTER PLANS AND INVESTMENT STRATEGIES FOR ARMY AMMUNITION PLANTS GUIDING FUTURE INFRASTRUCTURE, FACILITY, AND PRODUCTION EQUIPMENT IMPROVEMENTS.

(a) SUBMISSION OF MASTER PLANS AND INVESTMENT STRATEGIES.—Not later than March 31, 2022, the Secretary of the Army shall submit to the congressional defense committees a report containing the following:

(1) The master plan for each of the ammunition organic industrial base production facilities

under the jurisdiction of the Secretary of the Army (in this section referred to as an ''ammunition production facility'') that was developed to guide planning and budgeting for future infrastructure construction, facility improvements, and production equipment needs at the ammunition production facility.

(2) An investment strategy to address the facility, major equipment, and infrastructure requirements at each ammunition production facility in order to support the readiness and material availability goals of current and future weapons systems of the Department of Defense.

(b) ELEMENTS OF MASTER PLAN.—To satisfy the requirements of subsection (a)(1), the master plan for an ammunition production facility must incorporate the results of a review of industrial processes, logistics streams, and workload distribution required to support production objectives and the facility requirements to support optimized processes and include the following specific elements:

(1) A description of all infrastructure construction and facility improvements planned or being considered for the ammunition production facility and production equipment planned or being considered for installation, modernization, or replacement.

(2) An explanation of how the master plan for the ammunition production facility will promote efficient, effective, resilient, secure, and cost-effective production of ammunition and ammunition components for the Armed Forces.

(3) A description of how development of the master plan for the ammunition production facility included input from the contractor operating the ammunition production facility and how implementation of that master plan will be coordinated with the contractor.

(4) A review of current and projected workload requirements for the manufacturing of energetic materials, including propellants, explosives, pyrotechnics, and the ingredients for propellants, explosives, and pyrotechnics, to assess efficiencies in the use of existing facilities, including consideration of new weapons characteristics and requirements, obsolescence of facilities, siting of facilities and equipment, and various constrained process flows.

(5) An analysis of life-cycle costs to repair and modernize existing mission-essential facilities versus the cost to consolidate functions into modern, right-sized facilities at each location to meet current and programmed future mission requirements.

(6) A review of the progress made in prioritizing and funding projects that facilitate process efficiencies and consolidate and contribute to availability cost and schedule reductions.

(7) An accounting of the backlog of restoration and modernization projects at the ammunition production facility.

(c) ELEMENTS OF INVESTMENT STRATEGY.—To satisfy the requirements of subsection (a)(2), the investment strategy for an ammunition production facility must include the following specific elements:

(1) A description of the funding sources for such infrastructure construction, facility improvements, and production equipment, including authorized military construction projects, appropriations available for operation and maintenance, and appropriations available for procurement of Army ammunition in order to support the readiness and material availability goals of current and future weapons systems of the Department of Defense.

(2) A timeline to complete the investment strategy.

(3) A list of projects and a brief scope of work for each such project.

(4) Cost estimates necessary to complete projects for mission essential facilities.

(d) ANNUAL UPDATES.—Not later than March 31, 2023, and each March 31 thereafter through March 31, 2026, the Secretary of the Army shall submit to the congressional defense committees a report containing the following:

(1) A description of any revisions made during the previous year to master plans and investment strategies submitted under subsection (a).

(2) A description of any revisions to be made or being considered to the master plans and investment strategies.

(3) An explanation of the reasons for each revision, whether made, to be made, or being considered.

(4) A description of the progress made in improving infrastructure, facility, and production equipment at each ammunition production facility consistent with the master plans and investment strategies.

(e) DELEGATION AUTHORITY.—The Secretary of the Army shall carry out this section acting through the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

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

SEC. 2841. AMENDMENT OF UNIFIED FACILITIES CRITERIA TO REQUIRE INCLUSION OF PRIVATE NURSING AND LACTATION SPACE IN CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) AMENDMENT REQUIRED.—The Secretary of Defense shall amend UFC 1–4.2 (Nursing and Lactation Rooms) of the Unified Facilities Criteria/DoD Building Code (UFC 1–200–01) to require that military construction planning and design for buildings likely to be regularly frequented by nursing mothers who are members of the uniformed services, civilian employees of the Department of Defense, contractor personnel, or visitors include a private nursing and lactation room or other private space suitable for that purpose.

(b) DEADLINE.—The Secretary of Defense shall complete the amendment process required by subsection (a) and implement the amended UFC 1–4.2 not later than one year after the date of the enactment of this Act.

SEC. 2842. REVISIONS TO UNIFIED FACILITIES CRITERIA REGARDING USE OF VARIABLE REFRIGERANT FLOW SYSTEMS.

(a) PUBLICATION AND COMMENT PERIOD REQUIREMENTS.—The Under Secretary of Defense for Acquisition and Sustainment shall publish any proposed revisions to the Unified Facilities Criteria regarding the use of variable refrigerant flow systems in the Federal Register and shall specify a comment period of at least 60 days.

(b) NOTICE AND JUSTIFICATION REQUIREMENTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notice and justification for any proposed revisions to the Unified Facilities Criteria regarding the use of variable refrigerant flow systems not later than 30 days after the date of publication in the Federal Register.

SEC. 2843. AMENDMENT OF UNIFIED FACILITIES CRITERIA TO PROMOTE ENERGY EFFICIENT MILITARY INSTALLATIONS.

(a) UNIFIED FACILITIES CRITERIA AMENDMENT REQUIRED.—To the extent practicable, the Secretary of Defense shall amend the Unified Facilities Criteria relating to military construction planning and design to ensure that building practices and standards of the Department of Defense incorporate the latest consensus-based codes and standards for energy efficiency and conservation, including the 2021 International Energy Conservation Code and the ASHRAE Standard 90.1-2019.

(b) IMPLEMENTATION OF AMENDMENT.—The Secretary of Defense shall complete the amendment process required by subsection (a) in a timely manner so that any Department of Defense Form 1391 submitted to Congress in connection with the budget submission for fiscal year 2024 and thereafter complies with the Unified Facilities Criteria, as amended pursuant to such subsection.

(c) REPORTING REQUIREMENT.—Not later than February 1, 2024, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report—

(1) describing the extent to which the Unified Facilities Criteria, as amended pursuant to subsection (a), incorporate the latest consensus-based codes and standards for energy efficiency and conservation, including the 2021 International Energy Conservation Code and the ASHRAE Standard 90.1-2019, as required by such subsection; and

(2) in the case of any instance in which the Unified Facilities Criteria continues to deviate from such consensus-based codes and standards for energy efficiency and conservation, identifying the deviation and explaining the reasons for the deviation.

SEC. 2844. ADDITIONAL DEPARTMENT OF DEFENSE ACTIVITIES TO IMPROVE ENERGY RESILIENCY OF MILITARY INSTALLATIONS.

(a) CONSIDERATION OF INCLUDING ENERGY MICROGRID IN MILITARY CONSTRUCTION PROJECTS.—

(1) AMENDMENT OF UNIFIED FACILITIES CRITERIA REQUIRED.—The Secretary of Defense shall amend the Unified Facilities Criteria/DoD Building Code (UFC 1–200–01) to require that planning and design for military construction projects inside the United States include consideration of the feasibility and cost-effectiveness of installing an energy microgrid as part of the project, including intentional islanding capability of at least seven consecutive days, for the purpose of—

(A) promoting on-installation energy security and energy resilience; and

(B) facilitating implementation and greater use of the authority provided by subsection (h) of section 2911 of title 10, United States Code, as added and amended by section 2825 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283).

(2) DEADLINE.—The Secretary of Defense shall complete the amendment process required by paragraph (1) and implement the amendment not later than September 1, 2022.

(b) CONTRACTS FOR EMERGENCY ACCESS TO EXISTING ON-INSTALLATION RENEWABLE ENERGY SOURCES.—In the case of a covered renewable energy generating source located on a military installation pursuant to a lease of non-excess defense property under section 2667 of title 10, United States Code, the Secretary of the military department concerned is encouraged to negotiate with the owner and operator of the renewable energy generating source to revise the lease contract to permit the military installation to access the renewable energy generating source during an emergency. The negotiations shall include consideration of the ease of modifying the renewable energy generating source to include an islanding capability, the necessity of additional infrastructure to tie the renewable energy generating source into the installation energy grid, and the cost of such modifications and infrastructure.

(c) DEFINITIONS.—In this section:

(1) The term ''covered renewable energy generating source'' means a renewable energy generating source that, on the date of the enactment of this Act—

(A) is located on a military installation inside the United States; but

(B) cannot be used as a direct source of resilient energy for the installation in the event of a power disruption.

(2) The term ''islanding capability'' refers to the ability to remove an energy system, such as a microgrid, from the local utility grid and to operate the energy system, at least temporarily, as an integrated, stand-alone system, during an emergency involving the loss of external electric power supply.

(3) The term ''microgrid'' means an integrated energy system consisting of interconnected loads and energy resources with an islanding capability to permit functioning separate from the local utility grid.

Subtitle F—Land Conveyances

SEC. 2851. MODIFICATION OF RESTRICTIONS ON USE OF FORMER NAVY PROPERTY CONVEYED TO UNIVERSITY OF CALIFORNIA, SAN DIEGO, CALIFORNIA.

(a) MODIFICATION OF ORIGINAL USE RESTRICTION.—Section 3(a) of Public Law 87–662 (76 Stat. 546) is amended by inserting after ''educational purposes'' the following: '', which may include technology innovation and entrepreneurship programs and establishment of innovation incubators''.

(b) EXECUTION.—If necessary to effectuate the amendment made by subsection (a), the Secretary of the Navy shall execute and file in the appropriate office an amended deed or other appropriate instrument reflecting the modification of restrictions on the use of former Camp Matthews conveyed to the regents of the University of California pursuant to Public Law 87–662.

SEC. 2852. LAND CONVEYANCE, JOINT BASE CAPE COD, BOURNE, MASSACHUSETTS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the Commonwealth of Massachusetts (in this section referred to as the ''Commonwealth'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon and related easements, consisting of approximately 10 acres located on Joint Base Cape Cod, Bourne, Massachusetts.

(b) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to valid existing rights and the Commonwealth shall accept the real property, and any improvements thereon, in its condition at the time of the conveyance (commonly known as a conveyance ''as is'').

(c) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance under subsection (a), the Commonwealth shall pay to the United States an amount equal to the fair market value of the right, title, and interest conveyed under subsection (a) based on an appraisal approved by the Secretary.

(2) TREATMENT OF CONSIDERATION RECEIVED.—Consideration received under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Commonwealth to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Commonwealth 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 Commonwealth.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to an appropriate fund or account 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.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. LAND CONVEYANCE, SAINT JOSEPH, MISSOURI.

(a) CONVEYANCE AUTHORIZED.—At such time as the Missouri Air National Guard vacates their existing location on the southern end of the airfield at Rosecrans Memorial Airport in Saint Joseph, Missouri, as determined by the Secretary of the Air Force, the Secretary may convey to the City of Saint Joseph, Missouri (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 54 acres at the Rosecrans Air National Guard Base in Saint Joseph, Missouri, for the purpose of removing the property from the boundaries of the Rosecrans Air National Guard Base and accommodating the operations and maintenance needs of the Rosecrans Memorial Airport as well as the development of the parcels and buildings for economic purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to valid existing rights and the City shall accept the real property (and any improvements thereon) in its condition at the time of the conveyance (commonly known as a conveyance ''as is'').

(c) CONSIDERATION.—

(1) REQUIREMENT.—As consideration for the conveyance of the property under subsection (a), the City shall provide the United States an amount that is equivalent to the fair market value of the right, title, and interest conveyed under subsection (a) based on an appraisal approved by the Secretary of the Air Force.

(2) TYPES OF CONSIDERATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the consideration required to be provided under paragraph (1) may be provided by land exchange, in-kind consideration described in subparagraph (D), or a combination thereof.

(B) LESS THAN FAIR MARKET VALUE.—If the value of the land exchange or in-kind consideration provided under subparagraph (A) is less than the fair market value of the property interest to be conveyed under subsection (a), the City shall pay to the United States an amount equal to the difference between the fair market value of the property interest and the value of the consideration provided under subparagraph (A).

(C) CASH CONSIDERATION.—Any cash consideration received by the United States under this subsection shall be deposited in the special account in the Treasury established under section 572(b)(5) of title 40, United States Code, and available in accordance with the provisions of subparagraph (B)(ii) of such section.

(D) IN-KIND CONSIDERATION.—In-kind consideration described in this subparagraph may include the construction, provision, improvement, alteration, protection, maintenance, repair, or restoration (including environmental restoration), or a combination thereof, of any facilities or infrastructure relating to the needs of the Missouri Air National Guard at Rosecrans Air National Guard Base that the Secretary considers appropriate.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force may require the City to cover all costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and any other administrative costs related to the conveyance. If amounts paid by the City to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. 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.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. LAND CONVEYANCE, DEPARTMENT OF DEFENSE EXCESS PROPERTY, ST. LOUIS, MISSOURI.

(a) CONVEYANCE TO LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY OF THE CITY OF ST. LOUIS.—

(1) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the Land Clearance for Redevelopment Authority of the City of St. Louis (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to a parcel of real property, including all improvements thereon, consisting of approximately 24 acres located at 3200 S. 2nd Street, St. Louis, Missouri, for purpose of permitting the Authority to redevelop the property.

(2) LIMITATION.—The Secretary may convey to the Authority only that portion of the parcel of real property described in paragraph (1) that is declared excess to the needs of the Department of Defense.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance under subsection (a), the Authority shall pay to the Secretary of the Air Force an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the Authority under this subsection may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure, or delivery of services relating to the needs that the Secretary considers acceptable.

(c) TERMS OF CONVEYANCE.—

(1) INSTRUMENT OF CONVEYANCE; ACCEPTANCE.—The conveyance under subsection (a) shall be subject to valid existing rights and shall be accomplished using a quitclaim deed or other legal instrument.

(2) CONDITIONS.—

(A) IN GENERAL.—Subject to paragraph (3), the Authority shall accept the real property conveyed under subsection (a), and any improvements thereon, in its condition at the time of the conveyance (commonly known as a conveyance ''as is'').

(B) ENVIRONMENTAL CONDITIONS.—The conveyance under subsection (a) may include conditions, restrictions, or covenants related the environmental condition of the conveyed property, which shall not adversely interfere with the use of existing structures and the development of the property for commercial or industrial uses.

(C) HISTORICAL PROPERTY CONDITIONS.—The conveyance under subsection (a) may include conditions, restrictions, or covenants to ensure

preservation of historic property, notwithstanding the effect such conditions, restrictions, or covenants may have on reuse of the property.

(3) CONDUCT OF REMEDIATION.—

(A) IN GENERAL.—The Secretary of the Air Force shall conduct all remediation at the real property conveyed under subsection (a) pursuant to approved activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Defense Environmental Restoration Program under section 2701 of title 10, United States Code.

(B) COMPLETION OF REMEDIATION.—The Secretary shall complete all remediation at the parcel of land conveyed under subsection (a) in accordance with the requirements selected in the Record of Decision, Scott Air Force Base Environmental Restoration Program Site SS018, National Imagery and Mapping Agency, Second Street, dated August 2019.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including costs related to environmental and real estate due diligence, and any other administrative costs related to the conveyance. If amounts are collected 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 Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to the fund or account 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.

(e) RELATION TO OTHER LAWS.—

(1) HISTORIC PRESERVATION.—The conveyance under subsection (a) shall be carried out in compliance with division A of subtitle III of title 54, United States Code (formerly known as the National Historic Preservation Act).

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCE, MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Havelock, North Carolina (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 30 acres, known as the former Fort Macon Housing Area, located within the City limits.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed to the City, the Secretary of the Navy may lease the property to the City for 20 years.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a) and interim lease under subsection (b), the City shall pay to the Secretary of the Navy an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the City under this subsection may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure, or delivery of services relating to the needs of Marine Corps Air Station Cherry Point, North Carolina, that the Secretary considers acceptable.

(3) DISPOSITION OF AMOUNTS.—

(A) CONVEYANCE.—Amounts received by the Secretary in exchange for the fee title of the real property described in subsection (a) shall be deposited in the special account in the Treasury established under section 572(b)(5) of title 40, United States Code, and shall be available in accordance with subparagraph (B)(ii) of such section.

(B) INTERIM LEASE.—Amounts received by the Secretary for the interim lease of the real property described in subsection (a) 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 for use in accordance with paragraph (1)(D) of such subsection.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary of the Navy shall require the City to cover costs (except costs for environmental remediation of the property) 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) and interim lease under subsection (b), including costs for environmental and real estate due diligence and any other administrative costs related to the conveyance.

(2) REFUND OF EXCESS AMOUNTS.—If amounts are collected from the City under paragraph (1) 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 under subsection (a) and interim lease under subsection (b), the Secretary shall refund the excess amount to the City.

(e) CONDITION OF CONVEYANCE.—Conveyance of real property shall be subject to all existing easements, restrictions, and covenants of record and conditioned upon the following:

(1) Real property shall be used for municipal park and recreational purposes, which may include ancillary uses such as vending and restrooms.

(2) The City shall not use Federal funds to cover any portion of the amounts required by subsections (c) and (d) to be paid by the City.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(g) EXCLUSION OF REQUIREMENTS FOR PRIOR SCREENING BY GENERAL SERVICES ADMINISTRATION FOR ADDITIONAL FEDERAL USE.—Section 2696(b) of title 10, United States Code, does not apply to the conveyance of real property authorized under subsection (a).

(h) ADDITIONAL TERMS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA BEACH, VIRGINIA, TO CITY OF VIRGINIA BEACH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property located at 4200 C Avenue, Virginia Beach, Virginia, including any improvements thereon, consisting of approximately 8 acres.

(2) AUTHORITY TO VOID LAND USE RESTRICTIONS.—The Secretary may void any land use restrictions associated with the property to be conveyed under paragraph (1).

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a)(1), the City shall pay to the Secretary of the Navy an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary, whether by cash payment, in-kind consideration as described in paragraph (2), or a combination thereof.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the City under this subsection may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure, or delivery of services relating to the needs of Naval Air Station Oceana, Virginia, that the Secretary considers acceptable.

(3) DISPOSITION OF FUNDS.—Cash received in exchange for the fee title of the property conveyed under subsection (a)(1) shall be deposited in the special account in the Treasury established under subparagraph (A) of section 572(b)(5) of title 40, United States Code, and shall be available for use in accordance with subparagraph (B)(ii) of such section.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a)(1), including costs related to environmental and real estate due diligence, and any other administrative costs related to the conveyance.

(2) REFUND OF EXCESS AMOUNTS.—If amounts are collected under paragraph (1) 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 under subsection (a)(1), the Secretary shall refund the excess amount to the City.

(3) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance under subsection (a)(1). 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.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA BEACH, VIRGINIA, TO SCHOOL BOARD OF CITY OF VIRGINIA BEACH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Navy may convey to the School Board of the City of Virginia Beach, Virginia (in this section referred to as ''VBCPS'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements

thereon, consisting of approximately 2.77 acres at Naval Air Station Oceana, Virginia Beach, Virginia, located at 121 West Lane (GPIN: 2407-94-0772) for the purpose of permitting VBCPS to use the property for educational purposes.

(2) CONTINUATION OF EXISTING EASEMENTS, RESTRICTIONS, AND COVENANTS.—The conveyance of the property under paragraph (1) shall be subject to any easement, restriction, or covenant of record applicable to the property and in existence on the date of the enactment of this Act.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED; AMOUNT.—As consideration for the conveyance under subsection (a), VBCPS shall pay to the Secretary of the Navy an amount that is not less than the fair market value of the property to be conveyed, as determined by the Secretary. The Secretary's determination of fair market value shall be final of the property to be conveyed.

(2) FORM OF CONSIDERATION.—The consideration required by paragraph (1) may be in the form of a cash payment, in-kind consideration as described in paragraph (3), or a combination thereof, as acceptable to the Secretary. Cash consideration shall be deposited in the special account in the Treasury established under section 572 of title 40, United States Code, and the entire amount deposited shall be available for use in accordance with subsection (b)(5)(ii) of such section.

(3) IN-KIND CONSIDERATION.—The Secretary may accept as in-kind consideration under this subsection the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure, or the delivery of services, relating to the needs of Naval Air Station Oceana.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require VBCPS to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including costs related to environmental and real estate due diligence, and any other administrative costs related to the conveyance. If amounts are collected 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 VBCPS.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to the fund or account 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.

(d) LIMITATION ON SOURCE OF FUNDS.—VBCPS may not use Federal funds to cover any portion of the costs required by subsections (b) and (c) to be paid by VBCPS.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle G—Authorized Pilot Programs

SEC. 2861. PILOT PROGRAM ON INCREASED USE OF SUSTAINABLE BUILDING MATERIALS IN MILITARY CONSTRUCTION.

(a) PILOT PROGRAM REQUIRED.—Each Secretary of a military department shall conduct a pilot program to evaluate the effect that the use of sustainable building materials as the primary construction material in military construction may have on the environmental sustainability, infrastructure resilience, cost effectiveness, and construction timeliness of military construction.

(b) PROJECT SELECTION AND LOCATIONS.—

(1) MINIMUM NUMBER OF PROJECTS.—Each Secretary of a military department shall carry out at least one military construction project under the pilot program.

(2) PROJECT LOCATIONS.—The pilot program shall be conducted at military installations in the continental United States—

(A) that are identified as vulnerable to extreme weather events; and—

(B) for which a military construction project is authorized but a request for proposal has not been released.

(c) INCLUSION OF MILITARY UNACCOMPANIED HOUSING PROJECT.—The Secretaries of the military departments shall coordinate the selection of military construction projects to be carried out under the pilot program so that at least one of the military construction projects involves construction of military unaccompanied housing.

(d) DURATION OF PROGRAM.—The authority of the Secretary of a military department to carry out a military construction project under the pilot program shall expire on September 30, 2024. Any construction commenced under the pilot program before the expiration date may continue to completion.

(e) REPORTING REQUIREMENT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through December 31, 2024, the Secretaries of the military departments shall submit to the congressional defense committees a report on the progress of the pilot program.

(2) REPORT ELEMENTS.—The report shall include the following:

(A) A description of the status of the military construction projects selected to be conducted under the pilot program.

(B) An explanation of the reasons why those military construction projects were selected.

(C) An analysis of the following:

(i) The projected or actual carbon footprint over the full life cycle of the various sustainable building materials evaluated in the pilot program.

(ii) The life cycle costs of the various sustainable building materials evaluated in the pilot program.

(iii) The resilience to extreme weather events of the various sustainable building materials evaluated in the pilot program.

(iv) Any impact on construction timeliness of using the various sustainable building materials evaluated in the pilot program.

(v) The cost effectiveness of the military construction projects conducted under the pilot program using sustainable building materials as compared to other materials historically used in military construction.

(D) Any updated guidance the Under Secretary of Defense for Acquisition and Sustainment has released in relation to the procurement policy for future military construction projects based on comparable benefits realized from use of sustainable building materials, including guidance on prioritizing sustainable materials in establishing evaluation criteria for military construction project contracts when technically feasible.

(f) SUSTAINABLE BUILDING MATERIALS DEFINED.—In this section, the term ''sustainable building material'' means any building material the use of which will reduce carbon emissions over the life cycle of the building. The term includes mass timber, concrete, and other carbon-reducing materials.

SEC. 2862. PILOT PROGRAM ON ESTABLISHMENT OF ACCOUNT FOR REIMBURSEMENT FOR USE OF TESTING FACILITIES AT INSTALLATIONS OF THE DEPARTMENT OF THE AIR FORCE.

(a) PILOT PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall establish a pilot program to authorize installations of the Department of the Air Force to establish a reimbursable account for the purpose of being reimbursed for the use of testing facilities on such installation.

(b) INSTALLATIONS SELECTED.—The Secretary of the Air Force shall select not more than two installations of the Department of the Air Force to participate in the pilot program from among any such installations that are part of the Air Force Flight Test Center construct and are currently funded for Facility, Sustainment, Restoration, and Modernization (FSRM) through the Research, Development, Test, and Evaluation account of the Department of the Air Force.

(c) OVERSIGHT OF FUNDS.—

(1) INSTALLATION COMMANDER.—The commander of an installation selected for the pilot program shall have direct oversight over 50 percent of the funds allocated to the installation for Facility, Sustainment, Restoration, and Modernization.

(2) AIR FORCE CIVIL ENGINEER CENTER COMMANDER.—The Commander of the Air Force Civil Engineer Center shall have direct oversight over the remaining 50 percent of Facility, Sustainment, Restoration, and Modernization funds allocated to an installation selected for the pilot program.

(d) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than 30 days after establishing the pilot program, the Secretary of the Air Force shall brief the congressional defense committees on the pilot program.

(2) ANNUAL REPORT.—Not later than one year after establishing the pilot program under subsection (a), and annually thereafter through the year following termination of the pilot program, the Secretary of the Air Force shall submit to the congressional defense committees a report on the pilot program.

(e) TERMINATION.—The pilot program shall terminate on December 1, 2026.

Subtitle H—Asia-Pacific and Indo-Pacific Issues

SEC. 2871. IMPROVED OVERSIGHT OF CERTAIN INFRASTRUCTURE SERVICES PROVIDED BY NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND PACIFIC.

The Secretary of the Navy shall designate an administrative position within the Naval Facilities Engineering Systems Command Pacific for the purpose of improving the continuity of management and oversight of real property and infrastructure assets in the Pacific Area of Responsibility related to the training needs of the Armed Forces, particularly regarding leased property for which the lease will expire within 10 years after the date of the enactment of this Act.

SEC. 2872. ANNUAL CONGRESSIONAL BRIEFING ON RENEWAL OF DEPARTMENT OF DEFENSE EASEMENTS AND LEASES OF LAND IN HAWAI'I.

(a) ANNUAL BRIEFING REQUIRED.—Not later than February 1 of each year, the Secretary of Defense shall brief the congressional defense committee on the progress being made by the Department of Defense to renew each Department of Defense land lease and easement in the State of Hawai'i that—

(1) encompasses one acre or more; and

(2) will expire within 10 years after the date of the briefing.

(b) REQUIRED ELEMENTS OF BRIEFING.—Each briefing provided under subsection (a) shall include the following:

(1) The location, size, and expiration date of each lease and easement described in such subsection.

(2) Major milestones and expected timelines for maintaining access to the land covered by such lease and easement.

(3) Actions completed over the preceding two years for such lease and easement.

(4) Department-wide and service-specific authorities governing the extension of such lease and easement.

(5) A summary of coordination efforts between the Secretary of Defense and the Secretaries of the military departments.

(6) The status of efforts to develop an inventory of military land in Hawai'i, including current and possible future uses of the land, that would assist in land negotiations with the State of Hawai'i.

(7) The risks and potential solutions to ensure the renewability of required and critical leases and easements.

SEC. 2873. HAWAI'I MILITARY LAND USE MASTER PLAN.

(a) UPDATE OF MASTER PLAN REQUIRED.—Not later than December 31, 2025, the Commander of the United States Indo-Pacific Command shall update the Hawai'i Military Land Use Master Plan, which was first produced by the Department of Defense in 1995 and last updated in 2021.

(b) ELEMENTS.—In updating the Hawai'i Military Land Use Master Plan as required by subsection (a), the Commander of the United States Indo-Pacific Command shall consider, address, and include the following:

(1) The priorities of each individual Armed Force and joint priorities within the State of Hawai'i.

(2) The historical background of Armed Forces and Department of Defense use of lands in Hawai'i and the cultural significance of the historical land holdings.

(3) A summary of all leases and easements held by the Department of Defense.

(4) An overview of Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, Hawai'i National Guard, and Hawai'i Air National Guard assets in the State, including the following for each asset:

(A) The location and size of facilities.

(B) Any tenet commands.

(C) Training lands.

(D) Purpose of the asset.

(E) Priorities for the asset for the next five years, including any planned divestitures and expansions.

(5) A summary of encroachment planning efforts.

(6) A summary of efforts to synchronize the inter-service use of training lands and ranges.

(c) COOPERATION.—The Commander of the United States Indo-Pacific Command shall update the Hawai'i Military Land Use Master Plan under this section in conjunction with the Deputy Assistant Secretary of Defense for Real Property.

(d) SUBMISSION OF UPDATED PLAN.—Not later than 30 days after the date of the completion of the update to the Hawai'i Military Land Use Master Plan required by subsection (a), the Commander of the United States Indo-Pacific Command shall submit the updated master plan to the Committees on Armed Services of the Senate and the House of Representatives.

Subtitle I—One-Time Reports and Other Matters

SEC. 2881. CLARIFICATION OF INSTALLATION AND MAINTENANCE REQUIREMENTS REGARDING FIRE EXTINGUISHERS IN DEPARTMENT OF DEFENSE FACILITIES.

Section 2861 of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 10 U.S.C. 113 note; 133 Stat. 1899) is amended by striking ''requirements of national model fire codes developed by the National Fire Protection Association and the International Code Council'' and inserting ''NFPA 1, Fire Code of the National Fire Protection Association and applicable requirements of the international building code and international fire code of the International Code Council''.

SEC. 2882. GAO REVIEW AND REPORT OF MILITARY CONSTRUCTION CONTRACTING AT MILITARY INSTALLATIONS INSIDE THE UNITED STATES.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall perform a review to assess the contracting approaches authorized pursuant to section 2802 of title 10, United States Code, used to maintain and upgrade military installations inside the United States.

(b) ELEMENTS OF REVIEW.—In conducting the review required by subsection (a), the Comptroller General should consider, to the extent practicable, such issues as the following:

(1) The extent to which the Department of Defense uses competitive procedures when awarding contracts to contractors to maintain or upgrade military installations inside the United States.

(2) The number of contractors awarded such a contract that are considered a small business, and the percentage that these contracts comprise of all such contracts.

(3) The extent to which the primary business location of each contractor awarded such a contract is located within 60 miles of the military installation where the contract is to be performed.

(4) The extent to which contractors awarded such a contract in turn use subcontractors and suppliers whose primary business location is located within 60 miles of the military installation where the contract is to be performed.

(5) The extent to which the source selection procedures used by the responsible contracting organization considers whether offerors are small businesses or are businesses that are located within 60 miles of the military installation where the contract is to be performed.

(6) Any other matters the Comptroller General determines relevant to the review.

(c) REPORT REQUIRED.—Not later than March 31, 2023, 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 review required by subsection (a).

(d) SMALL BUSINESS DEFINED.—In this section, the term ''small business'' means a contractor that is a small-business concern as such term is defined under section 3 of the Small Business Act (15 U.S.C. 632).

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

Subtitle C—Reports and Other Matters

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 2022 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 22–D–513, Power Sources Capability, Sandia National Laboratories, Albuquerque, New Mexico, $13,827,000.

Project 22–D–514, Digital Infrastructure Capability Expansion, Lawrence Livermore National Laboratory, Livermore, California, $8,000,000.

Project 22–D–531, KL Chemistry and Radiological Health Building, Knolls Atomic Power Laboratory, Schenectady, New York, $41,620,000.

Project 22–D–532, KL Security Upgrades, Knolls Atomic Power Laboratory, Schenectady, New York, $5,100,000.

Shipping & Receiving (Exterior), Los Alamos National Laboratory, Los Alamos, New Mexico, $9,700,000.

TCAP Restoration Column A, Savannah River Site, Aiken, South Carolina, $4,700,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2022

for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant projects:

Project 22–D–401, 400 Area Fire Station, Hanford Site, Richland, Washington, $15,200,000.

Project 22–D–402, 200 Area Water Treatment Facility, Hanford Site, Richland, Washington, $12,800,000.

Project 22–D–403, Idaho Spent Nuclear Fuel Staging Facility, Idaho National Laboratory, Idaho Falls, Idaho, $3,000,000.

Project 22–D–404, Additional ICDF Landfill Disposal Cell and Evaporation Ponds Project, Idaho National Laboratory, Idaho Falls, Idaho, $5,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2022 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 2022 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. PLUTONIUM PIT PRODUCTION CAPACITY.

(a) CERTIFICATIONS.—Section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a) is amended by adding at the end the following new subsections:

''(d) CERTIFICATIONS ON PLUTONIUM ENTERPRISE.—

''(1) REQUIREMENT.—Not later than 30 days after the date on which a covered project achieves a critical decision milestone, the Assistant Secretary for Environmental Management and the Deputy Administrator for Defense Programs shall jointly certify to the congressional defense committees that the operations, infrastructure, and workforce of such project are adequate to carry out the delivery and disposal of planned waste shipments relating to the plutonium enterprise, as outlined in the critical decision memoranda of the Department of Energy with respect to such project.

''(2) FAILURE TO CERTIFY.—If the Assistant Secretary for Environmental Management and the Deputy Administrator for Defense Programs fail to make a certification under paragraph (1) by the date specified in such paragraph with respect to a covered project achieving a critical decision milestone, the Assistant Secretary and the Deputy Administrator shall jointly submit to the congressional defense committees, by not later than 30 days after such date, a plan to ensure that the operations, infrastructure, and workforce of such project will be adequate to carry out the delivery and disposal of planned waste shipments described in such paragraph.

''(e) REPORTS.—

''(1) REQUIREMENT.—Not later than March 1 of each year during the period beginning on the date on which the first covered project achieves critical decision 2 in the acquisition process and ending on the date on which the second project achieves critical decision 4 and begins operations, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on the planned production goals of both covered projects during the first 10 years of the operation of the projects.

''(2) ELEMENTS.—Each report under paragraph (1) shall include—

''(A) the number of war reserve plutonium pits planned to be produced during each year, including the associated warhead type;

''(B) a description of risks and challenges to meeting the performance baseline for the covered projects, as approved in critical decision 2 in the acquisition process;

''(C) options available to the Administrator to balance scope, costs, and production requirements at the projects to decrease overall risk to the plutonium enterprise and enduring plutonium pit requirements; and

''(D) an explanation of any changes to the production goals or requirements as compared to the report submitted during the previous year.

''(f) COVERED PROJECT DEFINED.—In this subsection, the term 'covered project' means—

''(1) the Savannah River Plutonium Processing Facility, Savannah River Site, Aiken, South Carolina (Project 21–D–511); or

''(2) the Plutonium Pit Production Project, Los Alamos National Laboratory, Los Alamos, New Mexico (Project 21–D–512).''.

(b) BRIEFING.—Not later than May 1, 2022, the Administrator for Nuclear Security and the Director for Cost Estimating and Program Evaluation shall jointly provide to the congressional defense committees a briefing on the ability of the National Nuclear Security Administration to carry out the plutonium enterprise of the Administration, including with respect to the adequacy of the program management staff of the Administration to execute covered projects (as defined in subsection (f) of section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a), as amended by subsection (a)).

SEC. 3112. IMPROVEMENTS TO COST ESTIMATES INFORMING ANALYSES OF ALTERNATIVES.

(a) IN GENERAL.—Subtitle A of title XLVII 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. 4718. IMPROVEMENTS TO COST ESTIMATES INFORMING ANALYSES OF ALTERNATIVES.

''(a) REQUIREMENT FOR ANALYSES OF ALTERNATIVES.—The Administrator shall ensure that any cost estimate used in an analysis of alternatives for a project carried out using funds authorized by a DOE national security authorization is designed to fully satisfy the requirements outlined in the mission needs statement approved at critical decision 0 in the acquisition process, as set forth in Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets) or a successor order.

''(b) USE OF PROJECT ENGINEERING AND DESIGN FUNDS.—In the case of a project the total estimated cost of which exceeds $500,000,000 and that has not reached critical decision 1 in the acquisition process, the Administrator may use funds authorized by a DOE national security authorization for project engineering and design to begin the development of a conceptual design to facilitate the development of a cost estimate for the project during the analysis of alternatives for the project if—

''(1) the Administrator—

''(A) determines that such use of funds would improve the quality of the cost estimate for the project; and

''(B) notifies the congressional defense committees of that determination; and

''(2) a period of 15 days has elapsed after the date on which such committees receive the notification.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4717 the following new item:

''Sec. 4718. Improvements to cost estimates informing analyses of alternatives.''.

SEC. 3113. UNIVERSITY-BASED DEFENSE NUCLEAR POLICY COLLABORATION PROGRAM.

Title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section (and conforming the table of contents accordingly):

''SEC. 4853. UNIVERSITY-BASED DEFENSE NUCLEAR POLICY COLLABORATION PROGRAM.

''(a) PROGRAM.—The Administrator shall carry out a program under which the Administrator establishes a policy research consortium of institutions of higher education and nonprofit entities in support of implementing and innovating the defense nuclear policy programs of the Administration. The Administrator shall establish and carry out such program in a manner similar to the program established under section 4814.

''(b) PURPOSES.—The purposes of the consortium under subsection (a) are as follows:

''(1) To shape the formulation and application of policy through the conduct of research and analysis regarding defense nuclear policy programs.

''(2) To maintain open-source databases on issues relevant to understanding defense nuclear nonproliferation, arms control, nuclear deterrence, foreign nuclear programs, and nuclear security.

''(3) To facilitate the collaboration of research centers of excellence relating to defense nuclear policy to better distribute expertise to specific issues and scenarios regarding such threats.

''(c) DUTIES.—

''(1) SUPPORT.—The Administrator shall ensure that the consortium established under subsection (a) provides support to individuals described in paragraph (2) through the use of nongovernmental fellowships, scholarships, research internships, workshops, short courses, summer schools, and research grants.

''(2) INDIVIDUALS DESCRIBED.—The individuals described in this paragraph are graduate students, academics, and policy specialists, who are focused on policy innovation related to—

''(A) defense nuclear nonproliferation;

''(B) arms control;

''(C) nuclear deterrence;

''(D) the study of foreign nuclear programs;

''(E) nuclear security; or

''(F) educating and training the next generation of defense nuclear policy experts.''.

SEC. 3114. DEFENSE ENVIRONMENTAL CLEANUP PROGRAMS.

(a) ESTABLISHMENT OF PROGRAMS.—Subtitle A of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is amended by inserting after section 4406 the following new section (and conforming the table of contents at the beginning of such Act accordingly):

''SEC. 4406A. OTHER PROGRAMS RELATING TO TECHNOLOGY DEVELOPMENT.

''(a) INCREMENTAL TECHNOLOGY DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary may establish a program, to be known as the 'Incremental Technology Development Program', to improve the efficiency and effectiveness of the defense environmental cleanup processes of the Office.

''(2) FOCUS.—

''(A) IMPROVEMENTS.—In carrying out the Incremental Technology Development Program, the Secretary shall focus on the continuous improvement of new or available technologies, including—

''(i) decontamination chemicals and techniques;

''(ii) remote sensing and wireless communication to reduce manpower and laboratory efforts;

''(iii) detection, assay, and certification instrumentation; and

''(iv) packaging materials, methods, and shipping systems.

''(B) OTHER AREAS.—The Secretary may include in the Incremental Technology Development Program mission-relevant development, demonstration, and deployment activities unrelated to the focus areas described in subparagraph (A).

''(3) USE OF NEW AND EMERGING TECHNOLOGIES.—

''(A) DEVELOPMENT AND DEMONSTRATION.—In carrying out the Incremental Technology Development Program, the Secretary shall ensure that

site offices of the Office conduct technology development, demonstration, testing, permitting, and deployment of new and emerging technologies to establish a sound technical basis for the selection of technologies for defense environmental cleanup or infrastructure operations.

''(B) COLLABORATION REQUIRED.—The Secretary shall collaborate, to the extent practicable, with the heads of other departments and agencies of the Federal Government, the National Laboratories, other Federal laboratories, appropriate State regulators and agencies, and the Department of Labor in the development, demonstration, testing, permitting, and deployment of new technologies under the Incremental Technology Development Program.

''(4) AGREEMENTS TO CARRY OUT PROJECTS.—

''(A) AUTHORITY.—In carrying out the Incremental Technology Development Program, the Secretary may enter into agreements with nongovernmental entities for technology development, demonstration, testing, permitting, and deployment projects to improve technologies in accordance with paragraph (2).

''(B) SELECTION.—The Secretary shall select projects under subparagraph (A) through a rigorous process that involves—

''(i) transparent and open competition; and

''(ii) a review process that, if practicable, is conducted in an independent manner consistent with Department guidance on selecting and funding public-private partnerships.

''(C) COST-SHARING.—The Federal share of the costs of the development, demonstration, testing, permitting, and deployment of new technologies carried out under this paragraph shall be not more than 70 percent.

''(D) BRIEFING.—Not later than 120 days before the date on which the Secretary enters into the first agreement under subparagraph (A), the Secretary shall provide to the congressional defense committees a briefing on the process of selecting and funding efforts within the Incremental Technology Development Program, including with respect to the plans of the Secretary to ensure a scientifically rigorous process that minimizes potential conflicts of interest.

''(b) HIGH-IMPACT TECHNOLOGY DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'High-Impact Technology Development Program', under which the Secretary shall enter into agreements with nongovernmental entities for projects that pursue technologies that, with respect to the mission—

''(A) holistically address difficult challenges;

''(B) hold the promise of breakthrough improvements; or

''(C) align existing or in-use technologies with difficult challenges.

''(2) AREAS OF FOCUS.—The Secretary may include as areas of focus for a project carried out under the High-Impact Technology Development Program the following:

''(A) Developing and demonstrating improved methods for source and plume characterization and monitoring, with an emphasis on—

''(i) real-time field acquisition; and

''(ii) the use of indicator species analyses with advanced contaminant transport models to enable better understanding of contaminant migration.

''(B) Developing and determining the limits of performance for remediation technologies and integrated remedial systems that prevent migration of contaminants, including by producing associated guidance and design manuals for technologies that could be widely used across the complex.

''(C) Demonstrating advanced monitoring approaches that use multiple lines of evidence for monitoring long-term performance of—

''(i) remediation systems; and

''(ii) noninvasive near-field monitoring techniques.

''(D) Developing and demonstrating methods to characterize the physical and chemical attributes of waste that control behavior, with an emphasis on—

''(i) rapid and nondestructive examination and assay techniques; and

''(ii) methods to determine radio-nuclide, heavy metals, and organic constituents.

''(E) Demonstrating the technical basis for determining when enhanced or natural attenuation is an appropriate approach for remediation of complex sites.

''(F) Developing and demonstrating innovative methods to achieve real-time and, if practicable, in situ characterization data for tank waste and process streams that could be useful for all phases of the waste management program, including improving the accuracy and representativeness of characterization data for residual waste in tanks and ancillary equipment.

''(G) Adapting existing waste treatment technologies or demonstrating new waste treatment technologies at the pilot plant scale using real wastes or realistic surrogates—

''(i) to address engineering adaptations;

''(ii) to ensure compliance with waste treatment standards and other applicable requirements under Federal and State law and any existing agreements or consent decrees to which the Department is a party; and

''(iii) to enable successful deployment at full-scale and in support of operations.

''(H) Developing and demonstrating rapid testing protocols that—

''(i) are accepted by the Environmental Protection Agency, the Nuclear Regulatory Commission, the Department, and the scientific community;

''(ii) can be used to measure long-term waste form performance under realistic disposal environments;

''(iii) can determine whether a stabilized waste is suitable for disposal; and

''(iv) reduce the need for extensive, time-consuming, and costly analyses on every batch of waste prior to disposal.

''(I) Developing and demonstrating direct stabilization technologies to provide waste forms for disposing of elemental mercury.

''(J) Developing and demonstrating innovative and effective retrieval methods for removal of waste residual materials from tanks and ancillary equipment, including mobile retrieval equipment or methods capable of immediately removing waste from leaking tanks, and connecting pipelines.

''(3) PROJECT SELECTION.—

''(A) SELECTION.—The Secretary shall select projects to be carried out under the High-Impact Technology Development Program through a rigorous process that involves—

''(i) transparent and open competition; and

''(ii) a review process that, if practicable, is conducted in an independent manner consistent with Department guidance on selecting and funding public-private partnerships.

''(B) BRIEFING.—Not later than 120 days before the date on which the Secretary enters into the first agreement under paragraph (1), the Secretary shall provide to the congressional defense committees a briefing on the process of selecting and funding efforts within the High-Impact Technology Development Program, including with respect to the plans of the Secretary to ensure a scientifically rigorous process that minimizes potential conflicts of interest.

''(c) ENVIRONMENTAL MANAGEMENT UNIVERSITY PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'Environmental Management University Program', to—

''(A) engage faculty, post-doctoral fellows or researchers, and graduate students of institutions of higher education on subjects relating to the mission to show a clear path for students for employment within the environmental management enterprise;

''(B) provide institutions of higher education and the Department access to advances in engineering and science;

''(C) clearly identify to institutions of higher education the tools necessary to enter into the environmental management field professionally; and

''(D) encourage current employees of the Department to pursue advanced degrees.

''(2) AREAS OF FOCUS.—The Secretary may include as areas of focus for a grant made under the Environmental Management University Program the following:

''(A) The atomic- and molecular-scale chemistries of waste processing.

''(B) Contaminant immobilization in engineered and natural systems.

''(C) Developing innovative materials, with an emphasis on nanomaterials or biomaterials, that could enable sequestration of challenging hazardous or radioactive constituents such as technetium and iodine.

''(D) Elucidating and exploiting complex speciation and reactivity far from equilibrium.

''(E) Understanding and controlling chemical and physical processes at interfaces.

''(F) Harnessing physical and chemical processes to revolutionize separations.

''(G) Tailoring waste forms for contaminants in harsh chemical environments.

''(H) Predicting and understanding subsurface system behavior and response to perturbations.

''(3) INDIVIDUAL RESEARCH GRANTS.—In carrying out the Environmental Management University Program, the Secretary may make individual research grants to faculty, post-doctoral fellows or researchers, and graduate students of institutions of higher education for three-year research projects, with an option for an extension of one additional two-year period.

''(4) GRANTS FOR INTERDISCIPLINARY COLLABORATIONS.—In carrying out the Environmental Management University Program, the Secretary may make research grants for strategic partnerships among scientists, faculty, post-doctoral fellows or researchers, and graduate students of institutions of higher education for three-year research projects.

''(5) HIRING OF UNDERGRADUATES.—In carrying out the Environmental Management University Program, the Secretary may establish a summer internship program for undergraduates of institutions of higher education to work on projects relating to environmental management.

''(6) WORKSHOPS.—In carrying out the Environmental Management University Program, the Secretary may hold workshops with the Office of Environmental Management, the Office of Science, and members of academia and industry concerning environmental management challenges and solutions.

''(d) DEFINITIONS.—In this section:

''(1) The term 'complex' means all sites managed in whole or in part by the Office.

''(2) The term 'Department' means the Department of Energy.

''(3) 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)).

''(4) The term 'mission' means the mission of the Office.

''(5) 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).

''(6) The term 'Office' means the Office of Environmental Management of the Department.

''(7) The term 'Secretary' means the Secretary of Energy, acting through the Assistant Secretary for Environmental Management.''.

(b) INDEPENDENT ASSESSMENT OF DEFENSE ENVIRONMENTAL CLEANUP PROGRAMS.—

(1) INDEPENDENT ASSESSMENT.—Not later than one year after the date of the enactment of this Act, the Chief of Engineers of the Army shall develop and transmit to the Secretary of Energy and the congressional defense committees an independent assessment of the lifecycle costs and schedules of the defense environmental cleanup programs of the Office of Environmental Management of the Department of Energy.

(2) FOCUS OF ASSESSMENT.—The Chief of Engineers shall ensure that the assessment under paragraph (1) is focused on—

(A) identifying key remaining technical risks and uncertainties of the defense environmental cleanup programs; and

(B) providing recommendations to the Secretary and to the congressional defense committees with respect to the annual funding levels for the Incremental Technology Development Program and the High-Impact Technology Development Program established under section 4406A of the Atomic Energy Defense Act, as added by subsection (a), that will ensure maximum cost-savings over the life of the defense environmental cleanup programs of the Office.

(3) NO EFFECT ON PROGRAM IMPLEMENTATION.—Nothing in this subsection affects the establishment, implementation, or carrying out of any project or program under any other provision of law, including under section 4406A of the Atomic Energy Defense Act, as added by subsection (a), or under any existing agreement or consent decree to which the Department is a party, during the period in which the assessment under paragraph (1) is carried out.

SEC. 3115. MODIFICATION OF REQUIREMENTS FOR CERTAIN CONSTRUCTION PROJECTS.

(a) INCREASE IN MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.—Section 4701(2) of the Atomic Energy Defense Act (50 U.S.C. 2741(2)) is amended by striking ''$20,000,000'' and inserting ''$25,000,000''.

(b) NOTIFICATION REQUIREMENT FOR CERTAIN MINOR CONSTRUCTION PROJECTS.—

(1) IN GENERAL.—Section 4703 of the Atomic Energy Defense Act (50 U.S.C. 2743) is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection (d):

''(d) NOTIFICATION REQUIRED FOR CERTAIN PROJECTS.—Notwithstanding subsection (a), the Secretary may not start a minor construction project with a total estimated cost of more than $5,000,000 until—

''(1) the Secretary notifies the congressional defense committees of such project and total estimated cost; and

''(2) a period of 15 days has elapsed after the date on which such notification is received.''.

(2) CONFORMING REPEAL.—Section 3118(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 50 U.S.C. 2743 note) is repealed.

(c) INCREASE IN CONSTRUCTION DESIGN THRESHOLD.—Section 4706(b) of the Atomic Energy Defense Act (50 U.S.C. 2746(b)) is amended by striking ''$2,000,000'' each place it appears and inserting ''$5,000,000''.

SEC. 3116. UPDATES TO INFRASTRUCTURE MODERNIZATION INITIATIVE.

Section 3111(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 50 U.S.C. 2402 note) is amended—

(1) in paragraph (1), by striking ''reduce the deferred maintenance and repair needs of the nuclear security enterprise by not less than 30 percent by 2025'' and inserting ''reduce the total deferred maintenance per replacement plant value of the nuclear security enterprise by not less than 45 percent by 2030'';

(2) in paragraph (2)(A)(i)(II), by striking ''$50,000,000'' and inserting ''$75,000,000'';

(3) in paragraph (3)—

(A) in the paragraph heading, by striking ''INITIAL PLAN'' and inserting ''PLAN REQUIRED''; and

(B) in the matter preceding subparagraph (A)—

(i) by striking ''2018'' and inserting ''2022''; and

(ii) by striking ''an initial plan'' and inserting ''a plan'';

(4) in paragraph (4)—

(A) by striking ''2024'' and inserting ''2023''; and

(B) by striking ''2025'' and inserting ''2030''; and

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

''(5) ANNUAL REPORTS.—Not later than March 1, 2023, and annually thereafter through 2030, the Administrator for Nuclear Security shall submit to the congressional defense committees a report with respect to whether the updated plan under paragraph (3) is being implemented in a manner adequate to achieve the goal specified in paragraph (1).''.

SEC. 3117. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking ''September 30, 2021'' and inserting ''September 30, 2026''.

SEC. 3118. EXTENSION OF AUTHORITY FOR ACCEPTANCE OF CONTRIBUTIONS FOR ACCELERATION OF REMOVAL OR SECURITY OF FISSILE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.

(a) IN GENERAL.—Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569) is—

(1) transferred to title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2565 et seq.);

(2) redesignated as section 4306B;

(3) inserted after section 4306A; and

(4) amended, in subsection (f)(6), by striking ''December 31, 2023'' and inserting ''December 31, 2028''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4306A the following new item:

''Sec. 4306B. Acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.''.

SEC. 3119. EXTENSION OF ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

Section 4806(g) of the Atomic Energy Defense Act (50 U.S.C. 2786(g)) is amended by striking ''June 30, 2023'' and inserting ''December 31, 2028''.

SEC. 3120. PROHIBITION ON AVAILABILITY OF FUNDS TO RECONVERT OR RETIRE W76–2 WARHEADS.

(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the National Nuclear Security Administration may be obligated or expended to reconvert or retire a W76–2 warhead.

(b) WAIVER.—The Administrator for Nuclear Security may waive the prohibition in subsection (a) if the Administrator, in consultation with the Secretary of Defense, the Director of National Intelligence, and the Chairman of the Joint Chiefs of Staff, certifies in writing to the congressional defense committees—

(1) that Russia and China do not possess naval capabilities similar to the W76–2 warhead in the active stockpiles of the respective country; or

(2) that the Department of Defense does not have a valid military requirement for the W76–2 warhead.

SEC. 3121. PORTFOLIO MANAGEMENT FRAMEWORK FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall—

(1) in consultation with the Nuclear Weapons Council established under section 179 of title 10, United States Code, develop and implement a portfolio management framework for the nuclear security enterprise that—

(A) defines the National Nuclear Security Administration's portfolio of nuclear weapons stockpile and infrastructure maintenance and modernization programs;

(B) establishes a portfolio governance structure, including portfolio-level selection criteria, prioritization criteria, and performance metrics;

(C) outlines the approach of the National Nuclear Security Administration to managing that portfolio; and

(D) incorporates the leading practices identified by the Comptroller General of the United States in the report titled ''Nuclear Security Enterprise: NNSA Should Use Portfolio Management Leading Practices to Support Modernization Efforts'' (GAO–21–398) and dated June 2021; and

(2) complete an integrated, comprehensive assessment of the portfolio management capabilities required to execute the weapons activities portfolio of the National Nuclear Security Administration.

(b) BRIEFING REQUIREMENT.—Not later than June 1, 2022, the Administrator shall provide to the congressional defense committees a briefing on—

(1) the progress of the Administrator in developing the framework described in paragraph (1) of subsection (a) and completing the assessment required by paragraph (2) of that subsection; and

(2) the plans of the Administrator for implementing the recommendations of the Comptroller General in the report referred to in paragraph (1)(D) of that subsection.

(c) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term ''nuclear security enterprise'' has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

Subtitle C—Reports and Other Matters

SEC. 3131. MODIFICATIONS TO CERTAIN REPORTING REQUIREMENTS.

(a) NOTIFICATION OF EMPLOYEE PRACTICES AFFECTING NATIONAL SECURITY.—Section 3245 of the National Nuclear Security Administration Act (50 U.S.C. 2443) is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ANNUAL NOTIFICATION OF SECURITY CLEARANCE REVOCATIONS.—At or about the time that the President's budget is submitted to Congress under section 1105(a) of title 31, United States Code, the Administrator shall notify the appropriate congressional committees of—

''(1) the number of covered employees whose security clearance was revoked during the year prior to the year in which the notification is made; and

''(2) for each employee counted under paragraph (1), the length of time such employee has been employed at the Administration, as the case may be, since such revocation.

''(b) ANNUAL NOTIFICATION OF TERMINATIONS AND REMOVALS.—Not later than December 31 of each year, the Administrator shall notify the appropriate congressional committees of each instance in which the Administrator terminated the employment of a covered employee or removed and reassigned a covered employee for cause during that year.''.

(b) REPORTS ON CERTAIN TRANSFERS OF CIVIL NUCLEAR TECHNOLOGY.—Section 3136(a) of the National Defense Authorization Act for Fiscal Year 2016 (42 U.S.C. 2077a(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Not less frequently than every 90 days,'' and inserting ''At the same time as the President submits to Congress the annual budget request under section 1105 of title 31, United States Code, for a fiscal year,'';

(2) in paragraph (1), by striking ''the preceding 90 days'' and inserting ''the preceding year''; and

(3) in the heading, by striking ''REPORT'' and inserting ''ANNUAL REPORTS''.

(c) CERTAIN ANNUAL REVIEWS BY NUCLEAR SCIENCE ADVISORY COMMITTEE.—Section 3173(a)(4)(B) of the National Defense Authorization Act for Fiscal Year 2013 (42 U.S.C.

2065(a)(4)(B)) is amended by striking ''annual reviews'' and inserting ''triennial reviews''.

SEC. 3132. MODIFICATION TO TERMINOLOGY FOR REPORTS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

Section 4732 of the Atomic Energy Defense Act (50 U.S.C. 2772) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (G), by striking ''committed'' and inserting ''encumbered'';

(B) in subparagraph (H), by striking ''uncommitted'' and inserting ''unencumbered''; and

(C) in subparagraph (I), by striking ''uncommitted'' and inserting ''unencumbered''; and

(2) in subsection (c)—

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

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (3), respectively;

(C) in paragraph (1), as redesignated by subparagraph (B), by striking ''by the contractor'' and inserting ''from the contractor'';

(D) by inserting after paragraph (1), as so redesignated, the following new paragraph (2):

''(2) ENCUMBERED.—The term 'encumbered', with respect to funds, means the funds have been obligated to a contract and are being held for a specific known purpose by the contractor.'';

(E) in paragraph (3), as so redesignated, by striking ''by the contractor'' and inserting ''from the contractor''; and

(F) by inserting after paragraph (3), as so redesignated, the following new paragraph (4):

''(4) UNENCUMBERED.—The term 'unencumbered', with respect to funds, means the funds have been obligated to a contract and are not being held for a specific known purpose by the contractor.''.

SEC. 3133. IMPROVEMENTS TO ANNUAL REPORTS ON CONDITION OF THE UNITED STATES NUCLEAR WEAPONS STOCKPILE.

Section 4205(e)(3) of the Atomic Energy Defense Act (50 U.S.C. 2525(e)(3)) is amended—

(1) in subparagraph (A), by inserting '', including with respect to cyber assurance,'' after ''methods''; and

(2) in subparagraph (B), by inserting '', and the confidence of the head in such tools and methods'' after ''the assessments''.

SEC. 3134. REPORT ON PLANT-DIRECTED RESEARCH AND DEVELOPMENT.

Section 4812A of the Atomic Energy Defense Act (50 U.S.C. 2793) is amended—

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

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

''(b) PLANT-DIRECTED RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—The report required by subsection (a) shall include, with respect to plant-directed research and development, the following:

''(A) A financial accounting of expenditures for such research and development, disaggregated by nuclear weapons production facility.

''(B) A breakdown of the percentage of research and development conducted by each such facility that is plant-directed research and development.

''(C) An explanation of how each such facility plans to increase the availability and utilization of funds for plant-directed research and development.

''(2) PLANT-DIRECTED RESEARCH AND DEVELOPMENT DEFINED.—In this subsection, the term 'plant-directed research and development' means research and development selected by the director of a nuclear weapons production facility.''.

SEC. 3135. REPORTS ON RISKS TO AND GAPS IN INDUSTRIAL BASE FOR NUCLEAR WEAPONS COMPONENTS, SUBSYSTEMS, AND MATERIALS.

Section 3113 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 50 U.S.C. 2512 note) is amended by adding at the end the following new subsection:

''(e) REPORTS.—The Administrator, acting through the official designated under subsection (a), shall submit to the Committees on Armed Services of the Senate and the House of Representatives, contemporaneously with each briefing required by subsection (d)(2), a report—

''(1) identifying actual or potential risks to or specific gaps in any element of the industrial base that supports the nuclear weapons components, subsystems, or materials of the National Nuclear Security Administration;

''(2) describing the actions the Administration is taking to further assess, characterize, and prioritize such risks and gaps;

''(3) describing mitigating actions, if any, the Administration has underway or planned to mitigate any such risks or gaps;

''(4) setting forth the anticipated timelines and resources needed for such mitigating actions; and

''(5) describing the nature of any coordination with or burden sharing by other departments or agencies of the Federal Government or the private sector to address such risks and gaps.''.

SEC. 3136. TRANSFER OF BUILDING LOCATED AT 4170 ALLIUM COURT, SPRINGFIELD, OHIO.

(a) IN GENERAL.—The National Nuclear Security Administration shall release all of its reversionary rights without reimbursement to the building located at 4170 Allium Court, Springfield, Ohio, also known as the Advanced Technical Intelligence Center for Human Capital Development, to the Community Improvement Corporation of Clark County and the Chamber of Commerce.

(b) FEE SIMPLE INTEREST.—The fee simple interest in the property, on which the building described in subsection (a) is located, shall be transferred from the Advanced Technical Intelligence Center for Human Capital Development to the Community Improvement Corporation of Clark County prior to or concurrent with the release of the reversionary rights of the National Nuclear Security Administration under subsection (a).

SEC. 3137. COMPREHENSIVE STRATEGY FOR TREATING, STORING, AND DISPOSING OF DEFENSE NUCLEAR WASTE RESULTING FROM STOCKPILE MAINTENANCE AND MODERNIZATION ACTIVITIES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Administrator for Nuclear Security shall submit to the congressional defense committees and the Comptroller General of the United States a comprehensive strategy for treating, storing, and disposing of defense nuclear waste generated as a result of stockpile maintenance and modernization activities.

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

(1) A projection of the location, type, and quantity of defense nuclear waste the National Nuclear Security Administration anticipates generating as a result of stockpile maintenance and modernization activities during the periods of five and 10 fiscal years after the submission of the strategy, with a long-term outlook for the period of 25 fiscal years after such submission.

(2) Budgetary estimates associated with the projection under paragraph (1) during the period of five fiscal years after the submission of the strategy.

(3) A description of how the National Nuclear Security Administration plans to coordinate with the Office of Environmental Management of the Department of Energy to treat, store, and dispose of the type and quantity of waste projected to be generated under paragraph (1).

(4) An identification of—

(A) disposal facilities that could accept that waste;

(B) disposal facilities that could accept that waste with modifications; and

(C) in the case of facilities described in subparagraph (B), the modifications necessary for such facilities to accept that waste.

(c) FOLLOW-ON STRATEGY.—Concurrent with the submission of the budget of the President to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2027, the Administrator shall submit to the congressional defense committees a follow-on strategy to the strategy required by subsection (a) that includes—

(1) the elements set forth in subsection (b); and

(2) any other matters that the Administrator considers appropriate.

SEC. 3138. ACQUISITION OF HIGH-PERFORMANCE COMPUTING CAPABILITIES BY NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) ROADMAP FOR ACQUISITION.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a roadmap for the acquisition by the Administration of high-performance computing capabilities during the 10-year period following submission of the roadmap.

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

(A) A description of the high-performance computing capabilities required to support the mission of the Administration as of the date on which the roadmap is submitted under paragraph (1).

(B) An identification of any existing or anticipated gaps in such capabilities.

(C) A description of the high-performance computing capabilities anticipated to be required by the Administration during the 10-year period following submission of the roadmap, including computational performance and other requirements, as appropriate.

(D) A description of the strategy of the Administration for acquiring such capabilities.

(E) An assessment of the ability of the industrial base to support that strategy.

(F) Such other matters the Administrator considers appropriate.

(3) CONSULTATION AND CONSIDERATIONS.—In developing the roadmap required by paragraph (1), the Administrator shall—

(A) consult with the Secretary of Energy; and

(B) take into consideration the findings of the review of the future of computing beyond exascale computing conducted by the National Academy of Sciences under section 3172 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(b) INDEPENDENT ASSESSMENT OF HIGH-PERFORMANCE COMPUTING ACQUISITIONS.—

(1) IN GENERAL.—The Administrator shall seek to enter into an agreement with a federally funded research and development center to assess the first acquisition of high-performance computing capabilities by the Administration after the date of the enactment of this Act.

(2) ELEMENTS.—The assessment required by paragraph (1) of the acquisition of high-performance computing capabilities described in that paragraph shall include an assessment of the following:

(A) The mission needs of the Administration met by the acquisition.

(B) The evidence used to support the acquisition decision, such as an analysis of alternatives or business case analyses.

(C) Market research performed by the Advanced Simulation and Computing Program related to the acquisition.

(3) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 90 days after entering into the arrangement under paragraph (1), the Administrator shall submit to the congressional defense committees a report on the assessment conducted under paragraph (1).

(B) FORM OF REPORT.—The report required by subparagraph (A) shall be submitted in unclassified form but may include a classified annex.

SEC. 3139. STUDY ON THE W80–4 NUCLEAR WARHEAD LIFE EXTENSION PROGRAM.

(a) STUDY.—Not later than 30 days after the date of the enactment of this Act, the Director for Cost Estimation and Program Evaluation shall initiate a study on the W80–4 nuclear warhead life extension program.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) An explanation of any increases in actual or projected costs of the W80–4 nuclear warhead life extension program.

(2) An analysis of projections of total program costs and planned program schedules.

(3) An analysis of the potential impacts on other programs as a result of additional funding required to maintain the planned program schedule for the W80–4 nuclear warhead life extension program, including with respect to—

(A) other life-extension programs;

(B) infrastructure programs; and

(C) research, development, test, and evaluation programs.

(4) An analysis of the impacts that a delay of the program will have on other programs due to—

(A) technical or management challenges; and

(B) changes in requirements for the program.

(c) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees the study under subsection (a).

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

SEC. 3140. STUDY ON RUNIT DOME AND RELATED HAZARDS.

(a) STUDY.—Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall seek to enter into an agreement with a federally funded research and development center to conduct a study on the impacts of climate change on the ''Runit Dome'' nuclear waste disposal site in Enewetak Atoll, Marshall Islands, and on other environmental hazards due to nuclear weapons testing in the vicinity thereof. The report shall include a scientific analysis of threats to the environment and to the residents of Enewetak Atoll, including—

(1) the ''Runit Dome'' nuclear waste disposal site;

(2) crypts used to contain nuclear waste and other toxins on Enewetak Atoll; and

(3) radionuclides and other toxins present in the lagoon of Enewetak Atoll.

(b) PUBLIC COMMENTS.—In conducting the study under subsection (a), the federally funded research and development center shall solicit public comments.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the study conducted under subsection (a).

SEC. 3141. SENSE OF CONGRESS REGARDING COMPENSATION OF INDIVIDUALS RELATING TO URANIUM MINING AND NUCLEAR TESTING.

(a) FINDINGS.—Congress makes the following findings:

(1) The Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) was enacted in 1990 to provide monetary compensation to individuals who contracted certain cancers and other serious diseases following their exposure to radiation released during atmospheric nuclear weapons testing during the Cold War or following exposure to radiation as a result of employment in the uranium industry during the Cold War.

(2) The Radiation Exposure Compensation Act expires on July 9, 2022. Unless that Act is extended, individuals who contract certain cancers and other serious diseases because of events described in paragraph (1) may be unable to claim compensation for such diseases.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should continue to appropriately compensate and recognize the individuals described in subsection (a).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2022, $31,000,000 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. REFERENCES TO CHAIRPERSON AND VICE CHAIRPERSON OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended—

(1) in section 311(c), in the subsection heading, by striking ''CHAIRMAN, VICE CHAIRMAN'' and inserting ''CHAIRPERSON, VICE CHAIRPERSON''; and

(2) by striking ''Chairman'' each place it appears and inserting ''Chairperson''.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $13,650,000 for fiscal year 2022 for the purpose of carrying out activities under chapter 869 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME SECURITY

Subtitle A—Maritime Administration

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2022 for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $90,532,000, of which—

(A) $85,032,000 shall be for Academy operations, which may be used to hire personnel pursuant to subsection (d) and to implement any recommendations of the Merchant Marine Academy Advisory Council established under subsection (c); and

(B) $5,500,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $50,780,000, of which—

(A) $2,400,000 is for the Student Incentive Program;

(B) $6,000,000 is for direct payments;

(C) $3,800,000 is for training ship fuel assistance;

(D) $8,080,000 is for offsetting the costs of training ship sharing; and

(E) $30,500,000 is for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $315,600,000.

(4) For expenses necessary to support Maritime Administration operations and programs, $60,853,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $10,000,000.

(6) For expenses necessary to maintain and preserve a United States flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $318,000,000.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide for the Tanker Security Fleet, as authorized under chapter 534 of title 46, United States Code, $60,000,000.

(9) For expenses necessary to support maritime environmental and technical assistance activities authorized under section 50307 of title 46, United States Code, $10,000,000.

(10) For expenses necessary to support marine highway program activities authorized under chapter 556 of such title, $11,000,000.

(11) For expenses necessary to provide assistance to small shipyards and for the maritime training program authorized under section 54101 of title 46, United States Code, $40,000,000.

(12) For expenses necessary to implement the Port and Intermodal Improvement Program, $750,000,000, to remain available until expended, except that no such funds may be used to provide a grant to purchase fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary determines such equipment would result in a net loss of jobs within a port of port terminal.

(b) AVAILABILITY OF AMOUNTS.—The amounts authorized to be appropriated under subsection (a) shall remain available as follows:

(1) The amounts authorized to be appropriated under paragraphs (1)(A), (2)(A), and (4)(A) shall remain available until September 30, 2022.

(2) The amounts authorized to be appropriated under paragraphs (1)(B), (2)(B), (D), and (E), (3), (4)(B), (5), (6), (7)(A), (8), and (9) shall remain available until expended without fiscal year limitation.

(c) UNITED STATES MERCHANT MARINE ACADEMY ADVISORY COUNCIL; UNFILLED VACANCIES.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following new sections:

''§ 51323. United States Merchant Marine Academy Advisory Council

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an advisory council, to be known as the 'United States Merchant Marine Academy Advisory Council' (in this section referred to as the 'Council').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Secretary shall select not fewer than 8 and not more than 14 individuals to serve as members of the Council. Such individuals shall have such expertise as the Secretary determines necessary and appropriate for providing advice and guidance on improving the Academy.

''(2) GOVERNMENTAL EXPERTS.—The number of members of the Council who are employees of the Federal Government may not exceed the number of members of the Council who are not employees of the Federal Government.

''(3) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government by reason of their membership on the Council for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5.

''(c) RESPONSIBILITIES.—The Council shall provide advice to the Secretary at the time and in the manner requested by the Secretary.

''(d) PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out its responsibilities under this subsection, the Council shall comply with the obligations of the Department of Transportation to protect personally identifiable information.

''§ 51324. Unfilled vacancies

''(a) IN GENERAL.—In the event of an unfilled vacancy for any critical position at the United States Merchant Marine Academy, the Secretary of Transportation may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, other than sections 3303 and 3328 of that title, a qualified candidate for the purposes of filling up to 20 of such positions.

''(b) CRITICAL POSITION DEFINED.—In this section, the term 'critical position' means a position that contributes to the improvement of—

''(1) the culture or infrastructure of the Academy;

''(2) student health and well being;

''(3) Academy governance; or

''(4) any other priority areas identified by the Council.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

''51323. United States Merchant Marine Academy Advisory Council.
''51324. Unfilled vacancies.''.

Subtitle B—Other Matters

SEC. 3511. EFFECTIVE PERIOD FOR ISSUANCE OF DOCUMENTATION FOR RECREATIONAL VESSELS.

Section 12105(e)(2) of title 46, United States Code, is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—The owner or operator of a recreational vessel may choose a period of effectiveness of between 1 and 5 years for a certificate of documentation for a recreational vessel or the renewal thereof.''; and

(2) by redesignating subparagraph (C) as subparagraph (B).

SEC. 3512. COMMITTEES ON MARITIME MATTERS.

(a) IN GENERAL.—

(1) Chapter 555 of title 46, United States Code, is redesignated as chapter 504 of such title and transferred to appear after chapter 503 of such title.

(2) Chapter 504 of such title, as redesignated by paragraph (1), is amended in the chapter heading by striking ''***MISCELLANEOUS***'' and inserting ''***COMMITTEES***''.

(3) Sections 55501 and 55502 of such title are redesignated as section 50401 and section 50402, respectively, of such title and transferred to appear in chapter 504 of such title (as redesignated by paragraph (1)).

(4) The section heading for section 50401 of such title, as redesignated by paragraph (3), is amended to read as follows: ''UNITED STATES COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM''.

(b) CONFORMING AMENDMENT.—Section 8332(b)(1) of the Elijah E. Cummings Coast Guard Authorization Act of 2020 (division G of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283)) is amended by striking ''section 55502'' and inserting ''section 50402''.

(c) CLERICAL AMENDMENTS.—

(1) The analysis for chapter 504 of title 46, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

''CHAPTER 504—COMMITTEES

''Sec.
''50401. United States Committee on the Marine Transportation System.
''50402. Maritime Transportation System National Advisory Committee.''.

(2) The table of chapters for subtitle V of title 46, United States Code, is amended—

(A) by inserting after the item relating to chapter 503 the following:

''504. Committees ..... 50401'';
and

(B) by striking the item relating to chapter 555.

SEC. 3513. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) Part C of subtitle V of title 46, United States Code, is amended by adding at the end the following:

''CHAPTER 543—PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

''Sec.
''54301. Port infrastructure development program.

''§ 54301. Port infrastructure development program''.

(2) Subsections (c), (d), and (e) of section 50302 of such title are redesignated as subsections (a), (b), and (c) of section 54301 of such title, respectively, and transferred to appear in chapter 543 of such title (as added by paragraph (1)).

(b) AMENDMENTS TO SECTION 54301.—Section 54301 of such title, as redesignated by subsection (a)(2), is amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking ''or subsection (d)'' and inserting ''or subsection (b)'';

(B) in paragraph (3)(A)(ii)—

(i) in subclause (II) by striking ''; or'' and inserting a semicolon;

(ii) by striking subclause (III); and

(iii) by adding at the end the following:

''(III) operational improvements, including projects to improve port resilience; or

''(IV) environmental and emission mitigation measures; including projects for—

''(aa) port electrification or electrification master planning;

''(bb) harbor craft or equipment replacements or retrofits;

''(cc) development of port or terminal microgrids;

''(dd) providing idling reduction infrastructure;

''(ee) purchase of cargo handling equipment and related infrastructure;

''(ff) worker training to support electrification technology;

''(gg) installation of port bunkering facilities from oceangoing vessels for fuels;

''(hh) electric vehicle charge or hydrogen refueling infrastructure for drayage and medium or heavy duty trucks and locomotives that service the port and related grid upgrades; or

''(ii) other related port activities, including charging infrastructure, electric rubber-tired gantry cranes, and anti-idling technologies.'';

(C) in paragraph (5)—

(i) in subparagraph (A) by striking ''or subsection (d)'' and inserting ''or subsection (b)''; and

(ii) in subparagraph (B) by striking ''subsection (d)'' and inserting ''subsection (b)'';

(D) in paragraph (6)(B)—

(i) in clause (i) by striking ''; and'' and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) a port's increased resilience as a result of the project.'';

(E) in paragraph (7)—

(i) in subparagraph (B)—

(I) by striking ''subsection (d)'' in each place it appears and inserting ''subsection (b)''; and

(II) by striking ''18 percent'' and inserting ''25 percent'';

(ii) in subparagraph (C) by striking ''subsection (d)(3)(A)(ii)(III)'' and inserting ''subsection (b)(3)(A)(ii)(III)'';

(F) in paragraph (8)—

(i) in subparagraph (A) by striking ''or subsection (d)'' and inserting ''or subsection (b)''; and

(ii) in subparagraph (B)—

(I) in clause (i) by striking ''subsection (d)'' and inserting ''subsection (b)''; and

(II) in clause (ii) by striking ''subsection (d)'' and inserting ''subsection (b)'';

(G) in paragraph (9) by striking ''subsection (d)'' and inserting ''subsection (b)'';

(H) in paragraph (10)—

(i) in subparagraph (A), by striking ''subsection (d)'' and inserting ''subsection (b)'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(iii) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) EFFICIENT USE OF NON-FEDERAL FUNDS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law ans subject to approval by the Secretary, in the case of any grant for a project under this section, during the period beginning on the date on which the grant recipient is selected and ending on the date on which the grant agreement is signed—

''(I) the grant recipient may obligate and expend non-Federal funds with respect to the project for which the grant is provided; and

''(II) any non-Federal funds obligated or expended in accordance with subclause (I) shall be credited toward the non-Federal cost share for the project for which the grant is provided.

''(ii) REQUIREMENTS.—

''(I) APPLICATION.—In order to obligate and expend non-Federal funds under clause (i), the grant recipient shall submit to the Secretary a request to obligate and expend non- Federal funds under that clause, including—

''(aa) a description of the activities the grant recipient intends to fund;

''(bb) a justification for advancing the activities described in item (aa), including an assessment of the effects to the project scope, schedule, and budget if the request is not approved; and

''(cc) the level of risk of the activities described in item (aa).

''(II) APPROVAL.—The Secretary shall approve or disapprove each request submitted under subclause (I).

''(III) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—Any obligation or expenditure of non-Federal funds under clause (i) shall be in compliance with all applicable requirements, including any requirements included in the grant agreement.

''(iii) EFFECT.—The obligation or expenditure of any non-Federal funds in accordance with this subparagraph shall not—

''(I) affect the signing of a grant agreement or other applicable grant procedures with respect to the applicable grant;

''(II) create an obligation on the part of the Federal Government to repay any non-Federal funds if the grant agreement is not signed; or

''(III) affect the ability of the recipient of the grant to obligate or expend non-Federal funds

to meet the non-Federal cost share for the project for which the grant is provided after the period described in clause (i).''; and

(I) in paragraph (12)—

(i) by striking ''subsection (d)'' and inserting ''subsection (b)''; and

(ii) by adding at the end the following:

''(D) RESILIENCE.—The term 'resilience' means the ability to anticipate, prepare for, adapt to, withstand, respond to, and recover from operational disruptions and sustain critical operations at ports, including disruptions caused by natural or manmade hazards, such as sea level rise, flooding, earthquakes, hurricanes, tsunami inundation or other extreme weather events.'';

(2) in subsection (b)—

(A) in the subsection heading by striking ''INLAND'' and inserting ''INLAND RIVER'';

(B) in paragraph (1) by striking ''subsection (c)(7)(B)'' and inserting ''subsection (a)(7)(B)'';

(C) in paragraph (3)(A)(ii)(III) by striking ''subsection (c)(3)(B)'' and inserting ''subsection (a)(3)(B)''; and

(D) in paragraph (5)(A) by striking ''subsection (c)(8)(B)'' and inserting ''subsection (a)(8)(B)''; and

(3) in subsection (c)—

(A) by striking ''subsection (c) or subsection (d)'' and inserting ''subsection (a) or subsection (b)''; and

(B) by striking ''subsection (c)(2)'' and inserting ''subsection (a)(2)''.

(c) GRANTS FOR EMISSION MITIGATION MEASURES.—For fiscal year 2022, the Secretary may make grants under section 54301(a) of title 46, United States Code, as redesignated by subsection (a)(2) and amended by subsection (b), to provide for emission mitigation measures that provide for the use of shore power for vessels to which sections 3507 and 3508 of such title apply, if such grants meet the other requirements set out in such section 54301(a).

(d) CLERICAL AMENDMENTS.—The table of chapters for subtitle V of title 46, United States Code, as amended by this title, is further amended by inserting after the item relating to chapter 541 the following:

''543. Port Infrastructure Development Program ..... 54301''.

SEC. 3514. USES OF EMERGING MARINE TECHNOLOGIES AND PRACTICES.

Section 50307 of title 46, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) USES.—The results of activities conducted under subsection (b)(1) shall be used to inform—

''(1) the policy decisions of the United States related to domestic regulations; and

''(2) the position of the United States on matters before the International Maritime Organization.''.

SEC. 3515. PROHIBITION ON PARTICIPATION OF LONG TERM CHARTERS IN TANKER SECURITY FLEET.

(a) DEFINITION OF LONG TERM CHARTER.—Section 53401 of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(8) LONG TERM CHARTER.—The term 'long term charter' means any time charter of a product tank vessel to the United States Government that, together with options, occurs for a continuous period of more than 180 days.''.

(b) PARTICIPATION OF LONG TERM CHARTERS IN TANKER SECURITY FLEET.—Section 53404(b) of such title is amended—

(1) by striking ''The program participant of a'' and inserting ''Any'';

(2) by inserting ''long term'' before ''charter'';

(3) by inserting ''not'' before ''eligible''; and

(4) by striking ''receive payments pursuant to any operating agreement that covers such vessel'' and inserting ''participate in the Fleet''.

SEC. 3516. COASTWISE ENDORSEMENT.

Notwithstanding section 12112 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel WIDGEON (United States official number 1299656).

SEC. 3517. REPORT ON EFFORTS OF COMBATANT COMMANDS TO COMBAT THREATS POSED BY ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Director of the Office of Naval Research, the co-chairs of the collaborative interagency working group on maritime security and IUU fishing established under section 3551 of the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8031), and the heads of other relevant agencies, as determined by the Secretary, shall submit to the appropriate congressional committees a report on the combatant commands' maritime domain awareness efforts to combat the threats posed by illegal, unreported, and unregulated fishing.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include a detailed summary of each of the following for each combatant command:

(1) The activities undertaken to date to combat the threats posed by illegal, unreported, and unregulated fishing in the geographic area of the combatant command, including the steps taken to build partner capacity to combat such threats.

(2) Coordination with the Armed Forces of the United States, partner nations, and public-private partnerships to combat such threats.

(3) Efforts undertaken to support unclassified data integration, analysis, and delivery with regional partners to combat such threats.

(4) Information sharing and coordination with efforts of the collaborative interagency working group on maritime security and IUU fishing established under section 3551 of the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8031).

(5) Best practices and lessons learned from existing and previous efforts relating to such threats, including strategies for coordination and success in public-private partnerships.

(6) Limitations related to affordability, resource constraints, or other gaps or factors that affect the success or expansion of efforts related to such threats.

(7) Any new authorities needed to support efforts to combat such threats.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 3518. AUTHORIZATION TO PURCHASE DUPLICATE MEDALS.

(a) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Maritime Administration, may use funds appropriated for the fiscal year in which the date of the enactment of this Act occurs, or funds appropriated for any prior fiscal year, for the Maritime Administration to purchase duplicate medals authorized under the Merchant Mariners of World War II Congressional Gold Medal Act of 2020 (Public Law 116–125) and provide such medals to eligible individuals who engaged in qualified service who submit an application under subsection (b) and were United States merchant mariners of World War II.

(b) APPLICATION.—To be eligible to receive a medal described in subsection (a), an eligible individual who engaged in qualified service shall submit to the Administrator an application containing such information and assurances as the Administrator may require.

(c) ELIGIBLE INDIVIDUAL WHO ENGAGED IN QUALIFIED SERVICE.—In this section, the term ''eligible individual who engaged in qualified service'' means an individual who, between December 7, 1941, and December 31, 1946—

(1) was a member of the United States merchant marine, including the Army Transport Service and the Navy Transport Service, serving as a crewmember of a vessel that was—

(A) operated by the War Shipping Administration, the Office of Defense Transportation, or an agent of such departments;

(B) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, or harbors of the United States;

(C) under contract or charter to, or property of, the Government of the United States; and

(D) serving in the Armed Forces; and

(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

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.—

(1) IN GENERAL.—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—

(A) except as provided in paragraph (2), 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

(B) comply with other applicable provisions of law.

(2) EXCEPTION.—Paragraph (1)(A) does not apply to a decision to commit, obligate, or expend funds on the basis of a dollar amount authorized pursuant to subsection (a) if the project, program, or activity involved—

(A) is listed in section 4201; and

(B) is identified as Community Project Funding through the inclusion of the abbreviation ''CPF'' immediately before the name of the project, program, or activity.

(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 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
001	UTILITY F/W AIRCRAFT		20,000
	Program increase—fixed wing avionics upgrade		[20,000]
004	SMALL UNMANNED AIRCRAFT SYSTEM	16,005	16,005
	ROTARY		
007	AH–64 APACHE BLOCK IIIA REMAN	504,136	494,136
	Unit cost growth		[–10,000]
008	AH–64 APACHE BLOCK IIIA REMAN	192,230	192,230
010	UH–60 BLACKHAWK M MODEL (MYP)	630,263	841,763
	UH–60 Black Hawk for Army Guard		[211,500]
011	UH–60 BLACKHAWK M MODEL (MYP)	146,068	146,068
012	UH–60 BLACK HAWK L AND V MODELS	166,205	166,205
013	CH–47 HELICOPTER	145,218	397,218
	Army UFR—Support minimum sustainment rate		[252,000]
014	CH–47 HELICOPTER AP	18,559	47,559
	Program increase—F Block II		[29,000]
	MODIFICATION OF AIRCRAFT		
017	GRAY EAGLE MODS2	3,143	33,143
	Program increase—recapitalization of legacy MQ–1C to extended range MDO configuration		[30,000]
018	MULTI SENSOR ABN RECON	127,665	122,910
	Unjustified cost—spares		[–4,755]
019	AH–64 MODS	118,560	118,560
020	CH–47 CARGO HELICOPTER MODS (MYP)	9,918	11,918
	Program increase—improved vibration control		[2,000]
021	GRCS SEMA MODS	2,762	2,762
022	ARL SEMA MODS	9,437	9,437
023	EMARSS SEMA MODS	1,568	1,568
024	UTILITY/CARGO AIRPLANE MODS	8,530	8,530
025	UTILITY HELICOPTER MODS	15,826	40,826
	UH–72 modernization		[25,000]
026	NETWORK AND MISSION PLAN	29,206	29,206
027	COMMS, NAV SURVEILLANCE	58,117	58,117
029	AVIATION ASSURED PNT	47,028	45,862
	Excess to need		[–1,166]
030	GATM ROLLUP	16,776	16,776
032	UAS MODS	3,840	3,840
	GROUND SUPPORT AVIONICS		
033	AIRCRAFT SURVIVABILITY EQUIPMENT	64,561	64,561
034	SURVIVABILITY CM	5,104	5,104
035	CMWS	148,570	148,570
036	COMMON INFRARED COUNTERMEASURES (CIRCM)	240,412	238,012
	Training support cost growth		[–2,400]
	OTHER SUPPORT		
038	COMMON GROUND EQUIPMENT	13,561	13,561
039	AIRCREW INTEGRATED SYSTEMS	41,425	41,425
040	AIR TRAFFIC CONTROL	21,759	21,759
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**2,806,452**	**3,357,631**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
002	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SEN	35,473	35,473
003	M-SHORAD—PROCUREMENT	331,575	331,575
004	MSE MISSILE	776,696	776,696
005	PRECISION STRIKE MISSILE (PRSM)	166,130	166,130
006	INDIRECT FIRE PROTECTION CAPABILITY INC 2–I	25,253	20,253
	Maintain level of effort		[–5,000]
	AIR-TO-SURFACE MISSILE SYSTEM		
007	HELLFIRE SYS SUMMARY	118,800	115,800
	Unit cost growth		[–3,000]
008	JOINT AIR-TO-GROUND MSLS (JAGM)	152,177	214,177
	Army UFR—Additional JAGM procurement		[67,000]
	Unit cost growth		[–5,000]
009	LONG RANGE PRECISION MUNITION	44,744	44,744
	ANTI-TANK/ASSAULT MISSILE SYS		
010	JAVELIN (AAWS-M) SYSTEM SUMMARY	120,842	125,842
	Army UFR—Light Weight Command Launch Units		[5,000]
011	TOW 2 SYSTEM SUMMARY	104,412	102,412
	Excess to need		[–2,000]
012	GUIDED MLRS ROCKET (GMLRS)	935,917	968,262
	Army UFR—Restores GMLRS procurement		[50,000]
	Tooling request previously funded		[–17,655]
013	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	29,574	29,574
014	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS	128,438	128,438
016	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS	68,278	68,278
	MODIFICATIONS		
017	PATRIOT MODS	205,469	205,469
021	AVENGER MODS	11,227	11,227
022	ITAS/TOW MODS	4,561	4,561
023	MLRS MODS	273,856	273,856
024	HIMARS MODIFICATIONS	7,192	7,192
	SPARES AND REPAIR PARTS		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
025	SPARES AND REPAIR PARTS	5,019	5,019
	SUPPORT EQUIPMENT & FACILITIES		
026	AIR DEFENSE TARGETS	10,618	10,618
	TOTAL MISSILE PROCUREMENT, ARMY	**3,556,251**	**3,645,596**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	ARMORED MULTI PURPOSE VEHICLE (AMPV)	104,727	104,727
002	ASSAULT BREACHER VEHICLE (ABV)	16,454	16,454
003	MOBILE PROTECTED FIREPOWER	286,977	286,977
	MODIFICATION OF TRACKED COMBAT VEHICLES		
005	STRYKER UPGRADE	1,005,028	1,120,028
	Excess growth		[–24,000]
	Program increase		[139,000]
006	BRADLEY PROGRAM (MOD)	461,385	538,354
	Army UFR—Improved Bradley Acquisition System upgrade		[56,969]
	Program increase		[20,000]
007	M109 FOV MODIFICATIONS	2,534	2,534
008	PALADIN INTEGRATED MANAGEMENT (PIM)	446,430	673,430
	Army UFR—PIM increase		[227,000]
009	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	52,059	52,059
010	ASSAULT BRIDGE (MOD)	2,136	2,136
013	JOINT ASSAULT BRIDGE	110,773	110,773
015	ABRAMS UPGRADE PROGRAM	981,337	1,350,337
	Army UFR—Abrams ARNG M1A2SEPv3 fielding		[369,000]
016	VEHICLE PROTECTION SYSTEMS (VPS)	80,286	80,286
	WEAPONS & OTHER COMBAT VEHICLES		
018	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	31,623	31,623
019	MORTAR SYSTEMS	37,485	50,338
	Army UFR—120mm mortar cannon		[12,853]
020	XM320 GRENADE LAUNCHER MODULE (GLM)	8,666	8,666
021	PRECISION SNIPER RIFLE	11,040	10,040
	Unit cost growth		[–1,000]
023	CARBINE	4,434	4,434
024	NEXT GENERATION SQUAD WEAPON	97,087	97,087
026	HANDGUN	4,930	4,930
	MOD OF WEAPONS AND OTHER COMBAT VEH		
027	MK–19 GRENADE MACHINE GUN MODS	13,027	13,027
028	M777 MODS	21,976	23,771
	Army UFR—Software Defined Radio-Hardware Integration Kits		[1,795]
030	M2 50 CAL MACHINE GUN MODS	3,612	21,527
	Army UFR—Additional M2A1s for MATVs		[17,915]
	SUPPORT EQUIPMENT & FACILITIES		
036	ITEMS LESS THAN $5.0M (WOCV-WTCV)	1,068	1,068
037	PRODUCTION BASE SUPPORT (WOCV-WTCV)	90,819	90,819
	TOTAL PROCUREMENT OF W&TCV, ARMY	**3,875,893**	**4,695,425**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	47,490	79,890
	Army UFR—Enhanced Performance Round and Tracer		[32,400]
002	CTG, 7.62MM, ALL TYPES	74,870	101,926
	Program increase		[28,473]
	Unit cost growth		[–1,417]
003	NEXT GENERATION SQUAD WEAPON AMMUNITION	76,794	76,794
004	CTG, HANDGUN, ALL TYPES	7,812	7,812
005	CTG, .50 CAL, ALL TYPES	29,716	58,116
	Program increase		[28,400]
006	CTG, 20MM, ALL TYPES	4,371	4,371
008	CTG, 30MM, ALL TYPES	34,511	34,511
009	CTG, 40MM, ALL TYPES	35,231	46,731
	Army UFR—MK19 training and war reserves		[14,000]
	BA54 and BA55 uncertainty		[–2,500]
	MORTAR AMMUNITION		
010	60MM MORTAR, ALL TYPES	23,219	23,219
011	81MM MORTAR, ALL TYPES	52,135	52,135
012	120MM MORTAR, ALL TYPES	104,144	98,944
	Unit cost growth		[–5,200]
	TANK AMMUNITION		
013	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	224,503	217,603
	Unit cost growth		[–6,900]
	ARTILLERY AMMUNITION		
014	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	26,709	57,553
	Army UPL		[30,844]
015	ARTILLERY PROJECTILE, 155MM, ALL TYPES	174,015	174,715
	Army UFR—Additional inventory		[5,000]
	Unit cost growth		[–4,300]
016	PROJ 155MM EXTENDED RANGE M982	73,498	61,498
	Unit cost growth		[–12,000]
017	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	150,873	143,373
	Unit cost growth		[–7,500]
	MINES		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
018	MINES & CLEARING CHARGES, ALL TYPES	25,980	20,980
	Excess to need		[–5,000]
019	CLOSE TERRAIN SHAPING OBSTACLE	34,761	34,761
	ROCKETS		
020	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	24,408	22,408
	Excess to need		[–2,000]
021	ROCKET, HYDRA 70, ALL TYPES	109,536	117,536
	Program increase		[8,000]
	OTHER AMMUNITION		
022	CAD/PAD, ALL TYPES	6,549	6,549
023	DEMOLITION MUNITIONS, ALL TYPES	27,904	27,904
024	GRENADES, ALL TYPES	37,437	37,437
025	SIGNALS, ALL TYPES	7,530	7,530
026	SIMULATORS, ALL TYPES	8,350	8,350
027	REACTIVE ARMOR TILES	17,755	17,755
	MISCELLANEOUS		
028	AMMO COMPONENTS, ALL TYPES	2,784	2,784
029	ITEMS LESS THAN $5 MILLION (AMMO)	17,797	17,797
030	AMMUNITION PECULIAR EQUIPMENT	12,290	12,290
031	FIRST DESTINATION TRANSPORTATION (AMMO)	4,331	4,331
032	CLOSEOUT LIABILITIES	99	99
	PRODUCTION BASE SUPPORT		
034	INDUSTRIAL FACILITIES	538,120	642,620
	Army UFR—Demolition of Legacy Nitrate Esters (Nitroglycerin) NG1 Facility, Radford Army Ammunition Plant (RFAAP), Virginia.		[40,000]
	Army UFR—Environmental, Safety, Construction, Maintenance and Repair of GOCO Facilities in VA, TN, MO, PA, & IA.		[40,000]
	Army UFR—Pyrotechnics Energetic Capability (PEC) construction at Lake City Army Ammunition Plant (LCAAP), Missouri.		[12,000]
	Army UFR—Solvent Propellant Facility, Preliminary Design, Radford Army Ammunition Plant, Virginia		[12,500]
035	CONVENTIONAL MUNITIONS DEMILITARIZATION	139,410	232,410
	Program increase		[93,000]
036	ARMS INITIATIVE	3,178	3,178
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**2,158,110**	**2,455,910**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
002	SEMITRAILERS, FLATBED:	12,539	18,931
	Army UFR—M872 semitrailer		[6,392]
003	SEMITRAILERS, TANKERS	17,985	17,985
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	60,706	60,706
005	GROUND MOBILITY VEHICLES (GMV)	29,807	37,307
	Program increase—infantry squad vehicle		[7,500]
008	JOINT LIGHT TACTICAL VEHICLE FAMILY OF VEHICL	574,562	605,562
	Army UFR—Additional JLTV fielding		[120,000]
	Early to need		[–89,000]
009	TRUCK, DUMP, 20T (CCE)	9,882	19,632
	Program increase		[9,750]
010	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	36,885	61,885
	Program increase		[25,000]
011	FAMILY OF COLD WEATHER ALL-TERRAIN VEHICLE	16,450	16,450
012	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	26,256	26,256
013	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	64,282	64,282
014	PLS ESP	16,943	16,943
015	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV		109,000
	Program increase		[109,000]
017	TACTICAL WHEELED VEHICLE PROTECTION KITS	17,957	17,957
018	MODIFICATION OF IN SVC EQUIP	29,349	212,650
	HMMWV modifications		[183,301]
	NON-TACTICAL VEHICLES		
020	PASSENGER CARRYING VEHICLES	1,232	1,232
021	NONTACTICAL VEHICLES, OTHER	24,246	19,246
	Excess carryover		[–5,000]
	COMM—JOINT COMMUNICATIONS		
022	SIGNAL MODERNIZATION PROGRAM	140,036	142,536
	Army UFR—Multi-Domain Task Force All-Domain Operations Center cloud pilot		[2,500]
023	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	436,524	429,024
	Excess to need		[–7,500]
025	DISASTER INCIDENT RESPONSE COMMS TERMINAL	3,863	3,863
026	JCSE EQUIPMENT (USRDECOM)	4,845	4,845
	COMM—SATELLITE COMMUNICATIONS		
029	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	97,369	97,369
030	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	120,550	120,550
031	SHF TERM	38,129	38,129
032	ASSURED POSITIONING, NAVIGATION AND TIMING	115,291	112,791
	Excess to need		[–2,500]
033	SMART-T (SPACE)	15,407	15,407
034	GLOBAL BRDCST SVC—GBS	2,763	2,763
	COMM—C3 SYSTEM		
037	COE TACTICAL SERVER INFRASTRUCTURE (TSI)	99,858	99,858
	COMM—COMBAT COMMUNICATIONS		
038	HANDHELD MANPACK SMALL FORM FIT (HMS)	775,069	730,069

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Line	Item	FY 2022 Request	Conference Authorized
	Cost deviation		*[–5,000]*
	Single channel data radio program decrease		*[–35,000]*
	Support cost excess to need		*[–5,000]*
040	*ARMY LINK 16 SYSTEMS*	*17,749*	*17,749*
042	*UNIFIED COMMAND SUITE*	*17,984*	*17,984*
043	*COTS COMMUNICATIONS EQUIPMENT*	*191,702*	*185,702*
	Unit cost growth		*[–6,000]*
044	*FAMILY OF MED COMM FOR COMBAT CASUALTY CARE*	*15,957*	*15,957*
045	*ARMY COMMUNICATIONS & ELECTRONICS*	*89,441*	*79,441*
	Insufficient justification		*[–10,000]*
	COMM—INTELLIGENCE COMM		
047	*CI AUTOMATION ARCHITECTURE-INTEL*	*13,317*	*13,317*
048	*DEFENSE MILITARY DECEPTION INITIATIVE*	*5,207*	*5,207*
049	*MULTI-DOMAIN INTELLIGENCE*	*20,095*	*20,095*
	INFORMATION SECURITY		
051	*INFORMATION SYSTEM SECURITY PROGRAM-ISSP*	*987*	*987*
052	*COMMUNICATIONS SECURITY (COMSEC)*	*126,273*	*126,273*
053	*DEFENSIVE CYBER OPERATIONS*	*27,389*	*31,489*
	Army UFR—Cybersecurity / IT Network Mapping		*[4,100]*
056	*SIO CAPABILITY*	*21,303*	*21,303*
057	*BIOMETRIC ENABLING CAPABILITY (BEC)*	*914*	*914*
	COMM—LONG HAUL COMMUNICATIONS		
059	*BASE SUPPORT COMMUNICATIONS*	*9,209*	*24,209*
	Land mobile radios		*[15,000]*
	COMM—BASE COMMUNICATIONS		
060	*INFORMATION SYSTEMS*	*219,026*	*219,026*
061	*EMERGENCY MANAGEMENT MODERNIZATION PROGRAM*	*4,875*	*4,875*
064	*INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM*	*223,001*	*225,041*
	EUCOM UFR—Mission Partner Environment		*[2,040]*
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
067	*JTT/CIBS-M*	*5,463*	*5,463*
068	*TERRESTRIAL LAYER SYSTEMS (TLS)*	*39,240*	*39,240*
070	*DCGS-A-INTEL*	*92,613*	*119,563*
	Army UFR—Additional fixed node cloud servers		*[26,950]*
071	*JOINT TACTICAL GROUND STATION (JTAGS)-INTEL*	*8,088*	*8,088*
072	*TROJAN*	*30,828*	*30,828*
073	*MOD OF IN-SVC EQUIP (INTEL SPT)*	*39,039*	*39,039*
074	*BIOMETRIC TACTICAL COLLECTION DEVICES*	*11,097*	*11,097*
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	*EW PLANNING & MANAGEMENT TOOLS (EWPMT)*	*783*	*783*
077	*AIR VIGILANCE (AV)*	*13,486*	*13,486*
079	*FAMILY OF PERSISTENT SURVEILLANCE CAP.*	*14,414*	*14,414*
080	*COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES*	*19,111*	*19,111*
081	*CI MODERNIZATION*	*421*	*421*
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
082	*SENTINEL MODS*	*47,642*	*47,642*
083	*NIGHT VISION DEVICES*	*1,092,341*	*828,875*
	IVAS ahead of need		*[–213,466]*
	Transfer to RDTE, Army line 98		*[–50,000]*
084	*SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF*	*21,103*	*21,103*
085	*INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS*	*6,153*	*6,153*
086	*FAMILY OF WEAPON SIGHTS (FWS)*	*184,145*	*184,145*
087	*ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE*	*2,371*	*2,371*
088	*FORWARD LOOKING INFRARED (IFLIR)*	*11,929*	*11,929*
089	*COUNTER SMALL UNMANNED AERIAL SYSTEM (C-SUAS)*	*60,058*	*60,058*
090	*JOINT BATTLE COMMAND—PLATFORM (JBC-P)*	*263,661*	*259,661*
	Unit cost growth		*[–4,000]*
091	*JOINT EFFECTS TARGETING SYSTEM (JETS)*	*62,082*	*62,082*
093	*COMPUTER BALLISTICS: LHMBC XM32*	*2,811*	*2,811*
094	*MORTAR FIRE CONTROL SYSTEM*	*17,236*	*17,236*
095	*MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS*	*2,830*	*2,830*
096	*COUNTERFIRE RADARS*	*31,694*	*26,694*
	Excess to need		*[–5,000]*
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
097	*ARMY COMMAND POST INTEGRATED INFRASTRUCTURE*	*49,410*	*49,410*
098	*FIRE SUPPORT C2 FAMILY*	*9,853*	*9,853*
099	*AIR & MSL DEFENSE PLANNING & CONTROL SYS*	*67,193*	*67,193*
100	*IAMD BATTLE COMMAND SYSTEM*	*301,872*	*291,872*
	Excess costs previously funded		*[–10,000]*
101	*LIFE CYCLE SOFTWARE SUPPORT (LCSS)*	*5,182*	*5,182*
102	*NETWORK MANAGEMENT INITIALIZATION AND SERVICE*	*31,349*	*31,349*
104	*GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)*	*11,271*	*11,271*
105	*INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)*	*16,077*	*16,077*
107	*MOD OF IN-SVC EQUIPMENT (ENFIRE)*	*3,160*	*9,160*
	Program increase—land surveying systems		*[6,000]*
	ELECT EQUIP—AUTOMATION		
108	*ARMY TRAINING MODERNIZATION*	*9,833*	*9,833*
109	*AUTOMATED DATA PROCESSING EQUIP*	*130,924*	*133,924*
	Army UFR—ATRRS unlimited data rights		*[3,000]*
110	*ACCESSIONS INFORMATION ENVIRONMENT (AIE)*	*44,635*	*39,635*
	Program decrease		*[–5,000]*
111	*GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM*	*1,452*	*1,452*

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Line	Item	FY 2022 Request	Conference Authorized
112	HIGH PERF COMPUTING MOD PGM (HPCMP)	69,943	69,943
113	CONTRACT WRITING SYSTEM	16,957	16,957
114	CSS COMMUNICATIONS	73,110	73,110
115	RESERVE COMPONENT AUTOMATION SYS (RCAS)	12,905	12,905
	ELECT EQUIP—SUPPORT		
117	BCT EMERGING TECHNOLOGIES	13,835	13,835
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	18,304	18,304
	CHEMICAL DEFENSIVE EQUIPMENT		
119	BASE DEFENSE SYSTEMS (BDS)	62,295	62,295
120	CBRN DEFENSE	55,632	55,632
	BRIDGING EQUIPMENT		
122	TACTICAL BRIDGING	9,625	9,625
123	TACTICAL BRIDGE, FLOAT-RIBBON	76,082	76,082
124	BRIDGE SUPPLEMENTAL SET	19,867	19,867
125	COMMON BRIDGE TRANSPORTER (CBT) RECAP	109,796	109,796
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
126	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	5,628	5,628
128	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	26,823	75,123
	Army UFR—Additional HMDS		[48,300]
131	ROBOTICS AND APPLIQUE SYSTEMS	124,233	134,233
	Army UFR—Common Robotic System-Individual (CRS-I)		[10,000]
132	RENDER SAFE SETS KITS OUTFITS	84,000	87,158
	Army UFR—Additional render safe equipment		[3,158]
	COMBAT SERVICE SUPPORT EQUIPMENT		
134	HEATERS AND ECU'S	7,116	5,116
	Contract delay		[–2,000]
135	SOLDIER ENHANCEMENT	1,286	7,786
	Program increase		[6,500]
136	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	9,741	9,741
137	GROUND SOLDIER SYSTEM	150,244	150,244
138	MOBILE SOLDIER POWER	17,815	17,815
139	FORCE PROVIDER	28,860	28,860
140	FIELD FEEDING EQUIPMENT	2,321	2,321
141	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	40,240	40,240
142	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	36,163	36,163
	PETROLEUM EQUIPMENT		
144	QUALITY SURVEILLANCE EQUIPMENT	744	744
145	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	72,296	76,716
	Army UFR—Modular Fuel System (MFS)		[4,420]
	MEDICAL EQUIPMENT		
146	COMBAT SUPPORT MEDICAL	122,145	122,145
	MAINTENANCE EQUIPMENT		
147	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	14,756	12,856
	Excess carryover		[–1,900]
	CONSTRUCTION EQUIPMENT		
154	ALL TERRAIN CRANES	112,784	107,784
	Cost savings		[–5,000]
156	CONST EQUIP ESP	8,694	8,694
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
158	ARMY WATERCRAFT ESP	44,409	58,009
	Army UFR—Landing Craft Utility modernization		[13,600]
159	MANEUVER SUPPORT VESSEL (MSV)	76,660	76,660
	GENERATORS		
161	GENERATORS AND ASSOCIATED EQUIP	47,606	47,606
162	TACTICAL ELECTRIC POWER RECAPITALIZATION	10,500	10,500
	MATERIAL HANDLING EQUIPMENT		
163	FAMILY OF FORKLIFTS	13,325	13,325
	TRAINING EQUIPMENT		
164	COMBAT TRAINING CENTERS SUPPORT	79,565	79,565
165	TRAINING DEVICES, NONSYSTEM	174,644	174,644
166	SYNTHETIC TRAINING ENVIRONMENT (STE)	122,104	92,266
	RVCT ahead of need		[–29,838]
168	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	11,642	10,642
	Excess carryover		[–1,000]
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
170	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	42,934	42,934
172	TEST EQUIPMENT MODERNIZATION (TEMOD)	24,304	24,304
	OTHER SUPPORT EQUIPMENT		
174	PHYSICAL SECURITY SYSTEMS (OPA3)	86,930	86,930
175	BASE LEVEL COMMON EQUIPMENT	27,823	27,823
176	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	32,392	32,392
177	BUILDING, PRE-FAB, RELOCATABLE	32,227	32,227
179	SPECIAL EQUIPMENT FOR TEST AND EVALUATION	76,917	76,917
	OPA2		
180	INITIAL SPARES—C&E	9,272	9,272
	TOTAL OTHER PROCUREMENT, ARMY	**8,873,558**	**8,987,865**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	F/A–18E/F (FIGHTER) HORNET	87,832	977,161
	Production line shutdown		[–10,671]

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Line	Item	FY 2022 Request	Conference Authorized
	Program increase—12 additional aircraft		*[900,000]*
003	*JOINT STRIKE FIGHTER CV*	*2,111,009*	*2,060,757*
	Unit cost savings		*[–50,252]*
004	*JOINT STRIKE FIGHTER CV*	*246,781*	*246,781*
005	*JSF STOVL*	*2,256,829*	*2,317,929*
	F–35 B PGSE & depot support—USMC UPL		*[128,800]*
	Target cost savings		*[–67,700]*
006	*JSF STOVL*	*216,720*	*216,720*
007	*CH–53K (HEAVY LIFT)*	*1,286,296*	*1,503,126*
	Excess to need—pub/tech data		*[–14,782]*
	GFE electronics excess growth		*[–3,388]*
	Program increase—two additional aircraft		*[250,000]*
	Unjustified growth—NRE production capacity		*[–15,000]*
008	*CH–53K (HEAVY LIFT)*	*182,871*	*182,871*
009	*V–22 (MEDIUM LIFT)*	*751,716*	*1,500,516*
	Program increase—five additional MV–22		*[414,400]*
	Program increase—four additional CMV–22		*[334,400]*
011	*H–1 UPGRADES (UH–1Y/AH–1Z)*	*939*	*939*
013	*P–8A POSEIDON*	*44,595*	*384,595*
	Additional aircraft		*[340,000]*
014	*E–2D ADV HAWKEYE*	*766,788*	*957,788*
	Navy UFR—Additional E–2D		*[191,000]*
015	*E–2D ADV HAWKEYE*	*118,095*	*118,095*
	TRAINER AIRCRAFT		
016	*ADVANCED HELICOPTER TRAINING SYSTEM*	*163,490*	*163,490*
	OTHER AIRCRAFT		
017	*KC–130J*	*520,787*	*947,187*
	Marine Corps UFR—KC–130J weapons system trainer		*[31,500]*
	Marine Corps UFR—Replace KC–130J aircraft		*[197,900]*
	Two additional C–130J aircraft—Navy UPL		*[197,000]*
018	*KC–130J*	*68,088*	*68,088*
021	*MQ–4 TRITON*	*160,151*	*483,151*
	Additional aircraft		*[323,000]*
023	*MQ–8 UAV*	*49,249*	*49,249*
024	*STUASL0 UAV*	*13,151*	*13,151*
025	*MQ–25*	*47,468*	*47,468*
027	*MARINE GROUP 5 UAS*	*233,686*	*273,686*
	Marine Corps UFR—Additional aircraft		*[40,000]*
	MODIFICATION OF AIRCRAFT		
030	*F–18 A-D UNIQUE*	*163,095*	*244,595*
	F/A–18 aircraft structural life management (OSIP 11–99) inner wing installation excess cost growth		*[–1,000]*
	Marine Corps UFR—F–18 ALR–67(V)5 radar warning receiver		*[55,000]*
	Marine Corps UFR—F–18C/D AESA radar upgrade		*[27,500]*
031	*F–18E/F AND EA–18G MODERNIZATION AND SUSTAINM*	*482,899*	*482,899*
032	*MARINE GROUP 5 UAS SERIES*	*1,982*	*1,982*
033	*AEA SYSTEMS*	*23,296*	*20,221*
	Excess support costs		*[–3,075]*
034	*AV–8 SERIES*	*17,882*	*17,882*
035	*INFRARED SEARCH AND TRACK (IRST)*	*138,827*	*120,377*
	Limit production growth		*[–18,450]*
036	*ADVERSARY*	*143,571*	*143,571*
037	*F–18 SERIES*	*327,571*	*327,571*
038	*H–53 SERIES*	*112,436*	*109,136*
	Excess to need		*[–3,300]*
039	*MH–60 SERIES*	*94,794*	*94,794*
040	*H–1 SERIES*	*124,194*	*118,857*
	Excess to need		*[–5,337]*
041	*EP–3 SERIES*	*28,848*	*28,848*
042	*E–2 SERIES*	*204,826*	*199,991*
	Electronic support measures (OSIP 007–21) excess installation costs		*[–1,800]*
	Electronic support measures (OSIP 007–21) previously funded		*[–1,785]*
	NAVWAR A-kit installation (OSIP 011–19) previously funded		*[–1,250]*
043	*TRAINER A/C SERIES*	*7,849*	*7,849*
044	*C–2A*	*2,843*	*2,843*
045	*C–130 SERIES*	*145,610*	*143,106*
	A and B kits (OSIP 019–14) unit cost growth		*[–2,504]*
046	*FEWSG*	*734*	*734*
047	*CARGO/TRANSPORT A/C SERIES*	*10,682*	*10,682*
048	*E–6 SERIES*	*128,029*	*128,029*
049	*EXECUTIVE HELICOPTERS SERIES*	*45,326*	*45,326*
051	*T–45 SERIES*	*158,772*	*158,772*
052	*POWER PLANT CHANGES*	*24,915*	*24,915*
053	*JPATS SERIES*	*22,955*	*22,955*
054	*AVIATION LIFE SUPPORT MODS*	*2,477*	*2,477*
055	*COMMON ECM EQUIPMENT*	*119,574*	*119,574*
056	*COMMON AVIONICS CHANGES*	*118,839*	*118,839*
057	*COMMON DEFENSIVE WEAPON SYSTEM*	*5,476*	*5,476*
058	*ID SYSTEMS*	*13,154*	*13,154*
059	*P–8 SERIES*	*131,298*	*115,998*
	Program delays		*[–15,300]*
060	*MAGTF EW FOR AVIATION*	*29,151*	*29,151*
061	*MQ–8 SERIES*	*31,624*	*31,624*

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Line	Item	FY 2022 Request	Conference Authorized
062	V–22 (TILT/ROTOR ACFT) OSPREY	312,835	312,835
063	NEXT GENERATION JAMMER (NGJ)	266,676	266,676
064	F–35 STOVL SERIES	177,054	168,154
	Block 4 B kits early to need		[–8,900]
065	F–35 CV SERIES	138,269	131,369
	TR–3/B4 delay		[–6,900]
066	QRC	98,563	98,563
067	MQ–4 SERIES	7,100	7,100
068	RQ–21 SERIES	14,123	14,123
	AIRCRAFT SPARES AND REPAIR PARTS		
072	SPARES AND REPAIR PARTS	2,339,077	2,466,977
	Marine Corps UFR—F–35B engine spares		[117,800]
	Marine Corps UFR—KC–130J initial spares		[7,000]
	Marine Corps UFR—KC–130J weapons system trainer initial spares		[3,100]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
073	COMMON GROUND EQUIPMENT	517,267	517,267
074	AIRCRAFT INDUSTRIAL FACILITIES	80,500	80,500
075	WAR CONSUMABLES	42,496	42,496
076	OTHER PRODUCTION CHARGES	21,374	21,374
077	SPECIAL SUPPORT EQUIPMENT	271,774	271,774
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**16,477,178**	**19,804,184**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,144,446	1,144,446
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	7,319	7,319
	STRATEGIC MISSILES		
003	TOMAHAWK	124,513	138,140
	MK14 canisters previously funded		[–3,743]
	Program increase—ten additional tomahawks		[17,370]
	TACTICAL MISSILES		
005	SIDEWINDER	86,366	82,788
	Unit cost adjustment—AUR Block II		[–2,624]
	Unit cost adjustment—CATM Block II		[–954]
006	STANDARD MISSILE	521,814	521,814
007	STANDARD MISSILE	45,357	45,357
008	JASSM	37,039	37,039
009	SMALL DIAMETER BOMB II	40,877	40,877
010	RAM	92,981	73,015
	Contract award delay		[–19,966]
011	JOINT AIR GROUND MISSILE (JAGM)	49,702	49,702
012	HELLFIRE	7,557	7,557
013	AERIAL TARGETS	150,339	150,339
014	DRONES AND DECOYS	30,321	30,321
015	OTHER MISSILE SUPPORT	3,474	3,474
016	LRASM	161,212	161,212
017	NAVAL STRIKE MISSILE (NSM)	59,331	52,377
	Program decrease		[–6,954]
	MODIFICATION OF MISSILES		
018	TOMAHAWK MODS	206,233	206,233
019	ESSM	248,619	161,519
	ESSM block 2 contract award delays		[–87,100]
021	AARGM	116,345	116,345
022	STANDARD MISSILES MODS	148,834	148,834
	SUPPORT EQUIPMENT & FACILITIES		
023	WEAPONS INDUSTRIAL FACILITIES	1,819	1,819
	ORDNANCE SUPPORT EQUIPMENT		
026	ORDNANCE SUPPORT EQUIPMENT	191,905	191,905
	TORPEDOES AND RELATED EQUIP		
027	SSTD	4,545	4,545
028	MK–48 TORPEDO	159,107	172,477
	Contract award delay		[–34,000]
	Navy UFR—Heavyweight Torpedo (HWT) quantity increase		[50,000]
	Program decrease		[–2,630]
029	ASW TARGETS	13,630	13,630
	MOD OF TORPEDOES AND RELATED EQUIP		
030	MK–54 TORPEDO MODS	106,112	106,112
031	MK–48 TORPEDO ADCAP MODS	35,680	35,680
032	MARITIME MINES	8,567	8,567
	SUPPORT EQUIPMENT		
033	TORPEDO SUPPORT EQUIPMENT	93,400	93,400
034	ASW RANGE SUPPORT	3,997	3,997
	DESTINATION TRANSPORTATION		
035	FIRST DESTINATION TRANSPORTATION	4,023	4,023
	GUNS AND GUN MOUNTS		
036	SMALL ARMS AND WEAPONS	14,909	14,909
	MODIFICATION OF GUNS AND GUN MOUNTS		
037	CIWS MODS	6,274	6,274
038	COAST GUARD WEAPONS	45,958	45,958
039	GUN MOUNT MODS	68,775	68,775
040	LCS MODULE WEAPONS	2,121	2,121

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Line	Item	FY 2022 Request	Conference Authorized
041	AIRBORNE MINE NEUTRALIZATION SYSTEMS	14,822	14,822
	SPARES AND REPAIR PARTS		
043	SPARES AND REPAIR PARTS	162,382	166,682
	Navy UFR—Maritime outfitting and interim spares		[4,300]
	TOTAL WEAPONS PROCUREMENT, NAVY	**4,220,705**	**4,134,404**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	48,635	43,424
	Excess to need—BLU–137		[–5,211]
002	JDAM	74,140	48,526
	Contract award delay		[–25,614]
003	AIRBORNE ROCKETS, ALL TYPES	75,383	75,383
004	MACHINE GUN AMMUNITION	11,215	11,215
005	PRACTICE BOMBS	52,225	52,225
006	CARTRIDGES & CART ACTUATED DEVICES	70,876	70,492
	MK122 parachute deploy rocket unit cost overestimation		[–384]
007	AIR EXPENDABLE COUNTERMEASURES	61,600	57,069
	IR decoys previously funded		[–4,531]
008	JATOS	6,620	6,620
009	5 INCH/54 GUN AMMUNITION	28,922	27,923
	Unit cost growth—5″/54 prop charge, full DA65		[–999]
010	INTERMEDIATE CALIBER GUN AMMUNITION	36,038	31,537
	ALaMO contract award delay		[–4,501]
011	OTHER SHIP GUN AMMUNITION	39,070	39,070
012	SMALL ARMS & LANDING PARTY AMMO	45,493	44,195
	NSW SMCA previously funded		[–1,298]
013	PYROTECHNIC AND DEMOLITION	9,163	9,163
015	AMMUNITION LESS THAN $5 MILLION	1,575	1,575
	MARINE CORPS AMMUNITION		
016	MORTARS	50,707	50,707
017	DIRECT SUPPORT MUNITIONS	120,037	118,157
	Excess to need—20mm Carl Gustaf trainer system		[–1,880]
018	INFANTRY WEAPONS AMMUNITION	94,001	63,259
	Excess to need—BA54 & BA55 termination		[–30,742]
019	COMBAT SUPPORT MUNITIONS	35,247	35,247
020	AMMO MODERNIZATION	16,267	16,267
021	ARTILLERY MUNITIONS	105,669	95,169
	Contract delay		[–10,500]
022	ITEMS LESS THAN $5 MILLION	5,135	5,135
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**988,018**	**902,358**
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	OHIO REPLACEMENT SUBMARINE	3,003,000	3,003,000
002	OHIO REPLACEMENT SUBMARINE AP	1,643,980	1,773,980
	Program increase—submarine supplier development		[130,000]
	OTHER WARSHIPS		
003	CARRIER REPLACEMENT PROGRAM	1,068,705	1,062,205
	Program decrease		[–6,500]
004	CVN–81	1,299,764	1,287,719
	Program decrease		[–12,045]
005	VIRGINIA CLASS SUBMARINE	4,249,240	4,449,240
	Industrial base expansion		[200,000]
006	VIRGINIA CLASS SUBMARINE AP	2,120,407	2,105,407
	Program adjustment		[–15,000]
007	CVN REFUELING OVERHAULS	2,456,018	2,436,018
	Excess growth		[–20,000]
008	CVN REFUELING OVERHAULS	66,262	66,262
009	DDG 1000	56,597	56,597
010	DDG–51	2,016,787	4,929,073
	Change order excessive cost growth		[–11,651]
	Electronics excessive cost growth		[–35,500]
	Plans cost excessive cost growth		[–47,000]
	Program decrease		[–20,463]
	Termination liability not required		[–33,000]
	Two additional ships		[3,059,900]
011	DDG–51 AP		120,000
	Program increase—Advance procurement for DDG–51		[120,000]
013	FFG-FRIGATE	1,087,900	1,087,900
014	FFG-FRIGATE	69,100	69,100
	AMPHIBIOUS SHIPS		
015	LPD FLIGHT II	60,636	60,636
016	LPD FLIGHT II AP		250,000
	Program increase		[250,000]
019	LHA REPLACEMENT	68,637	168,637
	Program increase		[100,000]
020	EXPEDITIONARY FAST TRANSPORT (EPF)		540,000
	Two additional ships		[540,000]
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
021	TAO FLEET OILER	668,184	1,336,384
	One additional ship		[668,200]

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Line	Item	FY 2022 Request	Conference Authorized
022	TAO FLEET OILER AP	76,012	0
	Unjustified request		[–76,012]
023	TAGOS SURTASS SHIPS	434,384	434,384
024	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	183,800	183,800
025	LCU 1700	67,928	67,928
026	OUTFITTING	655,707	622,926
	Outfitting early to need		[–32,781]
027	SHIP TO SHORE CONNECTOR	156,738	286,738
	Ship to shore connector		[130,000]
028	SERVICE CRAFT	67,866	67,866
029	LCAC SLEP	32,712	32,712
030	AUXILIARY VESSELS (USED SEALIFT)	299,900	120,000
	Program reduction		[–179,900]
031	COMPLETION OF PY SHIPBUILDING PROGRAMS	660,795	660,795
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	**22,571,059**	**27,279,307**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	SURFACE POWER EQUIPMENT	41,414	41,414
	GENERATORS		
002	SURFACE COMBATANT HM&E	83,746	83,746
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	72,300	72,300
	OTHER SHIPBOARD EQUIPMENT		
004	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	234,932	234,932
005	DDG MOD	583,136	583,136
006	FIREFIGHTING EQUIPMENT	15,040	15,040
007	COMMAND AND CONTROL SWITCHBOARD	2,194	2,194
008	LHA/LHD MIDLIFE	133,627	120,854
	Program decrease		[–12,773]
009	LCC 19/20 EXTENDED SERVICE LIFE PROGRAM	4,387	4,387
010	POLLUTION CONTROL EQUIPMENT	18,159	18,159
011	SUBMARINE SUPPORT EQUIPMENT	88,284	98,284
	Spare Seawolf-class bow dome		[10,000]
012	VIRGINIA CLASS SUPPORT EQUIPMENT	22,669	22,669
013	LCS CLASS SUPPORT EQUIPMENT	9,640	9,640
014	SUBMARINE BATTERIES	21,834	21,834
015	LPD CLASS SUPPORT EQUIPMENT	34,292	29,478
	Program decrease		[–4,814]
016	DDG 1000 CLASS SUPPORT EQUIPMENT	126,107	111,761
	Program decrease		[–14,346]
017	STRATEGIC PLATFORM SUPPORT EQUIP	12,256	12,256
018	DSSP EQUIPMENT	10,682	10,682
019	CG MODERNIZATION	156,951	156,951
020	LCAC	21,314	21,314
021	UNDERWATER EOD EQUIPMENT	24,146	24,146
022	ITEMS LESS THAN $5 MILLION	84,789	84,789
023	CHEMICAL WARFARE DETECTORS	2,997	2,997
	REACTOR PLANT EQUIPMENT		
025	SHIP MAINTENANCE, REPAIR AND MODERNIZATION	1,307,651	1,475,051
	Navy UFR—A–120 availability		[167,400]
026	REACTOR POWER UNITS	3,270	3,270
027	REACTOR COMPONENTS	438,729	438,729
	OCEAN ENGINEERING		
028	DIVING AND SALVAGE EQUIPMENT	10,772	10,772
	SMALL BOATS		
029	STANDARD BOATS	58,770	58,770
	PRODUCTION FACILITIES EQUIPMENT		
030	OPERATING FORCES IPE	168,822	150,822
	Program decrease		[–18,000]
	OTHER SHIP SUPPORT		
031	LCS COMMON MISSION MODULES EQUIPMENT	74,231	74,231
032	LCS MCM MISSION MODULES	40,630	30,119
	Program decrease		[–10,511]
033	LCS ASW MISSION MODULES	1,565	1,565
034	LCS SUW MISSION MODULES	3,395	3,395
035	LCS IN-SERVICE MODERNIZATION	122,591	122,591
036	SMALL & MEDIUM UUV	32,534	32,534
	SHIP SONARS		
038	SPQ–9B RADAR	15,927	15,927
039	AN/SQQ–89 SURF ASW COMBAT SYSTEM	131,829	126,871
	Program decrease		[–4,958]
040	SSN ACOUSTIC EQUIPMENT	379,850	360,898
	Virginia class technical insertion kits previously funded		[–18,952]
041	UNDERSEA WARFARE SUPPORT EQUIPMENT	13,965	13,965
	ASW ELECTRONIC EQUIPMENT		
042	SUBMARINE ACOUSTIC WARFARE SYSTEM	24,578	24,578
043	SSTD	11,010	11,010
044	FIXED SURVEILLANCE SYSTEM	363,651	363,651
045	SURTASS	67,500	67,500
	ELECTRONIC WARFARE EQUIPMENT		
046	AN/SLQ–32	370,559	370,559

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Line	Item	FY 2022 Request	Conference Authorized
	RECONNAISSANCE EQUIPMENT		
047	SHIPBOARD IW EXPLOIT	261,735	261,735
048	AUTOMATED IDENTIFICATION SYSTEM (AIS)	3,777	3,777
	OTHER SHIP ELECTRONIC EQUIPMENT		
049	COOPERATIVE ENGAGEMENT CAPABILITY	24,641	46,924
	Navy UFR—Accelerate Naval Tactical Grid Development for Joint All-Domain Command and Control (JADC2)		[8,983]
	Navy UFR—Maritime outfitting and interim spares		[13,300]
050	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	14,439	14,439
051	ATDLS	101,595	101,595
052	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,535	3,535
053	MINESWEEPING SYSTEM REPLACEMENT	15,640	15,640
054	SHALLOW WATER MCM	5,610	5,610
055	NAVSTAR GPS RECEIVERS (SPACE)	33,097	33,097
056	AMERICAN FORCES RADIO AND TV SERVICE	2,513	2,513
057	STRATEGIC PLATFORM SUPPORT EQUIP	4,823	4,823
	AVIATION ELECTRONIC EQUIPMENT		
058	ASHORE ATC EQUIPMENT	83,464	83,464
059	AFLOAT ATC EQUIPMENT	67,055	67,055
060	ID SYSTEMS	46,918	46,918
061	JOINT PRECISION APPROACH AND LANDING SYSTEM (	35,386	35,386
062	NAVAL MISSION PLANNING SYSTEMS	17,951	17,951
	OTHER SHORE ELECTRONIC EQUIPMENT		
063	MARITIME INTEGRATED BROADCAST SYSTEM	2,360	2,360
064	TACTICAL/MOBILE C4I SYSTEMS	18,919	18,919
065	DCGS-N	16,691	16,691
066	CANES	412,002	441,002
	Navy UFR—Resilient Communications PNT for Combat Logistics Fleet (CLF)		[29,000]
067	RADIAC	9,074	9,074
068	CANES-INTELL	51,593	51,593
069	GPETE	23,930	23,930
070	MASF	8,795	8,795
071	INTEG COMBAT SYSTEM TEST FACILITY	5,829	5,829
072	EMI CONTROL INSTRUMENTATION	3,925	3,925
073	ITEMS LESS THAN $5 MILLION	156,042	156,042
	SHIPBOARD COMMUNICATIONS		
074	SHIPBOARD TACTICAL COMMUNICATIONS	43,212	43,212
075	SHIP COMMUNICATIONS AUTOMATION	90,724	90,724
076	COMMUNICATIONS ITEMS UNDER $5M	44,447	44,447
	SUBMARINE COMMUNICATIONS		
077	SUBMARINE BROADCAST SUPPORT	47,579	47,579
078	SUBMARINE COMMUNICATION EQUIPMENT	64,642	64,642
	SATELLITE COMMUNICATIONS		
079	SATELLITE COMMUNICATIONS SYSTEMS	38,636	38,636
080	NAVY MULTIBAND TERMINAL (NMT)	34,723	34,723
	SHORE COMMUNICATIONS		
081	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	2,651	2,651
	CRYPTOGRAPHIC EQUIPMENT		
082	INFO SYSTEMS SECURITY PROGRAM (ISSP)	146,879	146,879
083	MIO INTEL EXPLOITATION TEAM	977	977
	CRYPTOLOGIC EQUIPMENT		
084	CRYPTOLOGIC COMMUNICATIONS EQUIP	17,809	17,809
	OTHER ELECTRONIC SUPPORT		
092	COAST GUARD EQUIPMENT	63,214	63,214
	SONOBUOYS		
094	SONOBUOYS—ALL TYPES	249,121	303,521
	Navy UFR—Additional sonobuoys		[54,400]
	AIRCRAFT SUPPORT EQUIPMENT		
095	MINOTAUR	4,963	4,963
096	WEAPONS RANGE SUPPORT EQUIPMENT	98,898	98,898
097	AIRCRAFT SUPPORT EQUIPMENT	178,647	178,647
098	ADVANCED ARRESTING GEAR (AAG)	22,265	22,265
099	METEOROLOGICAL EQUIPMENT	13,687	13,687
100	LEGACY AIRBORNE MCM	4,446	4,446
101	LAMPS EQUIPMENT	1,470	1,470
102	AVIATION SUPPORT EQUIPMENT	70,665	70,665
103	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL	86,584	86,584
	SHIP GUN SYSTEM EQUIPMENT		
104	SHIP GUN SYSTEMS EQUIPMENT	5,536	5,536
	SHIP MISSILE SYSTEMS EQUIPMENT		
105	HARPOON SUPPORT EQUIPMENT	204	204
106	SHIP MISSILE SUPPORT EQUIPMENT	237,987	237,987
107	TOMAHAWK SUPPORT EQUIPMENT	88,726	88,726
	FBM SUPPORT EQUIPMENT		
108	STRATEGIC MISSILE SYSTEMS EQUIP	281,259	281,259
	ASW SUPPORT EQUIPMENT		
109	SSN COMBAT CONTROL SYSTEMS	143,289	143,289
110	ASW SUPPORT EQUIPMENT	30,595	30,595
	OTHER ORDNANCE SUPPORT EQUIPMENT		
111	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	1,721	1,721
112	ITEMS LESS THAN $5 MILLION	8,746	8,746
	OTHER EXPENDABLE ORDNANCE		
113	ANTI-SHIP MISSILE DECOY SYSTEM	76,994	76,994

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(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
114	SUBMARINE TRAINING DEVICE MODS	75,813	75,813
115	SURFACE TRAINING EQUIPMENT	127,814	127,814
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
116	PASSENGER CARRYING VEHICLES	4,140	4,140
117	GENERAL PURPOSE TRUCKS	2,805	2,805
118	CONSTRUCTION & MAINTENANCE EQUIP	48,403	46,403
	Excess carryover		[–2,000]
119	FIRE FIGHTING EQUIPMENT	15,084	15,084
120	TACTICAL VEHICLES	27,400	27,400
121	POLLUTION CONTROL EQUIPMENT	2,607	2,607
122	ITEMS LESS THAN $5 MILLION	51,963	51,963
123	PHYSICAL SECURITY VEHICLES	1,165	1,165
	SUPPLY SUPPORT EQUIPMENT		
124	SUPPLY EQUIPMENT	24,698	24,698
125	FIRST DESTINATION TRANSPORTATION	5,385	5,385
126	SPECIAL PURPOSE SUPPLY SYSTEMS	660,750	660,750
	TRAINING DEVICES		
127	TRAINING SUPPORT EQUIPMENT	3,465	3,465
128	TRAINING AND EDUCATION EQUIPMENT	60,114	60,114
	COMMAND SUPPORT EQUIPMENT		
129	COMMAND SUPPORT EQUIPMENT	31,007	31,007
130	MEDICAL SUPPORT EQUIPMENT	7,346	14,346
	Navy UFR—Expeditionary medical readiness		[7,000]
132	NAVAL MIP SUPPORT EQUIPMENT	2,887	2,887
133	OPERATING FORCES SUPPORT EQUIPMENT	12,815	12,815
134	C4ISR EQUIPMENT	6,324	6,324
135	ENVIRONMENTAL SUPPORT EQUIPMENT	25,098	25,098
136	PHYSICAL SECURITY EQUIPMENT	110,647	107,471
	Program decrease		[–3,176]
137	ENTERPRISE INFORMATION TECHNOLOGY	31,709	31,709
	OTHER		
141	NEXT GENERATION ENTERPRISE SERVICE	41	41
142	CYBERSPACE ACTIVITIES	12,859	12,859
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	19,808	19,808
	SPARES AND REPAIR PARTS		
143	SPARES AND REPAIR PARTS	424,405	517,105
	Navy UFR—Maritime outfitting and interim spares		[92,700]
	TOTAL OTHER PROCUREMENT, NAVY	**10,875,912**	**11,169,165**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	36,836	36,836
002	AMPHIBIOUS COMBAT VEHICLE FAMILY OF VEHICLES	532,355	532,355
003	LAV PIP	23,476	23,476
	ARTILLERY AND OTHER WEAPONS		
004	155MM LIGHTWEIGHT TOWED HOWITZER	32	32
005	ARTILLERY WEAPONS SYSTEM	67,548	221,347
	Marine Corps UFR—Ground-launched anti-ship missiles		[57,799]
	Marine Corps UFR—Ground-launched long range fires		[96,000]
006	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	35,402	35,402
	GUIDED MISSILES		
008	GROUND BASED AIR DEFENSE	9,349	9,349
009	ANTI-ARMOR MISSILE-JAVELIN	937	937
010	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	20,481	20,481
011	ANTI-ARMOR MISSILE-TOW	14,359	12,359
	Unit cost growth		[–2,000]
012	GUIDED MLRS ROCKET (GMLRS)	98,299	98,299
	COMMAND AND CONTROL SYSTEMS		
013	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	18,247	18,247
	REPAIR AND TEST EQUIPMENT		
014	REPAIR AND TEST EQUIPMENT	33,554	33,554
	OTHER SUPPORT (TEL)		
015	MODIFICATION KITS	167	167
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
016	ITEMS UNDER $5 MILLION (COMM & ELEC)	64,879	130,779
	Marine Corps UFR—Fly-Away Broadcast System		[9,000]
	Marine Corps UFR—INOD Block III long-range sight		[16,900]
	Marine Corps UFR—Squad binocular night vision goggle		[40,000]
017	AIR OPERATIONS C2 SYSTEMS	1,291	1,291
	RADAR + EQUIPMENT (NON-TEL)		
019	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	297,369	645,369
	Marine Corps UFR—Additional G/ATOR units		[304,000]
	Marine Corps UFR—Additional radar retrofit kits and FRP systems		[44,000]
	INTELL/COMM EQUIPMENT (NON-TEL)		
020	GCSS-MC	604	604
021	FIRE SUPPORT SYSTEM	39,810	39,810
022	INTELLIGENCE SUPPORT EQUIPMENT	67,309	72,860
	Marine Corps UFR—SCINet equipment		[5,551]
024	UNMANNED AIR SYSTEMS (INTEL)	24,299	24,299
025	DCGS-MC	28,633	28,633
026	UAS PAYLOADS	3,730	3,730

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Line	Item	FY 2022 Request	Conference Authorized
	OTHER SUPPORT (NON-TEL)		
029	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	97,060	97,060
030	COMMON COMPUTER RESOURCES	83,606	79,606
	Training and education headquarters support unjustified request		[–2,000]
	Wargaming hardware early to need		[–2,000]
031	COMMAND POST SYSTEMS	53,708	39,708
	NOTM refresh early to need		[–14,000]
032	RADIO SYSTEMS	468,678	444,678
	TCM ground radios sparing previously funded		[–10,000]
	Unjustified request		[–14,000]
033	COMM SWITCHING & CONTROL SYSTEMS	49,600	43,600
	Excess growth		[–6,000]
034	COMM & ELEC INFRASTRUCTURE SUPPORT	110,835	116,635
	Excess growth		[–10,000]
	Marine Corps UFR—Base telecommunications equipment upgrades		[15,800]
035	CYBERSPACE ACTIVITIES	25,377	46,577
	Marine Corps UFR—Defensive Cyber Ops-Internal Defensive Measures suites		[21,200]
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	4,034	4,034
	ADMINISTRATIVE VEHICLES		
038	COMMERCIAL CARGO VEHICLES	17,848	17,848
	TACTICAL VEHICLES		
039	MOTOR TRANSPORT MODIFICATIONS	23,363	21,924
	Excess growth		[–1,439]
040	JOINT LIGHT TACTICAL VEHICLE	322,013	322,013
042	TRAILERS	9,876	9,876
	ENGINEER AND OTHER EQUIPMENT		
044	TACTICAL FUEL SYSTEMS	2,161	2,161
045	POWER EQUIPMENT ASSORTED	26,625	18,955
	Intelligent power distribution previously funded		[–7,670]
046	AMPHIBIOUS SUPPORT EQUIPMENT	17,119	15,909
	Excess carryover		[–1,210]
047	EOD SYSTEMS	94,472	107,672
	Marine Corps UFR—BCWD/UnSAT/Explosive Hazard Defeat Systems		[7,800]
	Marine Corps UFR—ENFIRE/Explosive Hazard Defeat Systems		[5,400]
	MATERIALS HANDLING EQUIPMENT		
048	PHYSICAL SECURITY EQUIPMENT	84,513	84,513
	GENERAL PROPERTY		
049	FIELD MEDICAL EQUIPMENT	8,105	8,105
050	TRAINING DEVICES	37,814	35,211
	CACCTUS lap equipment previously funded		[–2,603]
051	FAMILY OF CONSTRUCTION EQUIPMENT	34,658	50,458
	Marine Corps UFR—All-terrain crane		[10,800]
	Marine Corps UFR—Rough terrain container handler		[5,000]
052	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)	15,439	15,439
	OTHER SUPPORT		
053	ITEMS LESS THAN $5 MILLION	4,402	15,002
	Marine Corps UFR—Lightweight water purification system		[10,600]
	SPARES AND REPAIR PARTS		
054	SPARES AND REPAIR PARTS	32,819	32,819
	TOTAL PROCUREMENT, MARINE CORPS	**3,043,091**	**3,620,019**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC OFFENSIVE		
001	B–21 RAIDER	108,027	108,027
	TACTICAL FORCES		
002	F–35	4,167,604	4,392,604
	Air Force UFR—F–35 power modules		[175,000]
	USG depot acceleration		[50,000]
003	F–35	352,632	352,632
005	F–15EX	1,186,903	1,762,903
	Air Force UFR—Additional aircraft, spares, support equipment		[576,000]
006	F–15EX	147,919	147,919
	TACTICAL AIRLIFT		
007	KC–46A MDAP	2,380,315	2,315,315
	Excess growth		[–65,000]
	OTHER AIRLIFT		
008	C–130J	128,896	128,896
009	MC–130J	220,049	220,049
	UPT TRAINERS		
011	ADVANCED TRAINER REPLACEMENT T-X	10,397	0
	Procurement funds ahead of need		[–10,397]
	HELICOPTERS		
012	MH–139A		75,000
	Program increase		[75,000]
013	COMBAT RESCUE HELICOPTER	792,221	792,221
	MISSION SUPPORT AIRCRAFT		
016	CIVIL AIR PATROL A/C	2,813	11,400
	Program increase		[8,587]
	OTHER AIRCRAFT		
017	TARGET DRONES	116,169	116,169
019	E–11 BACN/HAG	124,435	124,435

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Line	Item	FY 2022 Request	Conference Authorized
021	MQ–9	3,288	78,567
	Program increase—four aircraft		[75,279]
	STRATEGIC AIRCRAFT		
023	B–2A	29,944	29,944
024	B–1B	30,518	27,406
	Radio crypto mod ahead of need		[–3,112]
025	B–52	82,820	82,820
026	COMBAT RESCUE HELICOPTER	61,191	45,891
	Early to need—contract delay		[–15,300]
027	LARGE AIRCRAFT INFRARED COUNTERMEASURES	57,001	57,001
	TACTICAL AIRCRAFT		
028	A–10	83,621	83,621
029	E–11 BACN/HAG	68,955	68,955
030	F–15	234,340	232,457
	F–15E MIDS-JTRS installs excess to need		[–1,883]
031	F–16	613,166	733,166
	F–16 AESAs		[100,000]
	Program increase—HUD upgrade		[20,000]
032	F–22A	424,722	384,722
	Program decrease		[–40,000]
033	F–35 MODIFICATIONS	304,135	1,388,935
	F–35 upgrades to Block 4		[1,100,000]
	TR–3/B4 delay		[–15,200]
034	F–15 EPAW	149,797	149,797
036	KC–46A MDAP	1,984	1,984
	AIRLIFT AIRCRAFT		
037	C–5	25,431	25,431
038	C–17A	59,570	59,570
040	C–32A	1,949	1,949
041	C–37A	5,984	5,984
	TRAINER AIRCRAFT		
042	GLIDER MODS	142	142
043	T–6	8,735	8,735
044	T–1	3,872	872
	Excess to need		[–3,000]
045	T–38	49,851	49,851
	OTHER AIRCRAFT		
046	U–2 MODS	126,809	126,809
047	KC–10A (ATCA)	1,902	1,902
049	VC–25A MOD	96	96
050	C–40	262	262
051	C–130	29,071	169,771
	Program increase—eight blade propeller upgrade		[75,700]
	Program increase—engine enhancement program		[50,000]
	Program increase—modular airborne firefighting system		[15,000]
052	C–130J MODS	110,784	110,784
053	C–135	61,376	61,376
054	COMPASS CALL	195,098	270,098
	Air Force UFR—Additional spare engines		[75,000]
056	RC–135	207,596	207,596
057	E–3	109,855	109,855
058	E–4	19,081	19,081
059	E–8	16,312	43,312
	Program increase—CDL		[27,000]
060	AIRBORNE WARNING AND CNTRL SYS (AWACS) 40/45	30,327	26,627
	Block 40/45 carryover		[–3,700]
062	H–1	1,533	1,533
063	H–60	13,709	32,709
	OLR mod early to need		[–1,000]
	Restore degraded visual environment		[20,000]
064	RQ–4 MODS	3,205	3,205
065	HC/MC–130 MODIFICATIONS	150,263	148,815
	Communications modernization phase 1 NRE ahead of need		[–1,448]
066	OTHER AIRCRAFT	54,828	54,828
067	MQ–9 MODS	144,287	144,287
068	MQ–9 UAS PAYLOADS	40,800	40,800
069	SENIOR LEADER C3, SYSTEM—AIRCRAFT	23,554	23,554
070	CV–22 MODS	158,162	240,562
	SOCOM UFR—CV–22 reliability acceleration		[82,400]
	AIRCRAFT SPARES AND REPAIR PARTS		
071	INITIAL SPARES/REPAIR PARTS	915,710	915,710
	COMMON SUPPORT EQUIPMENT		
072	AIRCRAFT REPLACEMENT SUPPORT EQUIP	138,761	138,761
	POST PRODUCTION SUPPORT		
073	B–2A	1,651	1,651
074	B–2B	38,811	38,811
075	B–52	5,602	5,602
078	F–15	2,324	2,324
079	F–16	10,456	10,456
081	RQ–4 POST PRODUCTION CHARGES	24,592	24,592
	INDUSTRIAL PREPAREDNESS		
082	INDUSTRIAL RESPONSIVENESS	18,110	18,110

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
	WAR CONSUMABLES		
083	WAR CONSUMABLES	35,866	35,866
	OTHER PRODUCTION CHARGES		
084	OTHER PRODUCTION CHARGES	979,388	1,019,388
	Classified modifications—program increase		[40,000]
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	18,092	18,092
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**15,727,669**	**18,132,595**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	57,793	57,793
	BALLISTIC MISSILES		
002	GROUND BASED STRATEGIC DETERRENT	8,895	8,895
	TACTICAL		
003	REPLAC EQUIP & WAR CONSUMABLES	7,681	7,681
004	AGM–183A AIR-LAUNCHED RAPID RESPONSE WEAPON	160,850	116,850
	Procurement early to need		[–44,000]
006	JOINT AIR-SURFACE STANDOFF MISSILE	710,550	660,550
	Program decrease		[–50,000]
008	SIDEWINDER (AIM–9X)	107,587	107,587
009	AMRAAM	214,002	214,002
010	PREDATOR HELLFIRE MISSILE	103,684	103,684
011	SMALL DIAMETER BOMB	82,819	82,819
012	SMALL DIAMETER BOMB II	294,649	294,649
	INDUSTRIAL FACILITIES		
013	INDUSTR'L PREPAREDNS/POL PREVENTION	757	757
	CLASS IV		
015	ICBM FUZE MOD	53,013	65,263
	Realignment of funds		[12,250]
016	ICBM FUZE MOD AP	47,757	35,507
	Realignment of funds		[–12,250]
017	MM III MODIFICATIONS	88,579	88,579
019	AIR LAUNCH CRUISE MISSILE (ALCM)	46,799	46,799
	MISSILE SPARES AND REPAIR PARTS		
020	MSL SPRS/REPAIR PARTS (INITIAL)	16,212	16,212
021	MSL SPRS/REPAIR PARTS (REPLEN)	63,547	63,547
022	INITIAL SPARES/REPAIR PARTS	4,045	4,045
	SPECIAL PROGRAMS		
027	SPECIAL UPDATE PROGRAMS	30,352	30,352
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	570,240	570,240
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**2,669,811**	**2,575,811**
	PROCUREMENT, SPACE FORCE		
	SPACE PROCUREMENT, SF		
002	AF SATELLITE COMM SYSTEM	43,655	39,655
	Unjustified cost growth		[–4,000]
003	COUNTERSPACE SYSTEMS	64,804	64,804
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	39,444	39,444
005	GENERAL INFORMATION TECH—SPACE	3,316	5,116
	Space Force UFR—Modernize space aggressor equipment		[1,800]
006	GPSIII FOLLOW ON	601,418	601,418
007	GPS III SPACE SEGMENT	84,452	84,452
008	GLOBAL POSTIONING (SPACE)	2,274	2,274
009	HERITAGE TRANSITION	13,529	13,529
010	SPACEBORNE EQUIP (COMSEC)	26,245	48,945
	Space Force UFR—Space-rated crypto devices to support launch		[22,700]
011	MILSATCOM	24,333	24,333
012	SBIR HIGH (SPACE)	154,526	154,526
013	SPECIAL SPACE ACTIVITIES	142,188	142,188
014	MOBILE USER OBJECTIVE SYSTEM	45,371	45,371
015	NATIONAL SECURITY SPACE LAUNCH	1,337,347	1,337,347
016	NUDET DETECTION SYSTEM	6,690	6,690
017	PTES HUB	7,406	7,406
018	ROCKET SYSTEMS LAUNCH PROGRAM	10,429	10,429
020	SPACE MODS	64,371	64,371
021	SPACELIFT RANGE SYSTEM SPACE	93,774	93,774
	SPARES		
022	SPARES AND REPAIR PARTS	1,282	1,282
	TOTAL PROCUREMENT, SPACE FORCE	**2,766,854**	**2,787,354**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	36,597	36,597
	CARTRIDGES		
002	CARTRIDGES	169,163	164,163
	Excess to need		[–5,000]
	BOMBS		
003	PRACTICE BOMBS	48,745	48,745
004	GENERAL PURPOSE BOMBS	176,565	176,565
005	MASSIVE ORDNANCE PENETRATOR (MOP)	15,500	15,500

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(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
006	JOINT DIRECT ATTACK MUNITION	124,102	48,584
	Program carryover		[–75,518]
007	B–61	2,709	2,709
	OTHER ITEMS		
008	CAD/PAD	47,210	47,210
009	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,151	6,151
010	SPARES AND REPAIR PARTS	535	535
011	MODIFICATIONS	292	292
012	ITEMS LESS THAN $5,000,000	9,164	9,164
	FLARES		
013	FLARES	95,297	95,297
	FUZES		
014	FUZES	50,795	50,795
	SMALL ARMS		
015	SMALL ARMS	12,343	12,343
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**795,168**	**714,650**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	8,448	8,448
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	5,804	5,804
003	CAP VEHICLES	1,066	1,800
	Program increase—Civil Air Patrol		[734]
004	CARGO AND UTILITY VEHICLES	57,459	57,459
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	97,326	92,326
	Excess carryover		[–5,000]
006	SECURITY AND TACTICAL VEHICLES	488	488
007	SPECIAL PURPOSE VEHICLES	75,694	77,694
	CNGB UFR—Temperature control trailers		[2,000]
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	12,525	12,525
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	34,933	34,933
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	9,134	9,134
011	BASE MAINTENANCE SUPPORT VEHICLES	111,820	103,728
	Program decrease		[–8,092]
	COMM SECURITY EQUIPMENT(COMSEC)		
013	COMSEC EQUIPMENT	66,022	66,022
014	STRATEGIC MICROELECTRONIC SUPPLY SYSTEM	885,051	885,051
	INTELLIGENCE PROGRAMS		
015	INTERNATIONAL INTEL TECH & ARCHITECTURES	5,809	5,809
016	INTELLIGENCE TRAINING EQUIPMENT	5,719	5,719
017	INTELLIGENCE COMM EQUIPMENT	25,844	25,844
	ELECTRONICS PROGRAMS		
018	AIR TRAFFIC CONTROL & LANDING SYS	44,516	44,516
019	BATTLE CONTROL SYSTEM—FIXED	2,940	2,940
020	THEATER AIR CONTROL SYS IMPROVEMEN	43,442	47,842
	EUCOM UFR—Air base air defens ops center		[4,400]
021	3D EXPEDITIONARY LONG-RANGE RADAR	96,186	248,186
	Air Force UFR—Build command and control framework		[152,000]
022	WEATHER OBSERVATION FORECAST	32,376	32,376
023	STRATEGIC COMMAND AND CONTROL	37,950	37,950
024	CHEYENNE MOUNTAIN COMPLEX	8,258	8,258
025	MISSION PLANNING SYSTEMS	14,717	14,717
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	43,917	88,247
	EUCOM UFR—Mission Partner Environment		[13,800]
	INDOPACOM UFR—Mission Partner Environment		[30,530]
028	AF GLOBAL COMMAND & CONTROL SYS	414	414
030	MOBILITY COMMAND AND CONTROL	10,619	10,619
031	AIR FORCE PHYSICAL SECURITY SYSTEM	101,896	116,797
	EUCOM UFR—Counter-UAS for UASFE installations		[1,241]
	EUCOM UFR—Sensors for air base air defense		[11,660]
	Space Force UFR—Maui Optical Site security system		[2,000]
032	COMBAT TRAINING RANGES	222,598	222,598
033	COMBAT TRAINING RANGES	14,730	14,730
034	MINIMUM ESSENTIAL EMERGENCY COMM N	77,119	77,119
035	WIDE AREA SURVEILLANCE (WAS)	38,794	38,794
036	C3 COUNTERMEASURES	131,238	131,238
037	INTEGRATED PERSONNEL AND PAY SYSTEM	15,240	15,240
038	GCSS-AF FOS	3,959	3,959
040	MAINTENANCE REPAIR & OVERHAUL INITIATIVE	4,387	4,387
041	THEATER BATTLE MGT C2 SYSTEM	4,052	4,052
042	AIR & SPACE OPERATIONS CENTER (AOC)	2,224	2,224
	AIR FORCE COMMUNICATIONS		
043	BASE INFORMATION TRANSPT INFRAST (BITI) WIRED	58,499	58,499
044	AFNET	65,354	65,354
045	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,377	4,377
046	USCENTCOM	18,101	18,101

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Line	Item	FY 2022 Request	Conference Authorized
047	USSTRATCOM	4,226	4,226
	ORGANIZATION AND BASE		
048	TACTICAL C-E EQUIPMENT	162,955	157,817
	Program decrease		[–5,138]
049	RADIO EQUIPMENT	14,232	15,732
	Space Force UFR—radio equipment		[1,500]
051	BASE COMM INFRASTRUCTURE	200,797	262,797
	EUCOM UFR—Modernize IT infrastructure		[55,000]
	Space Force UFR—Lifecycle SIPR/NIP replacement		[7,000]
	MODIFICATIONS		
052	COMM ELECT MODS	18,607	18,607
	PERSONAL SAFETY & RESCUE EQUIP		
053	PERSONAL SAFETY AND RESCUE EQUIPMENT	106,449	106,449
	DEPOT PLANT+MTRLS HANDLING EQ		
054	POWER CONDITIONING EQUIPMENT	11,274	11,274
055	MECHANIZED MATERIAL HANDLING EQUIP	8,594	8,594
	BASE SUPPORT EQUIPMENT		
056	BASE PROCURED EQUIPMENT	1	33,251
	CNGB UFR—Modular small arms ranges		[25,000]
	EUCOM UFR—Tactical decoy devices		[8,250]
057	ENGINEERING AND EOD EQUIPMENT	32,139	32,139
058	MOBILITY EQUIPMENT	63,814	63,814
059	FUELS SUPPORT EQUIPMENT (FSE)	17,928	17,928
060	BASE MAINTENANCE AND SUPPORT EQUIPMENT	48,534	48,534
	SPECIAL SUPPORT PROJECTS		
062	DARP RC135	27,359	27,359
063	DCGS-AF	261,070	261,070
065	SPECIAL UPDATE PROGRAM	777,652	777,652
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	20,983,908	21,183,908
	Program increase		[200,000]
	SPARES AND REPAIR PARTS		
066	SPARES AND REPAIR PARTS (CYBER)	978	978
067	SPARES AND REPAIR PARTS	9,575	9,575
	TOTAL OTHER PROCUREMENT, AIR FORCE	**25,251,137**	**25,748,022**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
081	AGILE PROCUREMENT TRANSITION PILOT		100,000
	Program increase		[100,000]
	MAJOR EQUIPMENT, SDA		
024	MAJOR EQUIPMENT, DPAA	494	494
047	MAJOR EQUIPMENT, OSD	31,420	31,420
048	JOINT CAPABILITY TECH DEMONSTRATION (JCTD)	74,060	74,060
	MAJOR EQUIPMENT, NSA		
046	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	315	315
	MAJOR EQUIPMENT, DISA		
010	INFORMATION SYSTEMS SECURITY	18,923	18,923
011	TELEPORT PROGRAM	34,908	34,908
012	JOINT FORCES HEADQUARTERS—DODIN	1,968	1,968
013	ITEMS LESS THAN $5 MILLION	42,270	42,270
014	DEFENSE INFORMATION SYSTEM NETWORK	18,025	18,025
015	WHITE HOUSE COMMUNICATION AGENCY	44,522	44,522
016	SENIOR LEADERSHIP ENTERPRISE	54,592	54,592
017	JOINT REGIONAL SECURITY STACKS (JRSS)	62,657	62,657
018	JOINT SERVICE PROVIDER	102,039	102,039
019	FOURTH ESTATE NETWORK OPTIMIZATION (4ENO)	80,645	80,645
	MAJOR EQUIPMENT, DLA		
021	MAJOR EQUIPMENT	530,896	510,896
	Excess growth		[–20,000]
	MAJOR EQUIPMENT, DCSA		
002	MAJOR EQUIPMENT	3,014	3,014
	MAJOR EQUIPMENT, TJS		
049	MAJOR EQUIPMENT, TJS	7,830	7,830
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
029	THAAD	251,543	361,122
	MDA UFR—Additional interceptors		[109,579]
031	AEGIS BMD	334,621	334,621
032	AEGIS BMD	17,493	17,493
033	BMDS AN/TPY–2 RADARS	2,738	2,738
034	SM–3 IIAS	295,322	336,822
	MDA UFR—Additional AURs		[41,500]
035	ARROW 3 UPPER TIER SYSTEMS	62,000	62,000
036	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	30,000	30,000
037	DEFENSE OF GUAM PROCUREMENT	40,000	80,000
	INDOPACOM UFR—Guam Defense System		[40,000]
038	AEGIS ASHORE PHASE III	25,866	25,866
039	IRON DOME	108,000	108,000
040	AEGIS BMD HARDWARE AND SOFTWARE	81,791	81,791
	MAJOR EQUIPMENT, DHRA		
004	PERSONNEL ADMINISTRATION	4,042	4,042
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		

SEC. 4101. PROCUREMENT
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Line	Item	FY 2022 Request	Conference Authorized
026	VEHICLES	118	118
027	OTHER MAJOR EQUIPMENT	12,681	12,681
	MAJOR EQUIPMENT, DODEA		
023	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	2,963	2,963
	MAJOR EQUIPMENT, DMACT		
022	MAJOR EQUIPMENT	8,498	8,498
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	635,338	635,338
	AVIATION PROGRAMS		
052	ARMED OVERWATCH/TARGETING	170,000	166,000
	Unit cost growth		*[–4,000]*
053	MANNED ISR	2,500	2,500
054	MC–12	2,250	2,250
055	MH–60 BLACKHAWK	29,900	29,900
056	ROTARY WING UPGRADES AND SUSTAINMENT	202,278	202,278
057	UNMANNED ISR	55,951	55,951
058	NON-STANDARD AVIATION	3,282	3,282
059	U–28	4,176	4,176
060	MH–47 CHINOOK	130,485	130,485
061	CV–22 MODIFICATION	41,762	47,572
	SOCOM UFR—CV–22 reliability acceleration		*[5,810]*
062	MQ–9 UNMANNED AERIAL VEHICLE	8,020	8,020
063	PRECISION STRIKE PACKAGE	165,224	165,224
064	AC/MC–130J	205,216	205,216
065	C–130 MODIFICATIONS	13,373	13,373
	SHIPBUILDING		
066	UNDERWATER SYSTEMS	17,227	23,327
	SOCOM UFR—Combat diving advanced equipment acceleration		*[5,200]*
	SOCOM UFR—Modernized forward look sonar		*[900]*
	AMMUNITION PROGRAMS		
067	ORDNANCE ITEMS <$5M	168,072	168,072
	OTHER PROCUREMENT PROGRAMS		
068	INTELLIGENCE SYSTEMS	131,889	131,889
069	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	5,991	5,991
070	OTHER ITEMS <$5M	62,722	62,722
071	COMBATANT CRAFT SYSTEMS	17,080	17,080
072	SPECIAL PROGRAMS	44,351	75,531
	SOCOM UFR—Medium fixed wing mobility modifications		*[31,180]*
073	TACTICAL VEHICLES	26,806	26,806
074	WARRIOR SYSTEMS <$5M	284,548	294,548
	Radio integration system program upgrade		*[10,000]*
075	COMBAT MISSION REQUIREMENTS	27,513	27,513
077	OPERATIONAL ENHANCEMENTS INTELLIGENCE	20,252	20,252
078	OPERATIONAL ENHANCEMENTS	328,569	389,872
	SOCOM UFR—Armored ground mobility systems acceleration		*[33,303]*
	SOCOM UFR—Fused panoramic night vision goggles acceleration		*[28,000]*
	CBDP		
079	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	167,918	167,918
080	CB PROTECTION & HAZARD MITIGATION	189,265	183,884
	TATPE excess growth		*[–5,381]*
	TOTAL PROCUREMENT, DEFENSE-WIDE	**5,548,212**	**5,924,303**
	NATIONAL GUARD AND RESERVE EQUIPMENT		
	UNDISTRIBUTED		
001	MISCELLANEOUS EQUIPMENT		950,000
	Program increase		*[950,000]*
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT		**950,000**
	TOTAL PROCUREMENT	**132,205,078**	**146,884,599**

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 2022 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
001	0601102A	DEFENSE RESEARCH SCIENCES	297,241	328,788
		Program increase		*[22,047]*
		Program increase—digital thread for advanced manufacturing		*[5,000]*
		Program increase—lightweight high entropy metallic alloy discovery		*[3,000]*
		Program increase—unmanned aerial systems hybrid propulsion		*[1,500]*
002	0601103A	UNIVERSITY RESEARCH INITIATIVES	66,981	96,981
		Program increase—defense university research instrumentation program		*[30,000]*
003	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	94,003	103,003

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2022 Request	Conference Authorized
		Program increase—biotechnology advancements		*[4,000]*
		SMART and cognitive research for RF/radar		*[5,000]*
004	*0601121A*	*CYBER COLLABORATIVE RESEARCH ALLIANCE*	*5,067*	*5,067*
005	*0601601A*	*ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING BASIC RESEARCH*	*10,183*	*15,183*
		Program increase—extreme events in structurally evolving materials		*[5,000]*
		SUBTOTAL BASIC RESEARCH	***473,475***	***549,022***
		APPLIED RESEARCH		
006	*0602115A*	*BIOMEDICAL TECHNOLOGY*	*11,925*	*11,925*
007	*0602134A*	*COUNTER IMPROVISED-THREAT ADVANCED STUDIES*	*1,976*	*1,976*
008	*0602141A*	*LETHALITY TECHNOLOGY*	*64,126*	*65,126*
		CPF—research and development of next generation explosives and propellants		*[1,000]*
009	*0602142A*	*ARMY APPLIED RESEARCH*	*28,654*	*28,654*
010	*0602143A*	*SOLDIER LETHALITY TECHNOLOGY*	*105,168*	*115,168*
		Program increase—Pathfinder air assault		*[10,000]*
011	*0602144A*	*GROUND TECHNOLOGY*	*56,400*	*105,400*
		Additive manufacturing materials		*[8,000]*
		CPF—Army Research Lab (ARL) Additive Manufacturing/Machine Learning (AM/ML) Initiative		*[5,000]*
		Military footwear research		*[2,500]*
		Modeling enabled multifunctional materials development (MEMMD)		*[6,000]*
		Program increase—advanced manufacturing materials processes initiative		*[10,000]*
		Program increase—advanced polymers for force protection		*[8,000]*
		Program increase—ceramic materials for extreme environments		*[2,500]*
		Program increase—earthen structures soil enhancement		*[3,000]*
		Program increase—polar proving ground and training program		*[2,000]*
		Program increase—verified inherent control		*[2,000]*
012	*0602145A*	*NEXT GENERATION COMBAT VEHICLE TECHNOLOGY*	*172,166*	*192,666*
		CPF—high-efficiency truck users forum (HTUF)		*[2,500]*
		CPF—structural thermoplastics large-scale low-cost tooling solutions		*[4,500]*
		Light detection and ranging (LiDAR) technology		*[2,500]*
		Program increase—prototyping energy smart autonomous ground systems		*[8,000]*
		Tactical behaviors for autonomous maneuver		*[3,000]*
013	*0602146A*	*NETWORK C3I TECHNOLOGY*	*84,606*	*120,406*
		Alternative PNT		*[8,000]*
		CPF—future nano- and micro-fabrication - Advanced Materials Engineering Research Institute		*[6,800]*
		CPF—multiple drone, multiple sensor ISR capabilities		*[5,000]*
		Distributed radio frequency sensor/effector technology for strategic defense		*[8,000]*
		Intelligent electronic protection technologies		*[6,000]*
		UAS sensor research		*[2,000]*
014	*0602147A*	*LONG RANGE PRECISION FIRES TECHNOLOGY*	*64,285*	*67,285*
		Program increase—novel printed armaments components		*[3,000]*
015	*0602148A*	*FUTURE VERTICLE LIFT TECHNOLOGY*	*91,411*	*91,411*
016	*0602150A*	*AIR AND MISSILE DEFENSE TECHNOLOGY*	*19,316*	*72,566*
		Advancement of critical HEL technologies		*[10,000]*
		Counter-UAS applied research		*[5,000]*
		Cyber electromagnetic (CEMA) missile defender		*[15,000]*
		High energy laser integration		*[10,000]*
		Program increase—kill chain automation		*[8,000]*
		Program increase—precision long range integrated strike		*[5,250]*
017	*0602180A*	*ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING TECHNOLOGIES*	*15,034*	*15,034*
018	*0602181A*	*ALL DOMAIN CONVERGENCE APPLIED RESEARCH*	*25,967*	*25,967*
019	*0602182A*	*C3I APPLIED RESEARCH*	*12,406*	*12,406*
020	*0602183A*	*AIR PLATFORM APPLIED RESEARCH*	*6,597*	*16,597*
		High density eVTOL power source		*[10,000]*
021	*0602184A*	*SOLDIER APPLIED RESEARCH*	*11,064*	*11,064*
022	*0602213A*	*C3I APPLIED CYBER*	*12,123*	*12,123*
023	*0602386A*	*BIOTECHNOLOGY FOR MATERIALS—APPLIED RESEARCH*	*20,643*	*20,643*
024	*0602785A*	*MANPOWER/PERSONNEL/TRAINING TECHNOLOGY*	*18,701*	*18,701*
025	*0602787A*	*MEDICAL TECHNOLOGY*	*91,720*	*95,720*
		CPF—human performance optimization (HPO) center		*[2,000]*
		CPF—suicide prevention with focus on rural, remote, isolated, and OCONUS locations		*[2,000]*
		SUBTOTAL APPLIED RESEARCH	***914,288***	***1,100,838***
		ADVANCED TECHNOLOGY DEVELOPMENT		
026	*0603002A*	*MEDICAL ADVANCED TECHNOLOGY*	*43,804*	*43,804*
027	*0603007A*	*MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY*	*14,273*	*14,273*
028	*0603025A*	*ARMY AGILE INNOVATION AND DEMONSTRATION*	*22,231*	*22,231*
029	*0603040A*	*ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING ADVANCED TECHNOLOGIES*	*909*	*909*
030	*0603041A*	*ALL DOMAIN CONVERGENCE ADVANCED TECHNOLOGY*	*17,743*	*17,743*
031	*0603042A*	*C3I ADVANCED TECHNOLOGY*	*3,151*	*3,151*
032	*0603043A*	*AIR PLATFORM ADVANCED TECHNOLOGY*	*754*	*754*
033	*0603044A*	*SOLDIER ADVANCED TECHNOLOGY*	*890*	*890*
034	*0603115A*	*MEDICAL DEVELOPMENT*	*26,521*	*26,521*
035	*0603116A*	*LETHALITY ADVANCED TECHNOLOGY*	*8,066*	*8,066*
036	*0603117A*	*ARMY ADVANCED TECHNOLOGY DEVELOPMENT*	*76,815*	*76,815*
037	*0603118A*	*SOLDIER LETHALITY ADVANCED TECHNOLOGY*	*107,966*	*115,966*
		Program increase		*[8,000]*
038	*0603119A*	*GROUND ADVANCED TECHNOLOGY*	*23,403*	*68,403*
		Additive manufacturing capabilities for austere operating environments		*[14,000]*
		CPF—military operations in a permafrost environment		*[3,000]*
		Ground advanced technology—3D printed structures		*[2,000]*
		Polar research and testing		*[4,000]*

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Line	Program Element	Item	FY 2022 Request	Conference Authorized
		Program increase—3D printing of infrastructure		*[5,000]*
		Program increase—cold weather research		*[2,000]*
		Program increase—entry control points at installations		*[5,000]*
		Program increase—graphene applications for military engineering		*[2,000]*
		Program increase—rapid entry and sustainment for the arctic		*[8,000]*
039	*0603134A*	*COUNTER IMPROVISED-THREAT SIMULATION*	*24,747*	*24,747*
040	*0603386A*	*BIOTECHNOLOGY FOR MATERIALS—ADVANCED RESEARCH*	*53,736*	*53,736*
041	*0603457A*	*C3I CYBER ADVANCED DEVELOPMENT*	*31,426*	*31,426*
042	*0603461A*	*HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM*	*189,123*	*229,123*
		Program increase		*[40,000]*
043	*0603462A*	*NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY*	*164,951*	*179,951*
		Cyber and connected vehicle integration research		*[3,500]*
		Program increase—combat vehicle lithium 6T battery development		*[1,500]*
		Robotics development		*[5,000]*
		Vehicle cyber security research		*[5,000]*
044	*0603463A*	*NETWORK C3I ADVANCED TECHNOLOGY*	*155,867*	*161,867*
		C3I assured position, navigation, and timing technology		*[4,000]*
		Command post modernization		*[2,000]*
045	*0603464A*	*LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY*	*93,909*	*113,909*
		Missile effects planning tool development		*[10,000]*
		Project AG5		*[10,000]*
046	*0603465A*	*FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY*	*179,677*	*187,677*
		Program increase—20mm chaingun development for FLARA		*[8,000]*
047	*0603466A*	*AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY*	*48,826*	*68,826*
		Program increase—armored combat vehicle HEL integration		*[10,000]*
		Program increase—missile MENTOR		*[10,000]*
048	*0603920A*	*HUMANITARIAN DEMINING*	*8,649*	*8,649*
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	***1,297,437***	***1,459,437***
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
049	*0603305A*	*ARMY MISSILE DEFENSE SYSTEMS INTEGRATION*	*11,702*	*25,702*
		Electro-magnetic denial and protect		*[6,000]*
		PNT resiliency lab		*[8,000]*
050	*0603308A*	*ARMY SPACE SYSTEMS INTEGRATION*	*18,755*	*20,755*
		Program increase—multi-function and multi-mission payload		*[2,000]*
051	*0603327A*	*AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING*		*5,000*
		Program increase—machine learning for integrated fires		*[5,000]*
052	*0603619A*	*LANDMINE WARFARE AND BARRIER—ADV DEV*	*50,314*	*48,814*
		Test and evaluation excess		*[–1,500]*
053	*0603639A*	*TANK AND MEDIUM CALIBER AMMUNITION*	*79,873*	*77,373*
		Testing excess		*[–2,500]*
054	*0603645A*	*ARMORED SYSTEM MODERNIZATION—ADV DEV*	*170,590*	*166,590*
		Excess to need		*[–4,000]*
055	*0603747A*	*SOLDIER SUPPORT AND SURVIVABILITY*	*2,897*	*2,897*
056	*0603766A*	*TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV*	*113,365*	*113,365*
057	*0603774A*	*NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT*	*18,000*	*21,804*
		Soldier maneuver sensors adv dev lethality smart system—Army UPL		*[3,804]*
058	*0603779A*	*ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL*	*11,921*	*11,921*
059	*0603790A*	*NATO RESEARCH AND DEVELOPMENT*	*3,777*	*3,777*
060	*0603801A*	*AVIATION—ADV DEV*	*1,125,641*	*1,134,141*
		Excess to need		*[–24,500]*
		Program increase—FLRAA		*[33,000]*
061	*0603804A*	*LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV*	*7,055*	*7,055*
062	*0603807A*	*MEDICAL SYSTEMS—ADV DEV*	*22,071*	*22,071*
063	*0603827A*	*SOLDIER SYSTEMS—ADVANCED DEVELOPMENT*	*17,459*	*17,459*
064	*0604017A*	*ROBOTICS DEVELOPMENT*	*87,198*	*75,048*
		Excess carryover		*[–7,150]*
		Unjustified growth—other support costs		*[–5,000]*
065	*0604019A*	*EXPANDED MISSION AREA MISSILE (EMAM)*	*50,674*	*43,674*
		IFPC-HEL late contract award		*[–7,000]*
067	*0604035A*	*LOW EARTH ORBIT (LEO) SATELLITE CAPABILITY*	*19,638*	*19,638*
068	*0604036A*	*MULTI-DOMAIN SENSING SYSTEM (MDSS) ADV DEV*	*50,548*	*50,548*
069	*0604037A*	*TACTICAL INTEL TARGETING ACCESS NODE (TITAN) ADV DEV*	*28,347*	*28,347*
070	*0604100A*	*ANALYSIS OF ALTERNATIVES*	*10,091*	*10,091*
071	*0604101A*	*SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.4)*	*926*	*926*
072	*0604113A*	*FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS)*	*69,697*	*75,697*
		Army UFR—Acceleration of FTUAS		*[6,000]*
073	*0604114A*	*LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR*	*327,690*	*307,567*
		Long term power and support costs ahead of need		*[–20,123]*
074	*0604115A*	*TECHNOLOGY MATURATION INITIATIVES*	*270,124*	*180,324*
		Insufficient justification		*[–80,000]*
		Program decrease		*[–9,800]*
075	*0604117A*	*MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD)*	*39,376*	*39,376*
076	*0604119A*	*ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING*	*189,483*	*189,483*
077	*0604120A*	*ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)*	*96,679*	*96,679*
078	*0604121A*	*SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING*	*194,195*	*196,795*
		Prior-year carryover		*[–2,000]*
		Program increase—multi-sensor terrain data capture and processing		*[4,600]*
079	*0604134A*	*COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.*	*13,379*	*13,379*
080	*0604182A*	*HYPERSONICS*	*300,928*	*300,928*
081	*0604403A*	*FUTURE INTERCEPTOR*	*7,895*	*7,895*

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Line	Program Element	Item	FY 2022 Request	Conference Authorized
082	0604531A	COUNTER—SMALL UNMANNED AIRCRAFT SYSTEMS ADVANCED DEVELOPMENT	19,148	19,148
083	0604541A	UNIFIED NETWORK TRANSPORT	35,409	35,409
084	0604644A	MOBILE MEDIUM RANGE MISSILE	286,457	286,457
085	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	2,040	2,040
086	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	52,988	52,988
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**3,806,330**	**3,711,161**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
089	0604201A	AIRCRAFT AVIONICS	6,654	6,654
090	0604270A	ELECTRONIC WARFARE DEVELOPMENT	30,840	26,440
		Early to need		[–4,400]
091	0604601A	INFANTRY SUPPORT WEAPONS	67,873	72,873
		Program increase—turret gunner survivability and simulation environment		[5,000]
092	0604604A	MEDIUM TACTICAL VEHICLES	11,374	11,374
093	0604611A	JAVELIN	7,094	7,094
094	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	31,602	30,077
		Leader/follower test support ahead of need		[–1,525]
095	0604633A	AIR TRAFFIC CONTROL	4,405	4,405
096	0604642A	LIGHT TACTICAL WHEELED VEHICLES	2,055	7,655
		Army UFR—Electric light reconnaissance vehicle		[5,600]
097	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	137,256	135,506
		Government support excess		[–1,750]
098	0604710A	NIGHT VISION SYSTEMS—ENG DEV	62,690	112,690
		Transfer from Other Procurement, Army line 83		[50,000]
099	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	1,658	1,658
100	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	26,540	26,540
101	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	59,518	59,518
102	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	22,331	22,331
103	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,807	8,807
104	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	7,453	7,453
107	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	21,534	21,534
108	0604802A	WEAPONS AND MUNITIONS—ENG DEV	309,778	306,722
		C-DAEM overestimation		[–3,056]
109	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	59,261	52,261
		Excess carryover		[–7,000]
110	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	20,121	20,121
111	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV	44,424	44,424
112	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	14,137	9,137
		Insufficient justification		[–5,000]
113	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	162,704	162,704
114	0604820A	RADAR DEVELOPMENT	127,919	127,919
115	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	17,623	17,623
117	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	6,454	6,454
118	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD	106,354	127,354
		Army UFR—Active protection systems for Bradley and Stryker		[21,000]
120	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	122,168	120,168
		GFIM unjustified growth		[–2,000]
121	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	76,936	58,736
		Program decrease		[–18,200]
122	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	35,560	35,560
124	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	16,364	16,364
125	0605031A	JOINT TACTICAL NETWORK (JTN)	28,954	28,954
128	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	16,630	16,630
130	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECONNAISSANCE VEHICLE (NBCRV) SENSOR SUITE	7,618	7,618
131	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	18,892	13,892
		Cyber situational understanding reduction		[–5,000]
132	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	28,849	28,849
133	0605047A	CONTRACT WRITING SYSTEM	22,960	20,960
		Program reduction		[–2,000]
135	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	65,603	65,603
136	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	233,512	233,512
137	0605053A	GROUND ROBOTICS	18,241	18,241
138	0605054A	EMERGING TECHNOLOGY INITIATIVES	254,945	254,945
139	0605143A	BIOMETRICS ENABLING CAPABILITY (BEC)	4,326	4,326
140	0605144A	NEXT GENERATION LOAD DEVICE—MEDIUM	15,616	15,616
141	0605145A	MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT	962	962
142	0605148A	TACTICAL INTEL TARGETING ACCESS NODE (TITAN) EMD	54,972	54,972
143	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION	122,175	122,175
144	0605205A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.5)	2,275	2,275
145	0605224A	MULTI-DOMAIN INTELLIGENCE	9,313	9,313
146	0605225A	SIO CAPABILITY DEVELOPMENT	22,713	22,713
147	0605231A	PRECISION STRIKE MISSILE (PRSM)	188,452	188,452
148	0605232A	HYPERSONICS EMD	111,473	111,473
149	0605233A	ACCESSIONS INFORMATION ENVIRONMENT (AIE)	18,790	18,790
150	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	2,134	2,134
151	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	157,873	157,873
152	0605531A	COUNTER—SMALL UNMANNED AIRCRAFT SYSTEMS SYS DEV & DEMONSTRATION	33,386	33,386
153	0605625A	MANNED GROUND VEHICLE	225,106	203,106
		Excess carryover		[–10,000]
		Unjustified growth—other support costs		[–7,000]
		Unjustified growth—program management		[–5,000]
154	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	14,454	14,454

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155	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	2,564	2,564
156	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	1,201	1,201
157	0303032A	TROJAN—RH12	3,362	3,362
161	0304270A	ELECTRONIC WARFARE DEVELOPMENT	75,520	75,520
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**3,392,358**	**3,402,027**
		MANAGEMENT SUPPORT		
162	0604256A	THREAT SIMULATOR DEVELOPMENT	18,439	18,439
163	0604258A	TARGET SYSTEMS DEVELOPMENT	17,404	17,404
164	0604759A	MAJOR T&E INVESTMENT	68,139	68,139
165	0605103A	RAND ARROYO CENTER	33,126	33,126
166	0605301A	ARMY KWAJALEIN ATOLL	240,877	240,877
167	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	79,710	79,710
169	0605601A	ARMY TEST RANGES AND FACILITIES	354,227	354,227
170	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	49,253	49,253
171	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	36,389	36,389
172	0605606A	AIRCRAFT CERTIFICATION	2,489	2,489
173	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,689	6,689
174	0605706A	MATERIEL SYSTEMS ANALYSIS	21,558	21,558
175	0605709A	EXPLOITATION OF FOREIGN ITEMS	13,631	13,631
176	0605712A	SUPPORT OF OPERATIONAL TESTING	55,122	55,122
177	0605716A	ARMY EVALUATION CENTER	65,854	65,854
178	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	2,633	2,633
179	0605801A	PROGRAMWIDE ACTIVITIES	96,589	96,589
180	0605803A	TECHNICAL INFORMATION ACTIVITIES	26,808	26,808
181	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	43,042	48,042
		Program increase—polymer case ammunition		[5,000]
182	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	1,789	1,789
183	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA	52,108	52,108
185	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE	80,952	80,952
186	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	5,363	5,363
187	0606105A	MEDICAL PROGRAM-WIDE ACTIVITIES	39,041	39,041
188	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES	5,466	5,466
		SUBTOTAL MANAGEMENT SUPPORT	**1,416,698**	**1,421,698**
		OPERATIONAL SYSTEMS DEVELOPMENT		
		UNDISTRIBUTED		
190	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	12,314	12,314
191	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	8,868	8,868
192	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS	22,828	30,828
		Agile manufacturing for advanced armament systems		[8,000]
194	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	4,773	4,773
195	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	52,372	70,372
		CH–47 Chinook cargo on/off loading system		[8,000]
		Program increase—T55–714C acceleration		[10,000]
196	0607139A	IMPROVED TURBINE ENGINE PROGRAM	275,024	315,024
		Army improved turbine engine program		[40,000]
197	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT	12,417	12,417
198	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS	4,594	4,594
199	0607145A	APACHE FUTURE DEVELOPMENT	10,067	25,067
		Program increase		[15,000]
200	0607148A	AN/TPQ–53 COUNTERFIRE TARGET ACQUISITION RADAR SYSTEM	56,681	56,681
201	0607150A	INTEL CYBER DEVELOPMENT	3,611	12,471
		Army UFR—Cyber-Info Dominance Center		[8,860]
202	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	28,029	28,029
203	0607313A	ELECTRONIC WARFARE DEVELOPMENT	5,673	5,673
204	0607665A	FAMILY OF BIOMETRICS	1,178	1,178
205	0607865A	PATRIOT PRODUCT IMPROVEMENT	125,932	125,932
206	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCS)	25,547	25,547
207	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	211,523	276,523
		Program increase—Abrams modernization		[65,000]
208	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS	213,281	208,136
		Excess carryover		[–5,145]
210	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	132	132
211	0203758A	DIGITIZATION	3,936	3,936
212	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	127	127
213	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	10,265	10,265
214	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV	262	262
215	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	182	182
216	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	63,937	63,937
217	0208053A	JOINT TACTICAL GROUND SYSTEM	13,379	13,379
219	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	24,531	24,531
220	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	15,720	11,720
		Carryover		[–4,000]
221	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	52,739	61,739
		Army UFR—ERP convergence/modernization		[9,000]
222	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	15,247	15,247
226	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	5,430	5,430
227	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	8,410	8,410
228	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	24,460	24,460
233	0307665A	BIOMETRICS ENABLED INTELLIGENCE	2,066	2,066

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Line	Program Element	Item	FY 2022 Request	Conference Authorized
234	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	61,720	76,720
		Digital night vision cameras		[15,000]
		SUBTOTAL UNDISTRIBUTED		**169,715**
999	9999999999	CLASSIFIED PROGRAMS	2,993	2,993
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**1,380,248**	**1,549,963**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
237	0608041A	DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOPMENT	118,811	118,811
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**118,811**	**118,811**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**12,799,645**	**13,312,957**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	117,448	167,448
		Defense university research instrumentation program		[20,000]
		University research programs		[30,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH		23,399
		Program increase		[23,399]
003	0601153N	DEFENSE RESEARCH SCIENCES	484,421	489,406
		CPF—Digital twins for Navy maintenance		[1,985]
		Program increase		[3,000]
		SUBTOTAL BASIC RESEARCH	**601,869**	**680,253**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	23,013	31,013
		Program increase—multi-mission UAV-borne electronic attack		[8,000]
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	122,888	138,388
		Relative positioning of autonomous platforms		[3,000]
		Resilient Innovative Sustainable Economies via University Partnerships (RISE-UP)		[2,000]
		Talent and technology for Navy power and energy systems		[10,500]
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	51,112	58,612
		Program increase—unmanned logistics solutions		[7,500]
007	0602235N	COMMON PICTURE APPLIED RESEARCH	51,477	51,477
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	70,547	78,547
		Anti-corrosion nanotechnologies		[3,000]
		High mobility ground robots to assist dismounted infantry in urban operations		[5,000]
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	85,157	85,157
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	70,086	70,086
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,405	6,405
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	57,484	98,984
		Academic partnerships for undersea vehicle research and manufacturing		[16,500]
		Continuous distributed sensing systems		[4,000]
		CPF—connected AI for autonomous UUV systems		[5,000]
		CPF—persistent maritime surveillance		[5,000]
		Program increase—undersea warfare applied research ocean aero		[11,000]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	173,356	193,356
		Program increase—long endurance, autonomous mobile acoustic detection systems		[20,000]
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	32,160	32,160
015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH	152,976	152,976
016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACITIVITIES	79,254	79,254
		SUBTOTAL APPLIED RESEARCH	**975,915**	**1,076,415**
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	21,661	21,661
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	8,146	8,146
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	224,155	274,055
		Marine Corps UFR—Maritime Targeting Cell-Expeditionary		[5,300]
		Marine Corps UFR—Unmanned adversary technology investment		[10,000]
		Next generation logistics—autonomous littoral connector		[9,600]
		Program increase—low-cost atrittable aircraft technology		[25,000]
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	13,429	13,429
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT	265,299	265,299
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	57,236	57,236
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,935	4,935
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	47,167	47,167
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	1,981	1,981
026	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT	133,779	153,779
		Attritable group III ultra-long endurance unmanned aircraft for persistent ISR		[10,000]
		Program increase—railgun		[10,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**777,788**	**847,688**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
027	0603128N	UNMANNED AERIAL SYSTEM	16,879	16,879
028	0603178N	MEDIUM AND LARGE UNMANNED SURFACE VEHICLES (USVS)	144,846	102,846
		LUSV integrated combat system early to need		[–42,000]
029	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	27,849	27,849
030	0603216N	AVIATION SURVIVABILITY	16,815	16,815
031	0603239N	NAVAL CONSTRUCTION FORCES	5,290	5,290
033	0603254N	ASW SYSTEMS DEVELOPMENT	17,612	17,612
034	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,111	3,111
035	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	32,310	32,310

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Line	Program Element	Item	FY 2022 Request	Conference Authorized
036	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	58,013	58,013
037	0603506N	SURFACE SHIP TORPEDO DEFENSE	1,862	1,862
038	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,182	7,182
039	0603525N	PILOT FISH	408,087	408,087
040	0603527N	RETRACT LARCH	44,197	44,197
041	0603536N	RETRACT JUNIPER	144,541	144,541
042	0603542N	RADIOLOGICAL CONTROL	761	761
043	0603553N	SURFACE ASW	1,144	1,144
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	99,782	99,782
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	14,059	14,059
046	0603563N	SHIP CONCEPT ADVANCED DESIGN	111,590	111,590
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	106,957	106,957
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	203,572	203,572
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	78,122	78,122
050	0603576N	CHALK EAGLE	80,270	80,270
051	0603581N	LITTORAL COMBAT SHIP (LCS)	84,924	84,924
052	0603582N	COMBAT SYSTEM INTEGRATION	17,322	17,322
053	0603595N	OHIO REPLACEMENT	296,231	303,731
		Program increase—composites development		[7,500]
054	0603596N	LCS MISSION MODULES	75,995	75,995
055	0603597N	AUTOMATED TEST AND RE-TEST (ATRT)	7,805	7,805
056	0603599N	FRIGATE DEVELOPMENT	109,459	109,459
057	0603609N	CONVENTIONAL MUNITIONS	7,296	7,296
058	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	77,065	67,707
		Armored reconnaissance vehicle GFE excess to need		[–4,400]
		Armored reconnaissance vehicle testing early to need		[–4,958]
059	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	34,785	34,785
060	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	8,774	8,774
061	0603721N	ENVIRONMENTAL PROTECTION	20,677	20,677
062	0603724N	NAVY ENERGY PROGRAM	33,824	43,824
		AR3P auto refueling system		[10,000]
063	0603725N	FACILITIES IMPROVEMENT	6,327	6,327
064	0603734N	CHALK CORAL	579,389	579,389
065	0603739N	NAVY LOGISTIC PRODUCTIVITY	669	669
066	0603746N	RETRACT MAPLE	295,295	295,295
067	0603748N	LINK PLUMERIA	692,280	692,280
068	0603751N	RETRACT ELM	83,904	83,904
069	0603764M	LINK EVERGREEN	221,253	264,453
		Marine Corps UFR—Additional development		[43,200]
071	0603790N	NATO RESEARCH AND DEVELOPMENT	5,805	5,805
072	0603795N	LAND ATTACK TECHNOLOGY	4,017	4,017
073	0603851M	JOINT NON-LETHAL WEAPONS TESTING	29,589	29,589
074	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	24,450	24,450
075	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	81,803	81,803
076	0604014N	F/A –18 INFRARED SEARCH AND TRACK (IRST)	48,793	48,793
077	0604027N	DIGITAL WARFARE OFFICE	46,769	55,752
		Navy UFR—Accelerate Naval Tactical Grid Development for Joint All-Domain Command and Control (JADC2).		[8,983]
078	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES	84,676	84,676
079	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES	59,299	59,299
081	0604031N	LARGE UNMANNED UNDERSEA VEHICLES	88,063	81,407
		Contract award excess to need		[–6,656]
082	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80)	121,509	121,509
083	0604126N	LITTORAL AIRBORNE MCM	18,669	15,187
		COBRA Block II early to need		[–3,482]
084	0604127N	SURFACE MINE COUNTERMEASURES	13,655	13,655
085	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	33,246	33,246
086	0604289M	NEXT GENERATION LOGISTICS	1,071	1,071
087	0604292N	FUTURE VERTICAL LIFT (MARITIME STRIKE)	9,825	9,825
088	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	6,555	6,555
089	0604454N	LX (R)	3,344	3,344
090	0604536N	ADVANCED UNDERSEA PROTOTYPING	58,473	51,283
		Test and evaluation excess to need		[–7,190]
091	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS)	5,529	5,529
092	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	97,944	97,944
093	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT	9,340	9,340
094	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT	127,756	104,756
		Project 3343 lack of program justification		[–23,000]
095	0605512N	MEDIUM UNMANNED SURFACE VEHICLES (MUSVS))	60,028	60,028
096	0605513N	UNMANNED SURFACE VEHICLE ENABLING CAPABILITIES	170,838	123,838
		USV machinery qualification insufficient justification		[–47,000]
097	0605514M	GROUND BASED ANTI-SHIP MISSILE (MARFORRES)	102,716	102,716
098	0605516M	LONG RANGE FIRES (MARFORRES)	88,479	88,479
099	0605518N	CONVENTIONAL PROMPT STRIKE (CPS)	1,372,340	1,498,340
		Navy UFR—Additional CPS development		[126,000]
100	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	8,571	8,571
101	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM	16,204	23,204
		Program increase—K-max unmanned logistics system		[7,000]
102	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	506	506
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**7,077,987**	**7,141,984**
		SYSTEM DEVELOPMENT & DEMONSTRATION		

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103	0603208N	TRAINING SYSTEM AIRCRAFT	5,864	5,864
104	0604212N	OTHER HELO DEVELOPMENT	56,444	49,312
		Attack and utility replacement aircraft excess studies and analysis		[–7,132]
105	0604214M	AV–8B AIRCRAFT—ENG DEV	10,146	10,146
106	0604215N	STANDARDS DEVELOPMENT	4,082	4,082
107	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	46,418	54,418
		Program increase—MH–60 modernization		[8,000]
108	0604221N	P–3 MODERNIZATION PROGRAM	579	579
109	0604230N	WARFARE SUPPORT SYSTEM	10,167	10,167
110	0604231N	COMMAND AND CONTROL SYSTEMS	122,913	122,913
111	0604234N	ADVANCED HAWKEYE	386,860	386,860
112	0604245M	H–1 UPGRADES	50,158	50,158
113	0604261N	ACOUSTIC SEARCH SENSORS	46,066	46,066
114	0604262N	V–22A	107,984	107,984
115	0604264N	AIR CREW SYSTEMS DEVELOPMENT	22,746	22,746
116	0604269N	EA–18	68,425	68,425
117	0604270N	ELECTRONIC WARFARE DEVELOPMENT	139,535	136,593
		Dual band decoy previously funded		[–2,942]
118	0604273M	EXECUTIVE HELO DEVELOPMENT	45,932	45,932
119	0604274N	NEXT GENERATION JAMMER (NGJ)	243,923	235,423
		Test and evaluation delays		[–8,500]
120	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	234,434	243,417
		Navy tactical grid development for JADC2		[8,983]
121	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	248,096	230,100
		Contract delays		[–17,996]
122	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	371,575	371,575
123	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	904	904
124	0604329N	SMALL DIAMETER BOMB (SDB)	46,769	46,769
125	0604366N	STANDARD MISSILE IMPROVEMENTS	343,511	343,511
126	0604373N	AIRBORNE MCM	10,881	10,881
127	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	46,121	52,621
		Program increase—stratospheric balloons		[6,500]
128	0604419N	ADVANCED SENSORS APPLICATION PROGRAM (ASAP)		15,000
		Program increase		[15,000]
129	0604501N	ADVANCED ABOVE WATER SENSORS	77,852	77,852
130	0604503N	SSN–688 AND TRIDENT MODERNIZATION	95,693	95,693
131	0604504N	AIR CONTROL	27,499	27,499
132	0604512N	SHIPBOARD AVIATION SYSTEMS	8,924	8,924
133	0604518N	COMBAT INFORMATION CENTER CONVERSION	11,631	11,631
134	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	96,556	96,556
135	0604530N	ADVANCED ARRESTING GEAR (AAG)	147	147
136	0604558N	NEW DESIGN SSN	503,252	603,252
		SSN Block VI design and advanced capabilities		[100,000]
137	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	62,115	62,115
138	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	54,829	54,829
139	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,290	4,290
140	0604601N	MINE DEVELOPMENT	76,027	65,646
		Encapsulated effector contract delays		[–10,381]
141	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	94,386	94,386
142	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	8,348	8,348
143	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—ENG DEV	42,144	42,144
144	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	7,375	7,375
146	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	149,433	149,433
147	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	87,862	84,488
		Project 0173 MK9 CWTI replacement delay		[–3,374]
148	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	69,006	69,006
149	0604761N	INTELLIGENCE ENGINEERING	20,684	20,684
150	0604771N	MEDICAL DEVELOPMENT	3,967	11,467
		Program increase—autonomous aerial technology for distributed logistics		[7,500]
151	0604777N	NAVIGATION/ID SYSTEM	48,837	48,837
152	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	577	577
153	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	262	262
154	0604850N	SSN(X)	29,829	29,829
155	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	11,277	11,277
156	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	243,828	239,892
		Contract writing systems reduction		[–3,936]
157	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	8,426	8,426
158	0605180N	TACAMO MODERNIZATION	150,592	90,472
		Unjustified air vehicle acquisition strategy		[–60,120]
159	0605212M	CH–53K RDTE	256,903	256,903
160	0605215N	MISSION PLANNING	88,128	88,128
161	0605217N	COMMON AVIONICS	60,117	92,017
		Marine Corps UFR—MANGL Digital Interoperability		[31,900]
162	0605220N	SHIP TO SHORE CONNECTOR (SSC)	6,320	6,320
163	0605327N	T-AO 205 CLASS	4,336	4,336
164	0605414N	UNMANNED CARRIER AVIATION (UCA)	268,937	268,937
165	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	356	356
166	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	27,279	27,279
167	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	173,784	173,784
168	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION	80,709	80,709
169	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION	2,005	2,005
170	0204202N	DDG–1000	112,576	112,576

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174	0304785N	ISR & INFO OPERATIONS	136,140	133,781
		Program decrease		[–2,359]
175	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	26,318	26,318
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**5,910,089**	**5,971,232**
		MANAGEMENT SUPPORT		
176	0604256N	THREAT SIMULATOR DEVELOPMENT	20,862	20,862
177	0604258N	TARGET SYSTEMS DEVELOPMENT	12,113	12,113
178	0604759N	MAJOR T&E INVESTMENT	84,617	84,617
179	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,108	3,108
180	0605154N	CENTER FOR NAVAL ANALYSES	38,590	38,590
183	0605804N	TECHNICAL INFORMATION SERVICES	934	934
184	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	93,966	93,966
185	0605856N	STRATEGIC TECHNICAL SUPPORT	3,538	3,538
186	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	135,149	135,149
187	0605864N	TEST AND EVALUATION SUPPORT	429,277	429,277
188	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	24,872	24,872
189	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	17,653	17,653
190	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,065	8,065
191	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	47,042	44,042
		Wargaming capability project restructured		[–3,000]
192	0605898N	MANAGEMENT HQ—R&D	35,614	35,614
193	0606355N	WARFARE INNOVATION MANAGEMENT	38,958	38,958
194	0305327N	INSIDER THREAT	2,581	2,581
195	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES)	1,747	1,747
		SUBTOTAL MANAGEMENT SUPPORT	**998,686**	**995,686**
		OPERATIONAL SYSTEMS DEVELOPMENT		
199	0604840M	F–35 C2D2	515,746	515,746
200	0604840N	F–35 C2D2	481,962	481,962
201	0605520M	MARINE CORPS AIR DEFENSE WEAPONS SYSTEMS (MARFORRES)	65,381	65,381
202	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	176,486	176,486
203	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	177,098	198,998
		D5LE2 integration and test early to need		[–2,100]
		Next generation strategic inertial measurement unit		[9,000]
		Strategic weapons system shipboard navigation modernization		[15,000]
204	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	45,775	45,775
205	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	64,752	64,752
206	0101402N	NAVY STRATEGIC COMMUNICATIONS	35,451	35,451
207	0204136N	F/A–18 SQUADRONS	189,224	196,224
		Program increase—neural network algorithms on advanced processors		[3,000]
		Program increase—noise reduction research		[4,000]
208	0204228N	SURFACE SUPPORT	13,733	13,733
209	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	132,181	132,181
210	0204311N	INTEGRATED SURVEILLANCE SYSTEM	84,276	84,276
211	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	6,261	6,261
212	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	1,657	1,657
213	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	21,367	68,367
		Marine Corps UFR—Air traffic control Block IV development		[23,000]
		Marine Corps UFR—Radar signal processor refresh		[12,000]
		Marine Corps UFR—Software mods to implement NIFC		[12,000]
214	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	56,741	56,741
215	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	62,006	62,006
216	0205601N	ANTI-RADIATION MISSILE IMPROVEMENT	133,520	125,823
		Program decrease		[–7,697]
217	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	28,804	28,804
218	0205632N	MK–48 ADCAP	114,492	114,492
219	0205633N	AVIATION IMPROVEMENTS	132,486	132,486
220	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	113,760	113,760
221	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	89,897	92,697
		Compact solid state antenna—USMC UPL		[2,800]
222	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S)	9,324	12,824
		Marine Corps UFR—Software development for NIFC integration		[3,500]
223	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	108,235	108,235
224	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	13,185	13,185
225	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	37,695	44,295
		Marine Corps UFR—G-BOSS High Definition modernization		[3,700]
		Marine Corps UFR—SCINet transition		[2,900]
226	0206629M	AMPHIBIOUS ASSAULT VEHICLE	7,551	7,551
227	0207161N	TACTICAL AIM MISSILES	23,881	23,881
228	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	32,564	32,564
229	0208043N	PLANNING AND DECISION AID SYSTEM (PDAS)	3,101	3,101
234	0303138N	AFLOAT NETWORKS	30,890	35,690
		Navy UFR—Accelerate Naval Tactical Grid Development for Joint All-Domain Command and Control (JADC2).		[4,800]
235	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	33,311	33,311
236	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	7,514	7,514
237	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,837	9,837
238	0305205N	UAS INTEGRATION AND INTEROPERABILITY	9,797	9,797
239	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	38,800	38,800
240	0305220N	MQ–4C TRITON	13,029	13,029
241	0305231N	MQ–8 UAV	26,543	26,543

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242	0305232M	RQ–11 UAV	533	533
243	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	1,772	1,772
245	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	59,252	59,252
246	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	9,274	9,274
247	0305251N	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	36,378	36,378
248	0305421N	RQ–4 MODERNIZATION	134,323	134,323
249	0307577N	INTELLIGENCE MISSION DATA (IMD)	907	907
250	0308601N	MODELING AND SIMULATION SUPPORT	9,772	9,772
251	0702207N	DEPOT MAINTENANCE (NON-IF)	36,880	41,880
		CPF—defense industrial skills and technology training		[5,000]
252	0708730N	MARITIME TECHNOLOGY (MARITECH)	3,329	3,329
999	9999999999	CLASSIFIED PROGRAMS	1,872,586	1,872,586
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**5,313,319**	**5,404,222**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
		UNDISTRIBUTED		
254	0608013N	RISK MANAGEMENT INFORMATION—SOFTWARE PILOT PROGRAM	13,703	13,703
255	0608113N	NAVY NEXT GENERATION ENTERPRISE NETWORK (NGEN)—SOFTWARE PILOT PROGRAM	955,151	955,151
256	0608231N	MARITIME TACTICAL COMMAND AND CONTROL (MTC2)—SOFTWARE PILOT PROGRAM	14,855	14,855
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**983,709**	**983,709**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**22,639,362**	**23,101,189**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	328,303	347,823
		Program increase—basic research		[19,520]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	162,403	193,903
		CPF—neural-enabled prosthetics		[1,500]
		University research programs		[30,000]
		SUBTOTAL BASIC RESEARCH	**490,706**	**541,726**
		APPLIED RESEARCH		
004	0602020F	FUTURE AF CAPABILITIES APPLIED RESEARCH	79,901	79,901
005	0602102F	MATERIALS	113,460	145,460
		Continuous composites 3D printing		[7,000]
		CPF—affordable multifunctional aerospace composites		[10,000]
		Digital maintenance advisor		[5,000]
		High energy synchrotron x-ray research		[5,000]
		Maturation of carbon/carbon thermal protection systems		[5,000]
006	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	163,032	170,532
		Ground test and development of hypersonic engines		[5,000]
		Nano-UAS for the military warfighter		[2,500]
007	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	136,273	136,273
008	0602203F	AEROSPACE PROPULSION	174,683	181,683
		Low-cost small turbine engine research		[7,000]
009	0602204F	AEROSPACE SENSORS	198,918	461,918
		Chip-locking microelectronics security		[6,000]
		Cyber assurance and assessment of electronic hardware systems		[7,000]
		Microelectronics research network		[250,000]
011	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT— MAJOR HEADQUARTERS ACTIVITIES	8,891	8,891
012	0602602F	CONVENTIONAL MUNITIONS	151,757	151,757
013	0602605F	DIRECTED ENERGY TECHNOLOGY	111,052	113,552
		CPF—directed energy research and education for workforce development		[2,500]
014	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	169,110	181,110
		CPF—assessment of a national laboratory for transformational computing		[2,000]
		Program increase—quantum network testbed		[10,000]
		SUBTOTAL APPLIED RESEARCH	**1,307,077**	**1,631,077**
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603032F	FUTURE AF INTEGRATED TECHNOLOGY DEMOS	131,643	187,643
		Procure Valkyrie aircraft		[75,000]
		Program reduction		[–19,000]
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	31,905	41,905
		Metals affordability research		[10,000]
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	21,057	21,057
020	0603203F	ADVANCED AEROSPACE SENSORS	45,464	54,764
		Authorization software for autonomous sensors		[9,300]
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	70,486	85,486
		Enhanced capability hypersonic airbreathing testbed		[15,000]
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	75,273	159,773
		CPF—development of advanced propulsion technologies for hypersonic systems		[5,000]
		Ground testing of reusable high mach turbine engines		[20,000]
		Next generation UAS propulsion development		[30,000]
		Reusable high mach turbine engine		[29,500]
023	0603270F	ELECTRONIC COMBAT TECHNOLOGY	46,591	46,591
026	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	24,589	24,589
027	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	157,423	157,423
028	0603605F	ADVANCED WEAPONS TECHNOLOGY	28,258	33,258
		Program increase—LIDAR CUAS automated target recognition		[5,000]
029	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	45,259	157,259
		Aerospace and defense supply ecosystem		[6,000]

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Line	Program Element	Item	FY 2022 Request	Conference Authorized
		CPF—additive manufacturing and ultra-high performance concrete		[5,000]
		Program increase		[70,000]
		Smart manufacturing digital thread initiative		[10,000]
		Sustainment and modernization research and development program		[7,000]
		Universal robotic controller		[6,000]
		Virtual, augmented, and mixed reality readiness		[8,000]
030	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	56,772	56,772
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**734,720**	**1,026,520**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
031	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,795	5,795
032	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	21,939	21,939
033	0603790F	NATO RESEARCH AND DEVELOPMENT	4,114	4,114
034	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	49,621	49,621
036	0604001F	NC3 ADVANCED CONCEPTS	6,900	6,900
037	0604002F	AIR FORCE WEATHER SERVICES RESEARCH	986	986
038	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS)	203,849	203,849
039	0604004F	ADVANCED ENGINE DEVELOPMENT	123,712	380,712
		Program increase—AETP		[257,000]
040	0604006F	ARCHITECTURE INITIATIVES	82,438	128,438
		Acceleration of tactical datalink waveform		[80,000]
		Program decrease		[–34,000]
041	0604015F	LONG RANGE STRIKE—BOMBER	2,872,624	2,872,624
042	0604032F	DIRECTED ENERGY PROTOTYPING	10,820	10,820
043	0604033F	HYPERSONICS PROTOTYPING	438,378	438,378
044	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	39,742	39,742
045	0604257F	ADVANCED TECHNOLOGY AND SENSORS	23,745	23,745
046	0604288F	SURVIVABLE AIRBORNE OPERATIONS CENTER	95,788	95,788
047	0604317F	TECHNOLOGY TRANSFER	15,768	23,268
		Program increase—academic partnership intermediary agreement tech transfer		[7,500]
048	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	15,886	15,886
049	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	71,229	71,229
050	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	40,103	40,103
051	0604858F	TECH TRANSITION PROGRAM	343,545	442,545
		Blended wing body prototype phase 1		[15,000]
		C–17 active winglets phase 1		[2,000]
		KC–135 winglets		[2,000]
		NORTHCOM UFR—Proliferated low earth orbit Arctic communications		[80,000]
052	0605230F	GROUND BASED STRATEGIC DETERRENT	2,553,541	2,553,541
054	0207110F	NEXT GENERATION AIR DOMINANCE	1,524,667	1,524,667
055	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)		50,000
		Build command and control framework		[50,000]
056	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	10,905	10,905
057	0208030F	WAR RESERVE MATERIEL—AMMUNITION	3,943	3,943
059	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	43,881	43,881
061	0305601F	MISSION PARTNER ENVIRONMENTS	16,420	16,420
062	0306250F	CYBER OPERATIONS TECHNOLOGY SUPPORT	242,499	282,499
		Coordination with private sector to protect against foreign malicious cyber actors		[15,000]
		CYBERCOM UFR enhanced attribution transition		[25,000]
063	0306415F	ENABLED CYBER ACTIVITIES	16,578	16,578
066	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	20,343	20,343
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**8,899,759**	**9,399,259**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
078	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS	23,499	23,499
079	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	167,520	167,520
080	0604222F	NUCLEAR WEAPONS SUPPORT	30,050	30,050
081	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,110	2,110
082	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	169,836	169,836
083	0604287F	PHYSICAL SECURITY EQUIPMENT	8,469	8,469
085	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,047	9,047
086	0604604F	SUBMUNITIONS	2,954	2,954
087	0604617F	AGILE COMBAT SUPPORT	16,603	16,603
089	0604706F	LIFE SUPPORT SYSTEMS	25,437	25,437
090	0604735F	COMBAT TRAINING RANGES	23,980	34,180
		Air Force combat training ranges		[7,200]
		Gulf test range improvement		[3,000]
092	0604932F	LONG RANGE STANDOFF WEAPON	609,042	609,042
093	0604933F	ICBM FUZE MODERNIZATION	129,709	129,709
095	0605056F	OPEN ARCHITECTURE MANAGEMENT	37,109	37,109
096	0605221F	KC–46	1	1
097	0605223F	ADVANCED PILOT TRAINING	188,898	188,898
098	0605229F	HH–60W	66,355	30,506
		Early to need—capability upgrades and modernization		[–35,849]
101	0207171F	F–15 EPAWSS	112,012	112,012
102	0207328F	STAND IN ATTACK WEAPON	166,570	166,570
103	0207701F	FULL COMBAT MISSION TRAINING	7,064	12,064
		Program increase—airborne augmented reality for pilot training		[5,000]
105	0401221F	KC–46A TANKER SQUADRONS	73,459	67,459
		Underexecution		[–6,000]
107	0401319F	VC–25B	680,665	655,665
		Early to need		[–25,000]

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108	0701212F	AUTOMATED TEST SYSTEMS	15,445	15,445
109	0804772F	TRAINING DEVELOPMENTS	4,482	4,482
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**2,570,316**	**2,518,667**
		MANAGEMENT SUPPORT		
124	0604256F	THREAT SIMULATOR DEVELOPMENT	41,909	41,909
125	0604759F	MAJOR T&E INVESTMENT	130,766	130,766
126	0605101F	RAND PROJECT AIR FORCE	36,017	36,017
128	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	12,582	12,582
129	0605807F	TEST AND EVALUATION SUPPORT	811,032	811,032
131	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS	243,796	243,796
132	0605828F	ACQ WORKFORCE- GLOBAL REACH	435,930	435,930
133	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS	435,274	435,274
135	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	243,806	243,806
136	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY	103,041	103,041
137	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	226,055	226,055
138	0605898F	MANAGEMENT HQ—R&D	4,079	4,079
139	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT	70,788	70,788
140	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	30,057	30,057
141	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	85,799	80,799
		Program decrease		[–5,000]
142	0606398F	MANAGEMENT HQ—T&E	6,163	6,163
143	0303166F	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	537	537
144	0303255F	COMMAND, CONTROL, COMMUNICATION, AND COMPUTERS (C4)—STRATCOM	25,340	35,340
		Program increase—NC3 rapid engineering architecture collaboration hub		[10,000]
145	0308602F	ENTERPRISE INFORMATION SERVICES (EIS)	28,720	28,720
146	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	37,211	37,211
147	0804731F	GENERAL SKILL TRAINING	1,506	1,506
148	0804772F	TRAINING DEVELOPMENTS	2,957	2,957
150	1001004F	INTERNATIONAL ACTIVITIES	2,420	2,420
156	1206864F	SPACE TEST PROGRAM (STP)	3	3
		SUBTOTAL MANAGEMENT SUPPORT	**3,015,788**	**3,020,788**
		OPERATIONAL SYSTEMS DEVELOPMENT		
157	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	5,509	5,509
158	0604445F	WIDE AREA SURVEILLANCE	2,760	2,760
160	0604840F	F–35 C2D2	985,404	985,404
161	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	22,010	22,010
162	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	51,492	51,492
163	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	71,391	71,391
164	0605278F	HC/MC–130 RECAP RDT&E	46,796	46,796
165	0606018F	NC3 INTEGRATION	26,532	26,532
167	0101113F	B–52 SQUADRONS	715,811	660,811
		CERP rapid prototyping materiel contract delay		[–55,000]
168	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	453	453
169	0101126F	B–1B SQUADRONS	29,127	29,127
170	0101127F	B–2 SQUADRONS	144,047	144,047
171	0101213F	MINUTEMAN SQUADRONS	113,622	113,622
172	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	15,202	15,202
174	0101328F	ICBM REENTRY VEHICLES	96,313	96,313
176	0102110F	UH–1N REPLACEMENT PROGRAM	16,132	16,132
177	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	771	771
178	0102412F	NORTH WARNING SYSTEM (NWS)	99	25,199
		NORTHCOM UFR—Over the horizon radar		[25,100]
179	0102417F	OVER-THE-HORIZON BACKSCATTER RADAR	42,300	42,300
180	0202834F	VEHICLES AND SUPPORT EQUIPMENT—GENERAL	5,889	5,889
181	0205219F	MQ–9 UAV	85,135	84,121
		Early to need—program protection technology insertion		[–1,014]
182	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	3,111	3,111
183	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	36,607	36,607
184	0207131F	A–10 SQUADRONS	39,224	39,224
185	0207133F	F–16 SQUADRONS	224,573	224,573
186	0207134F	F–15E SQUADRONS	239,616	239,616
187	0207136F	MANNED DESTRUCTIVE SUPPRESSION	15,855	15,855
188	0207138F	F–22A SQUADRONS	647,296	647,296
189	0207142F	F–35 SQUADRONS	69,365	69,365
190	0207146F	F–15EX	118,126	118,126
191	0207161F	TACTICAL AIM MISSILES	32,974	32,974
192	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	51,288	51,288
193	0207227F	COMBAT RESCUE—PARARESCUE	852	852
194	0207247F	AF TENCAP	23,685	23,685
195	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	12,083	12,083
196	0207253F	COMPASS CALL	91,266	91,266
197	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	103,715	103,715
198	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	117,325	117,325
199	0207327F	SMALL DIAMETER BOMB (SDB)	27,109	27,109
200	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	3	3
201	0207412F	CONTROL AND REPORTING CENTER (CRC)	9,875	9,875
202	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	171,014	171,014
203	0207418F	AFSPECWAR—TACP	4,598	4,598
205	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	21,863	21,863
206	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	7,905	7,905

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207	0207439F	ELECTRONIC WARFARE INTEGRATED REPROGRAMMING (EWIR)	15,000	15,000
208	0207444F	TACTICAL AIR CONTROL PARTY-MOD	13,081	13,081
209	0207452F	DCAPES	4,305	4,305
210	0207521F	AIR FORCE CALIBRATION PROGRAMS	1,984	1,984
211	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	7,392	7,392
212	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	1,971	1,971
213	0207590F	SEEK EAGLE	30,539	30,539
214	0207601F	USAF MODELING AND SIMULATION	17,110	17,110
215	0207605F	WARGAMING AND SIMULATION CENTERS	7,535	7,535
216	0207610F	BATTLEFIELD ABN COMM NODE (BACN)	32,008	32,008
217	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,007	4,007
218	0208006F	MISSION PLANNING SYSTEMS	92,557	92,557
219	0208007F	TACTICAL DECEPTION	489	489
220	0208064F	OPERATIONAL HQ—CYBER	2,115	2,115
221	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	72,487	72,487
222	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	18,449	18,449
223	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	79,079	79,079
224	0208099F	UNIFIED PLATFORM (UP)	101,893	101,893
228	0208288F	INTEL DATA APPLICATIONS	493	493
229	0301025F	GEOBASE	2,782	2,782
231	0301113F	CYBER SECURITY INTELLIGENCE SUPPORT	5,224	5,224
238	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS	2,463	2,463
239	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	26,331	26,331
240	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	58,165	58,165
242	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	8,032	8,032
243	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	452	452
244	0303248F	ALL DOMAIN COMMON PLATFORM	64,000	64,000
246	0304260F	AIRBORNE SIGINT ENTERPRISE	97,546	93,546
		Excess carryover—special projects		[–4,000]
247	0304310F	COMMERCIAL ECONOMIC ANALYSIS	3,770	8,770
		CPF—mobilizing civilian expertise for national security education on geo-economics, and innovation in the era of great power competition.		[5,000]
251	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY	1,663	1,663
252	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD)	18,888	15,888
		Excess to need		[–3,000]
253	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,672	4,672
254	0305103F	CYBER SECURITY INITIATIVE	290	290
255	0305111F	WEATHER SERVICE	26,228	36,228
		Program increase—commercial weather data pilot		[10,000]
256	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	8,749	8,749
257	0305116F	AERIAL TARGETS	1,528	126,528
		Unmanned adversary air platforms		[125,000]
260	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	223	223
262	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	8,733	8,733
264	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	21,335	21,335
265	0305202F	DRAGON U–2	17,146	35,846
		Air Force UFR—Antenna replacement		[18,700]
267	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	71,791	151,291
		Air Force UFR—ASARS processor and antenna development		[67,000]
		Program increase—wide area motion imagery		[12,500]
268	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,799	14,799
269	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	24,568	24,568
270	0305220F	RQ–4 UAV	83,124	83,124
271	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	17,224	17,224
272	0305238F	NATO AGS	19,473	19,473
273	0305240F	SUPPORT TO DCGS ENTERPRISE	40,421	40,421
274	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	14,473	14,473
275	0305881F	RAPID CYBER ACQUISITION	4,326	4,326
276	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2)	2,567	2,567
277	0307577F	INTELLIGENCE MISSION DATA (IMD)	6,169	6,169
278	0401115F	C–130 AIRLIFT SQUADRON	9,752	9,752
279	0401119F	C–5 AIRLIFT SQUADRONS (IF)	17,507	17,507
280	0401130F	C–17 AIRCRAFT (IF)	16,360	16,360
281	0401132F	C–130J PROGRAM	14,112	14,112
282	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,540	5,540
283	0401218F	KC–135S	3,564	3,564
285	0401318F	CV–22	17,189	17,189
286	0408011F	SPECIAL TACTICS / COMBAT CONTROL	6,640	6,640
288	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	26,921	26,921
289	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	7,071	7,071
291	0804743F	OTHER FLIGHT TRAINING	1,999	1,999
293	0901202F	JOINT PERSONNEL RECOVERY AGENCY	1,841	1,841
294	0901218F	CIVILIAN COMPENSATION PROGRAM	3,560	3,560
295	0901220F	PERSONNEL ADMINISTRATION	3,368	3,368
296	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,248	1,248
297	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	4,852	4,852
301	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	6,737	6,737
999	9999999999	CLASSIFIED PROGRAMS	15,868,973	15,868,973
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**21,743,006**	**21,943,292**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
317	0608158F	STRATEGIC MISSION PLANNING AND EXECUTION SYSTEM—SOFTWARE PILOT PROGRAM	96,100	96,100

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318	0608410F	AIR & SPACE OPERATIONS CENTER (AOC)—SOFTWARE PILOT PROGRAM	186,918	186,918
319	0608920F	DEFENSE ENTERPRISE ACCOUNTING AND MANAGEMENT SYSTEM (DEAMS)—SOFTWARE PILOT PRO.	135,263	135,263
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**418,281**	**418,281**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**39,179,653**	**40,499,610**
		RDTE, SPACE FORCE		
		APPLIED RESEARCH		
001	1206601SF	SPACE TECHNOLOGY	181,209	201,709
		Battery cycle life improvements		[3,000]
		Program increase—hybrid space architecture		[5,000]
		Program increase—radiation hardened microprocessor		[5,000]
		Program increase—university consortia for space technology		[7,500]
		SUBTOTAL APPLIED RESEARCH	**181,209**	**201,709**
		ADVANCED TECHNOLOGY DEVELOPMENT		
002	1206616SF	SPACE ADVANCED TECHNOLOGY DEVELOPMENT/DEMO	75,919	136,919
		Space Force UFR—accelerate cislunar flight experiment		[61,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**75,919**	**136,919**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
003	1203164SF	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	434,194	434,194
004	1203710SF	EO/IR WEATHER SYSTEMS	162,274	162,274
005	1203905SF	SPACE SYSTEM SUPPORT	37,000	37,000
006	1206422SF	WEATHER SYSTEM FOLLOW-ON	61,521	61,521
007	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	123,262	130,262
		Space Force UFR—Maui optical site		[7,000]
008	1206427SF	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	101,851	129,851
		Space Force UFR—Expand Blackjack radio frequency payloads		[28,000]
009	1206438SF	SPACE CONTROL TECHNOLOGY	32,931	32,931
010	1206730SF	SPACE SECURITY AND DEFENSE PROGRAM	56,546	71,546
		Program increase		[15,000]
011	1206760SF	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES)	100,320	100,320
012	1206761SF	PROTECTED TACTICAL SERVICE (PTS)	243,285	243,285
013	1206855SF	EVOLVED STRATEGIC SATCOM (ESS)	160,056	160,056
014	1206857SF	SPACE RAPID CAPABILITIES OFFICE	66,193	66,193
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**1,579,433**	**1,629,433**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
015	1203269SF	GPS III FOLLOW-ON (GPS IIIF)	264,265	264,265
016	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	56,279	56,279
017	1206421SF	COUNTERSPACE SYSTEMS	38,063	38,063
018	1206422SF	WEATHER SYSTEM FOLLOW-ON	1,438	1,438
019	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	127,026	136,026
		Space Force UFR—Add space domain rapid innovation pathfinders		[9,000]
020	1206431SF	ADVANCED EHF MILSATCOM (SPACE)	28,218	28,218
021	1206432SF	POLAR MILSATCOM (SPACE)	127,870	127,870
022	1206442SF	NEXT GENERATION OPIR	2,451,256	2,451,256
023	1206445SF	COMMERCIAL SATCOM (COMSATCOM) INTEGRATION	23,400	23,400
024	1206853SF	NATIONAL SECURITY SPACE LAUNCH PROGRAM (SPACE)—EMD	221,510	280,710
		Maintain competition for Ph3—DOD unique requirements		[50,000]
		Space Force UFR—Liquid oxygen explosive tests		[9,200]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**3,339,325**	**3,407,525**
		MANAGEMENT SUPPORT		
025	1206116SF	SPACE TEST AND TRAINING RANGE DEVELOPMENT	19,319	52,619
		Space Force UFR—signal emulation generation subsystem		[33,300]
026	1206392SF	ACQ WORKFORCE—SPACE & MISSILE SYSTEMS	214,051	214,051
027	1206398SF	SPACE & MISSILE SYSTEMS CENTER—MHA	12,119	12,119
028	1206759SF	MAJOR T&E INVESTMENT—SPACE	71,503	71,503
029	1206860SF	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	17,769	21,769
		CPF—small rocket program		[4,000]
030	1206862SF	TACTICALLY RESPONSIVE LAUNCH		50,000
		Program increase		[50,000]
031	1206864SF	SPACE TEST PROGRAM (STP)	20,881	20,881
		SUBTOTAL MANAGEMENT SUPPORT	**355,642**	**442,942**
		OPERATIONAL SYSTEM DEVELOPMENT		
033	1201017SF	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	4,731	4,731
034	1203001SF	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	156,788	156,788
035	1203040SF	DCO-SPACE	2,150	2,150
036	1203109SF	NARROWBAND SATELLITE COMMUNICATIONS	112,012	112,012
037	1203110SF	SATELLITE CONTROL NETWORK (SPACE)	36,810	36,810
038	1203165SF	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	1,966	1,966
039	1203173SF	SPACE AND MISSILE TEST AND EVALUATION CENTER	1,699	5,699
		Space Force UFR—Improve operations of payload adapter		[4,000]
040	1203174SF	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT	18,054	33,354
		Space Force UFR—Digitial core services for distributed space test and training		[15,300]
041	1203182SF	SPACELIFT RANGE SYSTEM (SPACE)	11,115	23,115
		CPF—tactically responsive launch/deployable spaceport		[7,000]
		Program increase		[5,000]

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042	1203265SF	GPS III SPACE SEGMENT	7,207	7,207
043	1203330SF	SPACE SUPERIORITY ISR	18,109	18,109
044	1203620SF	NATIONAL SPACE DEFENSE CENTER	1,280	1,280
045	1203873SF	BALLISTIC MISSILE DEFENSE RADARS	12,292	12,292
046	1203906SF	NCMC—TW/AA SYSTEM	9,858	9,858
047	1203913SF	NUDET DETECTION SYSTEM (SPACE)	45,887	45,887
048	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	64,763	64,763
049	1206423SF	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	413,766	413,766
053	1206770SF	ENTERPRISE GROUND SERVICES	191,713	191,713
999	9999999999	CLASSIFIED PROGRAMS	4,474,809	4,680,009
		Space Force UFR—classified		[205,200]
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	**5,585,009**	**5,821,509**
		SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS		
		UNDISTRIBUTED		
054	1203614SF	JSPOC MISSION SYSTEM	154,529	154,529
		SUBTOTAL SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS	**154,529**	**154,529**
		TOTAL RDTE, SPACE FORCE	**11,271,066**	**11,794,566**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH	11,828	12,705
		Program increase		[877]
002	0601101E	DEFENSE RESEARCH SCIENCES	395,781	454,281
		Adversary Influence Operations (IO)—detection, modeling, mitigation		[5,000]
		Artificial Intelligence (AI)—trustworthy, human integrated, robust		[5,000]
		Biotechnology for challenging environments		[7,000]
		CPF—novel analytical and empirical approaches to the prediction and monitoring of disease transmission.		[1,500]
		High assurance software systems—resilient, adaptable, trustworthy		[5,000]
		Increase for DARPA-funded university research activities		[15,000]
		Program increase—ERI 2.0		[20,000]
003	0601108D8Z	HIGH ENERGY LASER RESEARCH INITIATIVES	15,390	15,390
004	0601110D8Z	BASIC RESEARCH INITIATIVES	39,828	77,061
		Consortium to study irregular warfare		[8,000]
		CPF—Florida Memorial University Department of Natural Sciences STEM equipment		[400]
		CPF—SOUTHCOM Enhanced Domain Awareness (EDA) initiative		[1,300]
		DEPSCoR		[10,000]
		Minerva management and social science research		[13,000]
		Program increase		[4,533]
005	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	76,018	86,018
		Assessing immune memory		[5,000]
		Traumatic brain injury research		[5,000]
006	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	112,195	132,195
		Civics education		[2,000]
		CPF—Florida Memorial Avionics Smart Scholars		[1,000]
		SMART scholarships for AI related education		[13,000]
		SMART scholarships program increase		[4,000]
007	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS	31,136	73,247
		CPF—augmenting quantum sensing research, education, and training in DOD COE at DSU		[1,111]
		CPF—HBCU training for the future of aerospace		[1,000]
		Program increase		[40,000]
008	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	34,708	37,208
		Program increase—chemically resistant, high-performance military cordage, rope, and webbing		[2,500]
		SUBTOTAL BASIC RESEARCH	**716,884**	**888,105**
		APPLIED RESEARCH		
009	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,591	19,591
010	0602115E	BIOMEDICAL TECHNOLOGY	108,698	118,698
		Bridging the gap after spinal cord injury		[5,000]
		Non-invasive neurotechnology rehabilitation take home trials		[5,000]
012	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	22,918	82,918
		6G and beyond experimentation efforts		[50,000]
		Artificial intelligence (AI)—trustworthy, human integrated, robust		[10,000]
013	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	55,692	55,692
014	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES	65,015	115,015
		AI research and development		[50,000]
015	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	430,363	745,363
		National Security Commission on Artificial Intelligence implementation		[200,000]
		Program increase—AI, cyber, and data analytics		[15,000]
		Quantum computing acceleration		[100,000]
016	0602383E	BIOLOGICAL WARFARE DEFENSE	31,421	31,421
017	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	206,956	213,456
		Biodetection system for joint force infrastructure protection		[6,500]
018	0602668D8Z	CYBER SECURITY RESEARCH	15,380	35,380
		AI-enabled cyber defense acceleration study		[10,000]
		Program increase		[10,000]
019	0602702E	TACTICAL TECHNOLOGY	202,515	249,515
		MADFIRES		[30,000]
		Program increase—AI, cyber and data analytics		[17,000]
020	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	317,024	378,624

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		Adaptive immunomodulation-based therapeutics (ElectRx)		[4,600]
		Agile chemical manufacturing technologies (ACMT)		[20,000]
		Bioengineered electronics and electromagnetic devices (Bio-INC)		[6,000]
		Bioremediation of battlefields		[7,000]
		Maritime materials technologies (M2T)		[5,000]
		Materiel protection through biologics		[5,000]
		Neuroprotection from brain injury		[9,000]
		Regenerative engineering for complex tissue regeneration & limb reconstruction		[5,000]
021	0602716E	*ELECTRONICS TECHNOLOGY*	357,384	393,384
		Program increase—ERI 2.0		[36,000]
022	0602718BR	*COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH*	197,011	197,011
023	0602751D8Z	*SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH*	9,601	9,601
024	0602890D8Z	*HIGH ENERGY LASER RESEARCH*	45,997	115,997
		Directed energy innovation—improved beam control		[50,000]
		Joint Directed Energy Transition Office		[20,000]
025	1160401BB	*SOF TECHNOLOGY DEVELOPMENT*	44,829	48,829
		Program increase—sustained human performance and resilience		[4,000]
		SUBTOTAL APPLIED RESEARCH	**2,130,395**	**2,810,495**
		ADVANCED TECHNOLOGY DEVELOPMENT		
026	0603000D8Z	*JOINT MUNITIONS ADVANCED TECHNOLOGY*	23,213	23,213
027	0603121D8Z	*SO/LIC ADVANCED DEVELOPMENT*	4,665	4,665
028	0603122D8Z	*COMBATING TERRORISM TECHNOLOGY SUPPORT*	69,376	69,376
029	0603133D8Z	*FOREIGN COMPARATIVE TESTING*	25,432	25,432
031	0603160BR	*COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT*	399,362	404,362
		Reduced order models		[5,000]
032	0603176C	*ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT*	15,800	29,700
		BATMAA BMDS advanced technology		[8,700]
		MDA UFR—Cybersecurity improvements		[5,200]
033	0603180C	*ADVANCED RESEARCH*	21,466	26,466
		Program increase—high speed flight experiment testing		[5,000]
034	0603183D8Z	*JOINT HYPERSONIC TECHNOLOGY DEVELOPMENT &TRANSITION*	51,340	51,340
035	0603225D8Z	*JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT*	19,063	19,063
036	0603286E	*ADVANCED AEROSPACE SYSTEMS*	174,043	256,043
		Glide breaker		[20,000]
		Hypersonic Air-Breathing Weapon Concept (HAWC)		[37,000]
		OpFires		[10,000]
		Tactical Boost Glide (TBG)		[15,000]
037	0603287E	*SPACE PROGRAMS AND TECHNOLOGY*	101,524	186,524
		Blackjack critical risk reduction		[25,000]
		Blackjack schedule assurance		[30,000]
		Robotic Servicing of Geosynchronous Satellites (RSGS)		[30,000]
038	0603288D8Z	*ANALYTIC ASSESSMENTS*	24,012	24,012
039	0603289D8Z	*ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS*	51,513	51,513
042	0603338D8Z	*DEFENSE MODERNIZATION AND PROTOTYPING*	115,443	193,443
		Defense critical supply chain documentation and monitoring		[3,000]
		Rapid Innovation Program		[75,000]
043	0603342D8Z	*DEFENSE INNOVATION UNIT (DIU)*	31,873	31,873
044	0603375D8Z	*TECHNOLOGY INNOVATION*	54,433	54,433
045	0603384BP	*CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT*	197,824	197,824
046	0603527D8Z	*RETRACT LARCH*	99,175	99,175
047	0603618D8Z	*JOINT ELECTRONIC ADVANCED TECHNOLOGY*	18,221	18,221
048	0603648D8Z	*JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS*	102,669	102,669
049	0603662D8Z	*NETWORKED COMMUNICATIONS CAPABILITIES*	2,984	2,984
050	0603680D8Z	*DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM*	134,022	380,322
		Additive manufacturing training		[5,000]
		Biotechnology innovation—enabling modular and scalable bioindustrial and resuable assets		[200,000]
		Certification-based workforce training programs for manufacturing		[3,000]
		CPF—cold spray and rapid deposition lab		[1,300]
		Cybersecurity for industrial control systems		[3,000]
		Data analytics and visual system		[3,000]
		HPC-enabled advanced manufacturing		[8,000]
		Hypersonics advanced manufacturing		[10,000]
		Integrated silicon-based lasers		[10,000]
		Virtual reality-enabled smart installation experimentation		[3,000]
051	0603680S	*MANUFACTURING TECHNOLOGY PROGRAM*	37,543	47,543
		Program increase—steel performance initiative		[10,000]
053	0603712S	*GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS*	12,418	12,418
054	0603716D8Z	*STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM*	51,863	81,863
		Program increase—AFFF replacement, disposal, and cleanup technology		[15,000]
		Program increase—PFAS remediation and disposal technology		[15,000]
055	0603720S	*MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT*	160,821	160,821
056	0603727D8Z	*JOINT WARFIGHTING PROGRAM*	2,169	2,169
057	0603739E	*ADVANCED ELECTRONICS TECHNOLOGIES*	116,716	140,716
		Program increase—ERI 2.0		[24,000]
058	0603760E	*COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS*	251,794	295,394
		Classified increase		[21,000]
		Deep water active sonar		[15,000]
		Network UP		[5,000]
		SHARE alignment with OTNK research		[1,100]
		SHARE ICN performance enhancements for operational use		[1,500]
059	0603766E	*NETWORK-CENTRIC WARFARE TECHNOLOGY*	584,771	779,246

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		Air combat evolution (ACE)		*[8,200]*
		Artificial intelligence research activities		*[100,000]*
		Assault breaker II		*[50,000]*
		Classified increase		*[20,400]*
		Ocean of things		*[875]*
		Ocean of things phase 3 demonstration		*[10,000]*
		Timely information for maritime engagements (TIMEly)		*[5,000]*
060	*0603767E*	*SENSOR TECHNOLOGY*	*294,792*	*367,392*
		Classified increase		*[27,800]*
		SECTRE munitions digital twin for in theater/flight target additions and performance improvements		*[4,400]*
		Systems of systems-enhanced small units (SESU)		*[4,400]*
		Thermal imaging technology experiment-recon (TITE-R)		*[36,000]*
061	*0603769D8Z*	*DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT*	*6,398*	*9,198*
		Systems of systems-enhanced small units (SESU)		*[2,800]*
062	*0603781D8Z*	*SOFTWARE ENGINEERING INSTITUTE*	*14,677*	*14,977*
		CODE enhancements for SESU		*[300]*
065	*0603924D8Z*	*HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM*	*107,397*	*107,397*
066	*0603941D8Z*	*TEST & EVALUATION SCIENCE & TECHNOLOGY*	*267,161*	*267,161*
067	*0603950D8Z*	*NATIONAL SECURITY INNOVATION NETWORK*	*21,270*	*31,270*
		Program increase		*[10,000]*
068	*0604055D8Z*	*OPERATIONAL ENERGY CAPABILITY IMPROVEMENT*	*74,300*	*74,300*
070	*0303310D8Z*	*CWMD SYSTEMS*		*5,000*
		Data storage capabilities for special operations forces		*[5,000]*
074	*1160402BB*	*SOF ADVANCED TECHNOLOGY DEVELOPMENT*	*93,415*	*98,415*
		SOF platform agnostic data storage capability		*[5,000]*
075	*1206310SDA*	*SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT*	*172,638*	*172,638*
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	***4,007,596***	***4,920,571***
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
076	*0603161D8Z*	*NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P*	*28,687*	*28,687*
077	*0603600D8Z*	*WALKOFF*	*108,652*	*108,652*
078	*0603821D8Z*	*ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES*		*5,000*
		CDO for ADA		*[5,000]*
079	*0603851D8Z*	*ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM*	*71,429*	*89,429*
		Military energy resilience catalyst		*[3,000]*
		Program increase—AFFF replacement, disposal, and cleanup technology		*[5,000]*
		Program increase—PFAS remediation and disposal technology		*[10,000]*
080	*0603881C*	*BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT*	*277,949*	*213,382*
		Unjustified request, lacking acquisition strategy—LHD		*[–64,567]*
081	*0603882C*	*BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT*	*745,144*	*740,144*
		Unjustified growth—ground support and fire control LHD lack of validated requirement and acquisition strategy.		*[–5,000]*
082	*0603884BP*	*CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL*	*129,445*	*129,445*
083	*0603884C*	*BALLISTIC MISSILE DEFENSE SENSORS*	*224,750*	*227,762*
		MDA UFR—Cybersecurity improvements		*[3,012]*
084	*0603890C*	*BMD ENABLING PROGRAMS*	*595,301*	*631,881*
		MDA UFR—Cybersecurity improvements		*[44,830]*
		Unjustified growth—LHD lack of validated requirement and acquisition strategy		*[–8,250]*
085	*0603891C*	*SPECIAL PROGRAMS—MDA*	*413,374*	*413,374*
086	*0603892C*	*AEGIS BMD*	*732,512*	*694,418*
		Layered homeland defense lack of requirement		*[–86,494]*
		MDA UFR—Radar upgrades		*[48,400]*
087	*0603896C*	*BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.*	*603,448*	*587,424*
		MDA UFR—Cybersecurity improvements		*[2,000]*
		MDA UFR—JADC2 integration		*[4,476]*
		Unjustified growth—LHD lack of validated requirement and acquisition strategy		*[–22,500]*
088	*0603898C*	*BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT*	*50,594*	*50,594*
089	*0603904C*	*MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)*	*52,403*	*52,403*
090	*0603906C*	*REGARDING TRENCH*	*11,952*	*11,952*
091	*0603907C*	*SEA BASED X-BAND RADAR (SBX)*	*147,241*	*147,241*
092	*0603913C*	*ISRAELI COOPERATIVE PROGRAMS*	*300,000*	*300,000*
093	*0603914C*	*BALLISTIC MISSILE DEFENSE TEST*	*362,906*	*362,906*
094	*0603915C*	*BALLISTIC MISSILE DEFENSE TARGETS*	*553,334*	*568,784*
		Advanced target front end configuration 3 tech maturation		*[5,000]*
		Architecture RTS development		*[10,000]*
		MDS architecture IAC prototype		*[5,000]*
		Unjustified growth—LHD lack of validated requirement and acquisition strategy		*[–4,550]*
096	*0603923D8Z*	*COALITION WARFARE*	*5,103*	*5,103*
097	*0604011D8Z*	*NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G)*	*374,665*	*474,665*
		5G acceleration activities		*[100,000]*
098	*0604016D8Z*	*DEPARTMENT OF DEFENSE CORROSION PROGRAM*	*3,259*	*3,259*
099	*0604102C*	*GUAM DEFENSE DEVELOPMENT*	*78,300*	*138,300*
		INDOPACOM UFR—Guam Defense System		*[60,000]*
100	*0604115C*	*TECHNOLOGY MATURATION INITIATIVES*		*34,000*
		Program increase—diode pumped alkali laser		*[14,000]*
		Short pulse laser directed energy demonstration		*[20,000]*
103	*0604181C*	*HYPERSONIC DEFENSE*	*247,931*	*309,796*
		MDA UFR—Accelerate hypersonic defensive systems		*[61,865]*
104	*0604250D8Z*	*ADVANCED INNOVATIVE TECHNOLOGIES*	*716,456*	*831,456*
		Mission-based acquisition		*[100,000]*
		Program increase—mobile nuclear microreactor		*[15,000]*

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2022 Request	Conference Authorized
105	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	509,195	548,995
		Advanced analog & mixed signal microelectronics design and manufacturing		[6,800]
		Radiation-hardened application specific integrated circuits		[18,000]
		Trusted and assured GaN and GaAs RFIC technology		[15,000]
106	0604331D8Z	RAPID PROTOTYPING PROGRAM	103,575	182,575
		ADA network resiliency/cloud		[79,000]
107	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTOTYPING	11,213	26,213
		National security innovation capital program increase		[15,000]
108	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT	2,778	2,778
109	0604551BR	CATAPULT	7,166	7,166
110	0604555D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT—NON S&T	23,200	23,200
111	0604672C	HOMELAND DEFENSE RADAR—HAWAII (HDR-H)		75,000
		INDOPACOM UFR—Restoration of HDR-H		[75,000]
113	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA)	3,519	3,519
114	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	17,439	17,439
115	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	133,335	133,335
116	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	926,125	926,125
117	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST	32,697	32,697
118	0604878C	AEGIS BMD TEST	117,055	111,255
		Unjustified growth—AEGIS LHD test funding early to need		[–5,800]
119	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	77,428	77,428
120	0604880C	LAND-BASED SM–3 (LBSM3)	43,158	43,158
121	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	61,424	61,424
122	0202057C	SAFETY PROGRAM MANAGEMENT	2,323	2,323
123	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS	2,568	2,568
125	0305103C	CYBER SECURITY INITIATIVE	1,142	1,142
126	1206410SDA	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING	636,179	648,179
		Laser communication terminal technologies		[6,000]
		Space laser communications		[6,000]
127	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM	15,176	15,176
128	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	292,811	292,811
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**9,854,341**	**10,394,563**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
129	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	5,682	5,682
131	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	299,848	299,848
132	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	9,345	9,345
133	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT	14,063	14,063
134	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	4,265	4,265
135	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	7,205	7,205
136	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	5,447	5,447
137	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	16,892	34,892
		ADVANA for ADA		[18,000]
138	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	679	679
140	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM	32,254	32,254
142	0605141BR	MISSION ASSURANCE RISK MANAGEMENT SYSTEM (MARMS)	5,500	5,500
143	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	7,148	7,148
144	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	113,895	113,895
146	0605772D8Z	NUCLEAR COMMAND, CONTROL, & COMMUNICATIONS	3,991	3,991
149	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM)	2,227	2,227
150	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION	20,246	20,246
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**548,687**	**566,687**
		MANAGEMENT SUPPORT		
151	0603829J	JOINT CAPABILITY EXPERIMENTATION	8,444	8,444
152	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	7,508	7,508
153	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	7,859	7,859
154	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	550,140	550,140
155	0604942D8Z	ASSESSMENTS AND EVALUATIONS	17,980	17,980
156	0605001E	MISSION SUPPORT	73,145	73,145
157	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	71,410	71,410
159	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	52,671	52,671
161	0605142D8Z	SYSTEMS ENGINEERING	40,030	40,030
162	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	4,612	4,612
163	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	14,429	14,429
164	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	4,759	4,759
165	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,952	1,952
166	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	110,503	110,503
172	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	3,639	3,639
173	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	25,889	63,889
		Regional secure computing enclave pilot		[38,000]
174	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	39,774	257,774
		ISR & information operations		[10,000]
		PNT modernization—signals of opportunity		[140,000]
		Spectrum innovation—low SWaP-C directional sources		[68,000]
175	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	61,453	61,453
176	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	18,762	18,762
177	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	27,366	27,366
178	0605898E	MANAGEMENT HQ—R&D	12,740	12,740
179	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	3,549	3,549

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2022 Request	Conference Authorized
180	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	15,438	15,438
181	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	2,897	2,897
182	0606589D8W	DEFENSE DIGITAL SERVICE (DDS) DEVELOPMENT SUPPORT	918	918
183	0606771D8Z	CYBER RESILIENCY AND CYBERSECURITY POLICY	31,638	31,638
184	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,925	2,925
185	0204571J	JOINT STAFF ANALYTICAL SUPPORT	977	977
186	0208045K	C4I INTEROPERABILITY	55,361	60,361
		Joint warfighting network architecture		[5,000]
189	0303140SE	INFORMATION SYSTEMS SECURITY PROGRAM	853	853
191	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	969	969
192	0305172K	COMBINED ADVANCED APPLICATIONS	15,696	15,696
194	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,073	3,073
197	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA	29,530	29,530
198	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI)	689	689
199	0901598C	MANAGEMENT HQ—MDA	24,102	24,102
200	0903235K	JOINT SERVICE PROVIDER (JSP)	2,645	2,645
999	9999999999	CLASSIFIED PROGRAMS	37,520	37,520
		SUBTOTAL MANAGEMENT SUPPORT	**1,383,845**	**1,644,845**
		OPERATIONAL SYSTEMS DEVELOPMENT		
202	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	5,355	5,355
203	0604532K	JOINT ARTIFICIAL INTELLIGENCE	10,033	67,833
		JAIC for ADA		[57,800]
206	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT	58,189	149,689
		Accelerated training in defense manufacturing (ATDM) pilot		[10,000]
		Carbon/carbon industrial base enhancement		[6,000]
		Demonstration program on domestic production of rare earth elements from coal byproducts		[3,000]
		Digital manufacturing		[1,500]
		Directed energy supply chain assurance		[2,000]
		Industrial skills training		[2,500]
		Machine and advanced manufacturing—IACMI		[20,000]
		Program increase		[20,000]
		Radar resiliency		[2,500]
		Rare earth element separation technologies		[4,000]
		Submarine construction workforce training pipeline		[20,000]
207	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT	18,721	18,721
208	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	7,398	7,398
209	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	58,261	58,261
215	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	16,233	16,233
216	0303126K	LONG-HAUL COMMUNICATIONS—DCS	10,275	10,275
217	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	4,892	4,892
218	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	83,751	83,751
219	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	49,191	69,191
		Workforce transformation cyber initiative pilot program		[20,000]
220	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	423,745	535,845
		Additional cybersecurity support for the defense industrial base		[25,000]
		Hardening DOD networks		[12,100]
		JFHQ DODIN staffing and tools		[50,000]
		Pilot program on public-private partnership with internet ecosystem companies		[25,000]
221	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	5,707	5,707
222	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	4,150	4,150
223	0303153K	DEFENSE SPECTRUM ORGANIZATION	19,302	19,302
224	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS)	9,342	9,342
226	0303430V	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY	15,326	15,326
232	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	8,800	8,800
235	0305146V	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	3,820	3,820
237	0305186D8Z	POLICY R&D PROGRAMS	4,843	4,843
238	0305199D8Z	NET CENTRICITY	13,471	13,471
240	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	5,994	5,994
247	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	1,273	1,273
255	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,690	1,690
256	0708012S	PACIFIC DISASTER CENTERS	1,799	1,799
257	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	6,390	6,390
259	1105219BB	MQ–9 UAV	19,065	19,065
261	1160403BB	AVIATION SYSTEMS	173,537	173,537
262	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	32,766	32,766
263	1160408BB	OPERATIONAL ENHANCEMENTS	145,830	167,230
		Program increase—AISUM		[21,400]
264	1160431BB	WARRIOR SYSTEMS	78,592	82,803
		SOCOM UFR—Maritime scalable effects acceleration		[4,211]
265	1160432BB	SPECIAL PROGRAMS	6,486	6,486
266	1160434BB	UNMANNED ISR	18,006	18,006
267	1160480BB	SOF TACTICAL VEHICLES	7,703	7,703
268	1160483BB	MARITIME SYSTEMS	58,430	58,430
270	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	10,990	10,990
999	9999999999	CLASSIFIED PROGRAMS	5,208,029	5,208,029
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**6,607,385**	**6,914,396**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
		UNDISTRIBUTED		
272	0604532K	JOINT ARTIFICIAL INTELLIGENCE	186,639	186,639

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2022 Request	Conference Authorized
273	0608197V	NATIONAL BACKGROUND INVESTIGATION SERVICES—SOFTWARE PILOT PROGRAM	123,570	123,570
274	0608648D8Z	ACQUISITION VISIBILITY—SOFTWARE PILOT PROGRAM	18,307	18,307
275	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	32,774	32,774
276	0308588D8Z	ALGORITHMIC WARFARE CROSS FUNCTIONAL TEAMS—SOFTWARE PILOT PROGRAM	247,452	283,452
		MAVEN for ADA		[36,000]
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS	**608,742**	**644,742**
		SUBTOTAL UNDISTRIBUTED		**36,000**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**25,857,875**	**28,784,404**
		OPERATIONAL TEST & EVAL, DEFENSE		
		MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	105,394	105,394
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	68,549	68,549
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	42,648	62,648
		Joint Test and Evaluation restoration		[20,000]
		SUBTOTAL MANAGEMENT SUPPORT	**216,591**	**236,591**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	**216,591**	**236,591**
		TOTAL RDT&E	**111,964,192**	**117,729,317**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	3,563,856	3,528,856
	Unjustified growth		[–35,000]
020	MODULAR SUPPORT BRIGADES	142,082	142,082
030	ECHELONS ABOVE BRIGADE	758,174	758,174
040	THEATER LEVEL ASSETS	2,753,783	2,653,783
	Unjustified growth		[–100,000]
050	LAND FORCES OPERATIONS SUPPORT	1,110,156	1,110,156
060	AVIATION ASSETS	1,795,522	1,775,522
	Unjustified growth		[–20,000]
070	FORCE READINESS OPERATIONS SUPPORT	7,442,976	7,652,631
	Advanced bomb suit		[12,940]
	Army UFR—Arctic cold weather gloves		[13,867]
	Army UFR—Arctic OCIE		[65,050]
	Army UFR—ECWCS procurement		[8,999]
	Army UFR—Female/small stature body armor		[81,750]
	Army UFR—Garrison Installation Facilities-Related Control Systems (FRCS)		[13,071]
	Army UFR—Heavylift transportation for OIR		[33,854]
	Army UFR—Industrial base special installation control systems		[14,824]
	CENTCOM UFR—Heavylift logistics		[40,300]
	Unjustified growth		[–75,000]
080	LAND FORCES SYSTEMS READINESS	580,921	594,921
	CENTCOM UFR—COMSAT air time		[34,000]
	Unjustified growth		[–20,000]
090	LAND FORCES DEPOT MAINTENANCE	1,257,959	1,346,976
	Army UFR—Tactical Combat Vehicle Repair Cycle Float		[89,017]
100	MEDICAL READINESS	1,102,964	1,102,964
110	BASE OPERATIONS SUPPORT	8,878,603	8,868,603
	Program decrease		[–10,000]
120	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,051,869	4,534,869
	Program increase—FSRM		[483,000]
130	MANAGEMENT AND OPERATIONAL HEADQUARTERS	289,891	289,891
140	ADDITIONAL ACTIVITIES	526,517	526,517
160	RESET	397,196	392,196
	Unjustified growth		[–5,000]
170	US AFRICA COMMAND	384,791	518,337
	AFRICOM UFR—Commercial SATCOM		[16,500]
	AFRICOM UFR—ISR improvements		[67,000]
	Army UFR—MQ–9 COCO Support to AFRICOM		[50,046]
180	US EUROPEAN COMMAND	293,932	335,910
	EUCOM UFR—Information Operations		[26,765]
	EUCOM UFR—Mission Partner Environment		[15,213]
190	US SOUTHERN COMMAND	196,726	196,726
200	US FORCES KOREA	67,052	67,052
210	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	621,836	654,751
	Army UFR—Critical infrastructure risk management cyber resiliency mitigations		[13,630]
	Army UFR—MRCT / Cyber I&W / Ops Cell		[4,655]
	Army UFR—Security Operations Center as a Service (SOCaaS)		[14,630]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
220	CYBERSPACE ACTIVITIES—CYBERSECURITY	629,437	726,176
	Army UFR—C-SCRM supplier vetting and equipment inspection		[1,200]
	Army UFR—Cybersecurity control systems assessments		[89,889]
	Army UFR—Cyber-Supply Chain Risk Mgmt (C-SCRM) program		[2,750]
	Army UFR—Defensive cyber sensors		[2,900]
	SUBTOTAL OPERATING FORCES	**36,846,243**	**37,777,093**
	MOBILIZATION		
230	STRATEGIC MOBILITY	353,967	353,967
240	ARMY PREPOSITIONED STOCKS	381,192	381,192
250	INDUSTRIAL PREPAREDNESS	3,810	3,810
	SUBTOTAL MOBILIZATION	**738,969**	**738,969**
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	163,568	163,568
270	RECRUIT TRAINING	75,140	75,140
280	ONE STATION UNIT TRAINING	81,274	81,274
290	SENIOR RESERVE OFFICERS TRAINING CORPS	520,973	520,973
300	SPECIALIZED SKILL TRAINING	998,869	998,869
310	FLIGHT TRAINING	1,309,556	1,309,556
320	PROFESSIONAL DEVELOPMENT EDUCATION	218,651	218,651
330	TRAINING SUPPORT	616,380	629,480
	Army UFR—ATRRS Modernization		[18,100]
	Unjustified growth		[–5,000]
340	RECRUITING AND ADVERTISING	683,569	684,963
	Army UFR—Enterprise Technology Integration, Governance, and Engineering Requirements (ETIGER)		[1,394]
350	EXAMINING	169,442	169,442
360	OFF-DUTY AND VOLUNTARY EDUCATION	214,923	231,078
	Army UFR—Tuition assistance		[16,155]
370	CIVILIAN EDUCATION AND TRAINING	220,589	220,589
380	JUNIOR RESERVE OFFICER TRAINING CORPS	187,569	187,569
	SUBTOTAL TRAINING AND RECRUITING	**5,460,503**	**5,491,152**
	ADMIN & SRVWIDE ACTIVITIES		
400	SERVICEWIDE TRANSPORTATION	684,562	672,562
	Unjustified growth		[–12,000]
410	CENTRAL SUPPLY ACTIVITIES	808,895	808,895
420	LOGISTIC SUPPORT ACTIVITIES	767,053	796,157
	Army UFR—AMC LITeS		[29,104]
430	AMMUNITION MANAGEMENT	469,038	469,038
440	ADMINISTRATION	488,535	484,535
	Unjustified growth		[–4,000]
450	SERVICEWIDE COMMUNICATIONS	1,952,742	2,007,462
	Army UFR—CHRA IT Cloud		[5,300]
	Army UFR—ERP convergence/modernization		[49,420]
460	MANPOWER MANAGEMENT	323,273	323,273
470	OTHER PERSONNEL SUPPORT	663,602	694,670
	Army UFR—Enterprise Technology Integration, Governance, and Engineering Requirements (ETIGER)		[1,393]
	Army UFR—HR cloud and IT modernization		[29,675]
480	OTHER SERVICE SUPPORT	2,004,981	2,031,364
	Program increase—DFAS unfunded requirement		[49,983]
	Unjustified growth		[–23,600]
490	ARMY CLAIMS ACTIVITIES	180,178	180,178
500	REAL ESTATE MANAGEMENT	269,009	272,509
	Program increase—real estate inventory tool		[3,500]
510	FINANCIAL MANAGEMENT AND AUDIT READINESS	437,940	437,940
520	INTERNATIONAL MILITARY HEADQUARTERS	482,571	482,571
530	MISC. SUPPORT OF OTHER NATIONS	29,670	29,670
9999	CLASSIFIED PROGRAMS	2,008,633	2,026,633
	SOUTHCOM UFR—Additional traditional ISR operations		[18,000]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**11,570,682**	**11,717,457**
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–125,000
	Historical unobligated balances		[–125,000]
	SUBTOTAL UNDISTRIBUTED		**–125,000**
	TOTAL OPERATION & MAINTENANCE, ARMY	**54,616,397**	**55,599,671**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	10,465	10,465
020	ECHELONS ABOVE BRIGADE	554,992	554,992
030	THEATER LEVEL ASSETS	120,892	120,892
040	LAND FORCES OPERATIONS SUPPORT	597,718	597,718
050	AVIATION ASSETS	111,095	111,095
060	FORCE READINESS OPERATIONS SUPPORT	385,506	385,506
070	LAND FORCES SYSTEMS READINESS	98,021	98,021
080	LAND FORCES DEPOT MAINTENANCE	34,368	34,368
090	BASE OPERATIONS SUPPORT	584,513	584,513
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	342,433	342,433
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	22,472	22,472

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	2,764	2,764
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,476	7,476
	SUBTOTAL OPERATING FORCES	**2,872,715**	**2,872,715**
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	15,400	15,400
150	ADMINISTRATION	19,611	19,611
160	SERVICEWIDE COMMUNICATIONS	37,458	37,458
170	MANPOWER MANAGEMENT	7,162	7,162
180	RECRUITING AND ADVERTISING	48,289	48,289
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**127,920**	**127,920**
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–10,000
	Historical unobligated balances		[–10,000]
	SUBTOTAL UNDISTRIBUTED		**–10,000**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**3,000,635**	**2,990,635**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	799,854	799,854
020	MODULAR SUPPORT BRIGADES	211,561	211,561
030	ECHELONS ABOVE BRIGADE	835,709	835,709
040	THEATER LEVEL ASSETS	101,179	101,179
050	LAND FORCES OPERATIONS SUPPORT	34,436	34,436
060	AVIATION ASSETS	1,110,416	1,100,416
	Unjustified growth		[–10,000]
070	FORCE READINESS OPERATIONS SUPPORT	704,827	709,927
	CNGB UFR—Weapons of Mass Destruction Civil Support Teams Equipment Sustainment		[5,100]
080	LAND FORCES SYSTEMS READINESS	47,886	47,886
090	LAND FORCES DEPOT MAINTENANCE	244,439	244,439
100	BASE OPERATIONS SUPPORT	1,097,960	1,097,960
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	956,988	956,988
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,047,870	1,047,870
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	8,071	8,071
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,828	7,828
	SUBTOTAL OPERATING FORCES	**7,209,024**	**7,204,124**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	8,017	8,017
160	ADMINISTRATION	76,993	81,993
	Program increase—State Partnership Program		[5,000]
170	SERVICEWIDE COMMUNICATIONS	101,113	101,113
180	MANPOWER MANAGEMENT	8,920	8,920
190	OTHER PERSONNEL SUPPORT	240,292	240,292
200	REAL ESTATE MANAGEMENT	2,850	2,850
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**438,185**	**443,185**
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–40,000
	Historical unobligated balances		[–40,000]
	SUBTOTAL UNDISTRIBUTED		**–40,000**
	TOTAL OPERATION & MAINTENANCE, ARNG	**7,647,209**	**7,607,309**
	AFGHANISTAN SECURITY FORCES FUND		
	AFGHAN NATIONAL ARMY		
010	SUSTAINMENT	1,053,668	0
	Program reduction		[–1,053,668]
020	INFRASTRUCTURE	1,818	0
	Program reduction		[–1,818]
030	EQUIPMENT AND TRANSPORTATION	22,911	0
	Program reduction		[–22,911]
040	TRAINING AND OPERATIONS	31,837	0
	Program reduction		[–31,837]
	SUBTOTAL AFGHAN NATIONAL ARMY	**1,110,234**	0
	AFGHAN NATIONAL POLICE		
050	SUSTAINMENT	440,628	0
	Program reduction		[–440,628]
070	EQUIPMENT AND TRANSPORTATION	38,551	0
	Program reduction		[–38,551]
080	TRAINING AND OPERATIONS	38,152	0
	Program reduction		[–38,152]
	SUBTOTAL AFGHAN NATIONAL POLICE	**517,331**	0
	AFGHAN AIR FORCE		
090	SUSTAINMENT	562,056	0
	Program reduction		[–562,056]
110	EQUIPMENT AND TRANSPORTATION	26,600	0
	Program reduction		[–26,600]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
120	TRAINING AND OPERATIONS	169,684	0
	Program reduction		[–169,684]
	SUBTOTAL AFGHAN AIR FORCE	**758,340**	0
	AFGHAN SPECIAL SECURITY FORCES		
130	SUSTAINMENT	685,176	0
	Program reduction		[–685,176]
150	EQUIPMENT AND TRANSPORTATION	78,962	0
	Program reduction		[–78,962]
160	TRAINING AND OPERATIONS	177,767	0
	Program reduction		[–177,767]
	SUBTOTAL AFGHAN SPECIAL SECURITY FORCES	**941,905**	0
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**3,327,810**	0
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
010	IRAQ	345,000	345,000
020	SYRIA	177,000	177,000
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	**522,000**	**522,000**
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	**522,000**	**522,000**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	6,264,654	6,545,054
	Navy UFR—Flying hour program - fleet operations		[280,400]
020	FLEET AIR TRAINING	2,465,007	2,465,007
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	55,140	55,140
040	AIR OPERATIONS AND SAFETY SUPPORT	197,904	197,904
050	AIR SYSTEMS SUPPORT	1,005,932	1,005,932
060	AIRCRAFT DEPOT MAINTENANCE	1,675,356	1,897,556
	Navy UFR—Additional aircraft depot maintenance events		[222,200]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	65,518	65,518
080	AVIATION LOGISTICS	1,460,546	1,460,546
090	MISSION AND OTHER SHIP OPERATIONS	5,858,028	5,893,028
	Navy UFR—Resilient Communications and PNT for Combat Logistics Fleet (CLF)		[29,000]
	Navy UFR—Submarine Tender Overhaul		[42,000]
	Unjustified growth		[–36,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	1,154,696	1,154,696
110	SHIP DEPOT MAINTENANCE	10,300,078	10,514,878
	Navy UFR—A–120 availability		[39,800]
	Retained cruisers		[135,000]
	USS Connecticut emergent repairs		[40,000]
120	SHIP DEPOT OPERATIONS SUPPORT	2,188,454	2,188,454
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	1,551,846	1,551,846
140	SPACE SYSTEMS AND SURVEILLANCE	327,251	327,251
150	WARFARE TACTICS	798,082	798,082
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	447,486	447,486
170	COMBAT SUPPORT FORCES	2,250,756	2,282,856
	CENTCOM UFR—Naval patrol craft support		[47,100]
	Unjustified growth		[–15,000]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	192,968	192,968
190	COMBATANT COMMANDERS CORE OPERATIONS	61,614	61,614
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	198,596	445,596
	INDOPACOM UFR—Critical HQ manpower positions		[4,620]
	INDOPACOM UFR—ISR augmentation		[41,000]
	INDOPACOM UFR—Multi-Domain Training and Experimentation Capability		[59,410]
	Program increase—INDOPACOM Future fusion centers		[3,300]
	Program increase—INDOPACOM Mission Partner Environment		[50,170]
	Program increase—INDOPACOM Pacific Movement Coordination Center		[500]
	Program increase—INDOPACOM Wargaming analytical tools		[88,000]
210	MILITARY INFORMATION SUPPORT OPERATIONS	8,984	36,984
	Program increase—INDOPACOM Military Information Support Operations		[28,000]
220	CYBERSPACE ACTIVITIES	565,926	560,926
	Identity, credentialing, and access management reduction		[–5,000]
230	FLEET BALLISTIC MISSILE	1,476,247	1,476,247
240	WEAPONS MAINTENANCE	1,538,743	1,513,743
	Historical underexecution		[–25,000]
250	OTHER WEAPON SYSTEMS SUPPORT	592,357	592,357
260	ENTERPRISE INFORMATION	734,970	690,970
	Unjustified growth		[–44,000]
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	2,961,937	3,511,937
	Program increase—FSRM		[550,000]
280	BASE OPERATING SUPPORT	4,826,314	4,816,314
	Program decrease		[–10,000]
	SUBTOTAL OPERATING FORCES	**51,225,390**	**52,750,890**
	MOBILIZATION		
290	SHIP PREPOSITIONING AND SURGE	457,015	457,015
300	READY RESERVE FORCE	645,522	645,522
310	SHIP ACTIVATIONS/INACTIVATIONS	353,530	349,030

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
	Historical underexecution		*[–4,500]*
320	*EXPEDITIONARY HEALTH SERVICES SYSTEMS*	*149,384*	*149,384*
330	*COAST GUARD SUPPORT*	*20,639*	*20,639*
	SUBTOTAL MOBILIZATION	***1,626,090***	***1,621,590***
	TRAINING AND RECRUITING		
340	*OFFICER ACQUISITION*	*172,913*	*172,913*
350	*RECRUIT TRAINING*	*13,813*	*13,813*
360	*RESERVE OFFICERS TRAINING CORPS*	*167,152*	*167,152*
370	*SPECIALIZED SKILL TRAINING*	*1,053,104*	*1,053,104*
380	*PROFESSIONAL DEVELOPMENT EDUCATION*	*311,209*	*311,209*
390	*TRAINING SUPPORT*	*306,302*	*306,302*
400	*RECRUITING AND ADVERTISING*	*205,219*	*205,219*
410	*OFF-DUTY AND VOLUNTARY EDUCATION*	*79,053*	*79,053*
420	*CIVILIAN EDUCATION AND TRAINING*	*109,754*	*109,754*
430	*JUNIOR ROTC*	*57,323*	*57,323*
	SUBTOTAL TRAINING AND RECRUITING	***2,475,842***	***2,475,842***
	ADMIN & SRVWD ACTIVITIES		
440	*ADMINISTRATION*	*1,268,961*	*1,290,961*
	Program increase—Naval Audit Service		*[25,000]*
	Unjustified growth		*[–3,000]*
450	*CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT*	*212,952*	*212,952*
460	*MILITARY MANPOWER AND PERSONNEL MANAGEMENT*	*562,546*	*562,546*
470	*MEDICAL ACTIVITIES*	*285,436*	*285,436*
480	*SERVICEWIDE TRANSPORTATION*	*217,782*	*217,782*
500	*PLANNING, ENGINEERING, AND PROGRAM SUPPORT*	*479,480*	*479,480*
510	*ACQUISITION, LOGISTICS, AND OVERSIGHT*	*741,045*	*741,045*
520	*INVESTIGATIVE AND SECURITY SERVICES*	*738,187*	*736,687*
	Unjustified growth		*[–1,500]*
9999	*CLASSIFIED PROGRAMS*	*607,517*	*603,477*
	Classified adjustment		*[–4,040]*
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	***5,113,906***	***5,130,366***
	UNDISTRIBUTED		
998	*UNDISTRIBUTED*		*–58,000*
	Historical unobligated balances		*[–58,000]*
	SUBTOTAL UNDISTRIBUTED		***–58,000***
	TOTAL OPERATION & MAINTENANCE, NAVY	***60,441,228***	***61,920,688***
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	*OPERATIONAL FORCES*	*1,587,456*	*1,632,756*
	Marine Corps UFR—Plate Carrier Gen III		*[45,300]*
020	*FIELD LOGISTICS*	*1,532,630*	*1,527,630*
	Unjustified growth		*[–5,000]*
030	*DEPOT MAINTENANCE*	*215,949*	*215,949*
040	*MARITIME PREPOSITIONING*	*107,969*	*107,969*
050	*CYBERSPACE ACTIVITIES*	*233,486*	*233,486*
060	*SUSTAINMENT, RESTORATION & MODERNIZATION*	*1,221,117*	*1,354,117*
	Program increase—FSRM		*[133,000]*
070	*BASE OPERATING SUPPORT*	*2,563,278*	*2,560,278*
	Unjustified growth		*[–3,000]*
	SUBTOTAL OPERATING FORCES	***7,461,885***	***7,632,185***
	TRAINING AND RECRUITING		
080	*RECRUIT TRAINING*	*24,729*	*24,729*
090	*OFFICER ACQUISITION*	*1,208*	*1,208*
100	*SPECIALIZED SKILL TRAINING*	*110,752*	*110,752*
110	*PROFESSIONAL DEVELOPMENT EDUCATION*	*61,539*	*61,539*
120	*TRAINING SUPPORT*	*490,975*	*490,975*
130	*RECRUITING AND ADVERTISING*	*223,643*	*223,643*
140	*OFF-DUTY AND VOLUNTARY EDUCATION*	*49,369*	*49,369*
150	*JUNIOR ROTC*	*26,065*	*26,065*
	SUBTOTAL TRAINING AND RECRUITING	***988,280***	***988,280***
	ADMIN & SRVWD ACTIVITIES		
160	*SERVICEWIDE TRANSPORTATION*	*100,475*	*100,475*
170	*ADMINISTRATION*	*410,729*	*410,729*
9999	*CLASSIFIED PROGRAMS*	*63,422*	*63,422*
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	***574,626***	***574,626***
	UNDISTRIBUTED		
998	*UNDISTRIBUTED*		*–10,000*
	Historical unobligated balances		*[–10,000]*
	SUBTOTAL UNDISTRIBUTED		***–10,000***
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	***9,024,791***	***9,185,091***
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
010	MISSION AND OTHER FLIGHT OPERATIONS	628,522	628,522
020	INTERMEDIATE MAINTENANCE	9,593	9,593
030	AIRCRAFT DEPOT MAINTENANCE	135,280	135,280
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	497	497
050	AVIATION LOGISTICS	29,435	29,435
070	COMBAT COMMUNICATIONS	18,469	18,469
080	COMBAT SUPPORT FORCES	136,710	136,710
090	CYBERSPACE ACTIVITIES	440	440
100	ENTERPRISE INFORMATION	26,628	26,628
110	SUSTAINMENT, RESTORATION AND MODERNIZATION	42,311	42,311
120	BASE OPERATING SUPPORT	103,606	103,606
	SUBTOTAL OPERATING FORCES	**1,131,491**	**1,131,491**
	ADMIN & SRVWD ACTIVITIES		
130	ADMINISTRATION	1,943	1,943
140	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	12,191	12,191
150	ACQUISITION AND PROGRAM MANAGEMENT	3,073	3,073
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**17,207**	**17,207**
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–2,500
	Historical unobligated balances		[–2,500]
	SUBTOTAL UNDISTRIBUTED		**–2,500**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**1,148,698**	**1,146,198**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	102,271	148,171
	Marine Corps UFR—Individual combat clothing and equipment		[45,900]
020	DEPOT MAINTENANCE	16,811	16,811
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	42,702	42,702
040	BASE OPERATING SUPPORT	109,210	109,210
	SUBTOTAL OPERATING FORCES	**270,994**	**316,894**
	ADMIN & SRVWD ACTIVITIES		
050	ADMINISTRATION	14,056	14,056
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**14,056**	**14,056**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**285,050**	**330,950**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	706,860	680,530
	A–10 aircraft retention		[1,670]
	Unjustified growth		[–28,000]
020	COMBAT ENHANCEMENT FORCES	2,382,448	2,346,948
	CENTCOM—MQ–9 combat lines		[53,000]
	EUCOM UFR—Air base air defense operations center		[1,500]
	Unjustified growth		[–90,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,555,320	1,542,750
	A–10 aircraft retention		[12,430]
	Contract adversary air		[5,000]
	Unjustified growth		[–30,000]
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	3,661,762	3,707,337
	A–10 aircraft retention		[65,575]
	Unjustified growth		[–20,000]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,867,114	4,342,114
	Program increase—FSRM		[475,000]
060	CYBERSPACE SUSTAINMENT	179,568	179,568
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	8,457,653	8,784,538
	A–10 aircraft retention		[15,885]
	A–10/F–35 contract maintenance		[156,000]
	Program increase—F–35 sustainment		[185,000]
	Unjustified growth		[–30,000]
080	FLYING HOUR PROGRAM	5,646,730	5,699,590
	A–10 aircraft retention		[52,860]
090	BASE SUPPORT	9,846,037	9,776,037
	Unjustified growth		[–70,000]
100	GLOBAL C3I AND EARLY WARNING	979,705	988,905
	EUCOM—MPE air component battle network		[9,200]
110	OTHER COMBAT OPS SPT PROGRAMS	1,418,515	1,399,625
	EUCOM UFR—Air base air defense		[110]
	Unjustified growth		[–19,000]
120	CYBERSPACE ACTIVITIES	864,761	864,761
150	SPACE CONTROL SYSTEMS	13,223	13,223
160	US NORTHCOM/NORAD	196,774	196,774
170	US STRATCOM	475,015	475,015
180	US CYBERCOM	389,663	416,163
	CYBERCOM UFR—Acceleration of cyber intelligence		[3,200]
	Program increase—cyber training		[23,300]
190	US CENTCOM	372,354	386,354

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
	CENTCOM UFR—MISO program		[24,000]
	Unjustified growth—OSC-I		[–10,000]
200	US SOCOM	28,733	28,733
220	CENTCOM CYBERSPACE SUSTAINMENT	1,289	1,289
230	USSPACECOM	272,601	282,601
	SPACECOM UFR—Bridging space protection gaps		[10,000]
9999	CLASSIFIED PROGRAMS	1,454,383	1,454,383
	SUBTOTAL OPERATING FORCES	**42,770,508**	**43,567,238**
	MOBILIZATION		
240	AIRLIFT OPERATIONS	2,422,784	2,397,784
	Unjustified growth		[–25,000]
250	MOBILIZATION PREPAREDNESS	667,851	667,851
	SUBTOTAL MOBILIZATION	**3,090,635**	**3,065,635**
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	156,193	156,193
270	RECRUIT TRAINING	26,072	26,072
280	RESERVE OFFICERS TRAINING CORPS (ROTC)	127,693	127,693
290	SPECIALIZED SKILL TRAINING	491,286	481,286
	Unjustified growth		[–10,000]
300	FLIGHT TRAINING	718,742	718,742
310	PROFESSIONAL DEVELOPMENT EDUCATION	302,092	302,092
320	TRAINING SUPPORT	162,165	162,165
330	RECRUITING AND ADVERTISING	171,339	171,339
340	EXAMINING	8,178	8,178
350	OFF-DUTY AND VOLUNTARY EDUCATION	236,760	236,760
360	CIVILIAN EDUCATION AND TRAINING	306,602	306,602
370	JUNIOR ROTC	65,940	65,940
	SUBTOTAL TRAINING AND RECRUITING	**2,773,062**	**2,763,062**
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	1,062,709	1,062,709
390	TECHNICAL SUPPORT ACTIVITIES	169,957	169,957
400	ADMINISTRATION	1,005,827	987,327
	Unjustified growth		[–18,500]
410	SERVICEWIDE COMMUNICATIONS	31,054	31,054
420	OTHER SERVICEWIDE ACTIVITIES	1,470,757	1,470,757
430	CIVIL AIR PATROL	29,128	47,300
	Program increase		[18,172]
450	INTERNATIONAL SUPPORT	81,118	81,118
9999	CLASSIFIED PROGRAMS	1,391,720	1,391,428
	Classified adjustment		[–292]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**5,242,270**	**5,241,650**
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–150,000
	Historical unobligated balances		[–150,000]
	SUBTOTAL UNDISTRIBUTED		**–150,000**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**53,876,475**	**54,487,585**
	OPERATION & MAINTENANCE, SPACE FORCE		
	OPERATING FORCES		
010	GLOBAL C3I & EARLY WARNING	495,615	495,615
020	SPACE LAUNCH OPERATIONS	185,700	185,700
030	SPACE OPERATIONS	611,269	611,269
040	EDUCATION & TRAINING	22,887	22,887
060	DEPOT MAINTENANCE	280,165	306,165
	Program increase—weapon system sustainment		[26,000]
070	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	213,347	279,647
	Space Force UFR—FSRM Cheyenne Mountain Complex		[66,300]
080	CONTRACTOR LOGISTICS AND SYSTEM SUPPORT	1,158,707	1,246,707
	Program increase—weapon system sustainment		[94,000]
	Unjustified growth		[–6,000]
090	SPACE OPERATIONS -BOS	143,520	143,520
9999	CLASSIFIED PROGRAMS	172,755	172,755
	SUBTOTAL OPERATING FORCES	**3,283,965**	**3,464,265**
	ADMINISTRATION AND SERVICE WIDE ACTIVITIES		
100	ADMINISTRATION	156,747	146,747
	Unjustified growth		[–10,000]
	SUBTOTAL ADMINISTRATION AND SERVICE WIDE ACTIVITIES	**156,747**	**146,747**
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	**3,440,712**	**3,611,012**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,665,015	1,636,015
	Unjustified growth		[–29,000]
020	MISSION SUPPORT OPERATIONS	179,486	179,486
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	530,540	530,540

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	114,987	123,987
	Program increase—FSRM		[9,000]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	254,831	254,831
060	BASE SUPPORT	470,801	470,801
070	CYBERSPACE ACTIVITIES	1,372	1,372
	SUBTOTAL OPERATING FORCES	**3,217,032**	**3,197,032**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
080	ADMINISTRATION	91,289	91,289
090	RECRUITING AND ADVERTISING	23,181	23,181
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	13,966	13,966
110	OTHER PERS SUPPORT (DISABILITY COMP)	6,196	6,196
120	AUDIOVISUAL	442	442
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**135,074**	**135,074**
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–18,000
	Historical unobligated balances		[–18,000]
	SUBTOTAL UNDISTRIBUTED		**–18,000**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,352,106**	**3,314,106**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	2,281,432	2,281,432
020	MISSION SUPPORT OPERATIONS	582,848	588,748
	CNGB UFR—HRF/CERFP sustainment		[5,900]
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	1,241,318	1,226,318
	Unjustified growth		[–15,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	353,193	379,193
	Program increase—FSRM		[26,000]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,077,654	1,067,654
	Unjustified growth		[–10,000]
060	BASE SUPPORT	908,198	908,198
070	CYBERSPACE SUSTAINMENT	23,895	23,895
080	CYBERSPACE ACTIVITIES	17,263	17,263
	SUBTOTAL OPERATING FORCES	**6,485,801**	**6,492,701**
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
090	ADMINISTRATION	46,455	46,455
100	RECRUITING AND ADVERTISING	41,764	41,764
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	**88,219**	**88,219**
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–15,000
	Historical unobligated balances		[–15,000]
	SUBTOTAL UNDISTRIBUTED		**–15,000**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,574,020**	**6,565,920**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	407,240	402,240
	Unjustified growth		[–5,000]
020	JOINT CHIEFS OF STAFF—CE2T2	554,634	607,734
	AFRICOM UFR—Joint Exercise Program		[18,000]
	INDOPACOM UFR—Joint Exercise Program		[35,100]
030	JOINT CHIEFS OF STAFF—CYBER	8,098	8,098
050	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	2,044,479	2,047,789
	SOCOM—Armored ground mobility systems (AGMS) acceleration		[3,310]
060	SPECIAL OPERATIONS COMMAND CYBERSPACE ACTIVITIES	45,851	45,851
070	SPECIAL OPERATIONS COMMAND INTELLIGENCE	1,614,757	1,614,757
080	SPECIAL OPERATIONS COMMAND MAINTENANCE	1,081,869	1,088,210
	SOCOM UFR—Modernized forward look sonar		[900]
	SOCOM UFR—Personal signature management acceleration		[5,441]
090	SPECIAL OPERATIONS COMMAND MANAGEMENT/OPERATIONAL HEADQUARTERS	180,042	180,042
100	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	1,202,060	1,202,060
110	SPECIAL OPERATIONS COMMAND THEATER FORCES	3,175,789	3,175,789
	SUBTOTAL OPERATING FORCES	**10,314,819**	**10,372,570**
	TRAINING AND RECRUITING		
130	DEFENSE ACQUISITION UNIVERSITY	171,607	171,607
140	JOINT CHIEFS OF STAFF	92,905	92,905
150	PROFESSIONAL DEVELOPMENT EDUCATION	31,669	31,669
	SUBTOTAL TRAINING AND RECRUITING	**296,181**	**296,181**
	ADMIN & SRVWIDE ACTIVITIES		
170	CIVIL MILITARY PROGRAMS	137,311	264,592
	Program increase—National Guard Youth Challenge		[85,281]
	Program increase—STARBASE		[42,000]
190	DEFENSE CONTRACT AUDIT AGENCY	618,526	606,526
	Unjustified growth		[–12,000]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
200	DEFENSE CONTRACT AUDIT AGENCY—CYBER	3,984	3,984
220	DEFENSE CONTRACT MANAGEMENT AGENCY	1,438,296	1,435,796
	Unjustified growth		[–2,500]
230	DEFENSE CONTRACT MANAGEMENT AGENCY—CYBER	11,999	11,999
240	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY	941,488	931,488
	Unjustified growth		[–10,000]
260	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY—CYBER	9,859	9,859
270	DEFENSE HUMAN RESOURCES ACTIVITY	816,168	881,168
	DHRA/DSPO—support FY2021 congressional increases		[5,000]
	DHRA/SAPRO—FY2021 baseline restoral		[60,000]
280	DEFENSE HUMAN RESOURCES ACTIVITY—CYBER	17,655	17,655
290	DEFENSE INFORMATION SYSTEMS AGENCY	1,913,734	1,934,769
	milCloud 2.0 migration		[21,035]
310	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	530,278	612,378
	Program increase—hardening DOD networks		[62,100]
	Program increase—securing the Department of Defense Information Network		[20,000]
350	DEFENSE LEGAL SERVICES AGENCY	229,498	229,498
360	DEFENSE LOGISTICS AGENCY	402,864	407,664
	Program increase—Procurement Technical Assistance Program		[4,800]
370	DEFENSE MEDIA ACTIVITY	222,655	222,655
380	DEFENSE PERSONNEL ACCOUNTING AGENCY	130,174	155,174
	DPAA (POW/MIA)—support FY2021 congressional increases		[25,000]
390	DEFENSE SECURITY COOPERATION AGENCY	2,067,446	1,922,157
	Program increase		[104,711]
	Transfer to Ukraine Security Assistance		[–250,000]
420	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	39,305	39,305
440	DEFENSE THREAT REDUCTION AGENCY	885,749	885,749
460	DEFENSE THREAT REDUCTION AGENCY—CYBER	36,736	36,736
470	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	3,138,345	3,208,345
	Program increase—Impact Aid		[50,000]
	Program increase—Impact Aid for children with severe disabilities		[20,000]
490	MISSILE DEFENSE AGENCY	502,450	502,450
530	OFFICE OF THE LOCAL DEFENSE COMMUNITY COOPERATION—OSD	89,686	104,686
	Program increase—Defense Community Infrastructure Program		[15,000]
540	OFFICE OF THE SECRETARY OF DEFENSE	1,766,614	1,844,114
	Bien Hoa dioxin cleanup		[15,000]
	Cost Assessment Data Enterprise		[3,500]
	Military working dog pilot program		[10,000]
	National Commission on Synthetic Biology		[10,000]
	Office of the Secretary of Defense civilian workforce		[9,000]
	Personnel in the Office of Assistant Secretary of Defense Sustainment and Environment, Safety, and Occupational Health		[3,000]
	Program increase—Afghanistan War Commission		[5,000]
	Program increase—CDC water contamination study and assessment		[15,000]
	Program increase—Commission on Planning, Programming, Budgeting, and Execution Reform		[5,000]
	Program increase—Commission on the National Defense Strategy		[5,000]
	Program increase—Commission on the Strategic Posture of the U.S.		[7,000]
	Unjustified growth—non-pay		[–10,000]
550	OFFICE OF THE SECRETARY OF DEFENSE—CYBER	32,851	32,851
560	SPACE DEVELOPMENT AGENCY	53,851	53,851
570	WASHINGTON HEADQUARTERS SERVICES	369,698	364,698
	Unjustified growth		[–5,000]
999	CLASSIFIED PROGRAMS	17,900,146	17,833,213
	Classified adjustment		[–66,933]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**34,307,366**	**34,553,360**
	UNDISTRIBUTED		
998	UNDISTRIBUTED		490,304
	Depot capital investment		[500,000]
	Program reduction—SOCOM unjustified increase in management and headquarters expenses		[–9,696]
	SUBTOTAL UNDISTRIBUTED		**490,304**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**44,918,366**	**45,712,415**
	MISCELLANEOUS APPROPRIATIONS		
	US COURT OF APPEALS FOR THE ARMED FORCES, DEF		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	15,589	15,589
	SUBTOTAL US COURT OF APPEALS FOR THE ARMED FORCES, DEF	**15,589**	**15,589**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**15,589**	**15,589**
	MISCELLANEOUS APPROPRIATIONS		
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	110,051	150,051
	Program increase		[40,000]
	SUBTOTAL OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	**110,051**	**150,051**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**110,051**	**150,051**
	MISCELLANEOUS APPROPRIATIONS		
	COOPERATIVE THREAT REDUCTION ACCOUNT		
010	COOPERATIVE THREAT REDUCTION	239,849	344,849

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2022 Request	Conference Authorized
	Program increase—Biological Threat Reduction Program		*[105,000]*
	SUBTOTAL COOPERATIVE THREAT REDUCTION ACCOUNT	**239,849**	**344,849**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**239,849**	**344,849**
	MISCELLANEOUS APPROPRIATIONS		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	*ACQ WORKFORCE DEV FD*	*54,679*	*54,679*
	SUBTOTAL ACQUISITION WORKFORCE DEVELOPMENT	**54,679**	**54,679**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**54,679**	**54,679**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, ARMY		
050	*ENVIRONMENTAL RESTORATION, ARMY*	*200,806*	*299,606*
	Program increase for PFAS		*[98,800]*
	SUBTOTAL ENVIRONMENTAL RESTORATION, ARMY	**200,806**	**299,606**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**200,806**	**299,606**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, NAVY		
060	*ENVIRONMENTAL RESTORATION, NAVY*	*298,250*	*465,550*
	Program increase for PFAS		*[167,300]*
	SUBTOTAL ENVIRONMENTAL RESTORATION, NAVY	**298,250**	**465,550**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**298,250**	**465,550**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, AIR FORCE		
070	*ENVIRONMENTAL RESTORATION, AIR FORCE*	*301,768*	*476,768*
	Program increase for PFAS		*[175,000]*
	SUBTOTAL ENVIRONMENTAL RESTORATION, AIR FORCE	**301,768**	**476,768**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**301,768**	**476,768**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, DEFENSE		
080	*ENVIRONMENTAL RESTORATION, DEFENSE*	*8,783*	*10,979*
	Program increase		*[2,196]*
	SUBTOTAL ENVIRONMENTAL RESTORATION, DEFENSE	**8,783**	**10,979**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**8,783**	**10,979**
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION FORMERLY USED SITES		
090	*ENVIRONMENTAL RESTORATION FORMERLY USED SITES*	*218,580*	*292,580*
	Program increase for PFAS		*[74,000]*
	SUBTOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES	**218,580**	**292,580**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**218,580**	**292,580**
	UKRAINE SECURITY ASSISTANCE		
	UKRAINE SECURITY ASSISTANCE		
010	*UKRAINE SECURITY ASSISTANCE*		*300,000*
	Program increase		*[50,000]*
	Transfer from Defense Security Cooperation Agency		*[250,000]*
	TOTAL UKRAINE SECURITY ASSISTANCE		**300,000**
	TOTAL OPERATION & MAINTENANCE	**253,623,852**	**255,404,231**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2022 Request	Conference Authorized
Military Personnel Appropriations	*157,947,920*	*157,567,460*
ARNG CBRN Response Forces Readiness		*[9,200]*
Manpower costs associated with retaining two cruisers		*[45,000]*
A–10/F–35 Active duty maintainers		*[93,000]*
Military personnel historical underexecution		*[–527,660]*
Medicare-Eligible Retiree Health Care Fund Contributions	*9,337,175*	*9,337,175*
TOTAL, Military Personnel	**167,285,095**	**166,904,635**

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	*FY 2022 Request*	*Conference Authorized*
WORKING CAPITAL FUND, ARMY		
ARMY ARSENALS INITIATIVE	*26,935*	*26,935*
ARMY SUPPLY MANAGEMENT	*357,776*	*357,776*
TOTAL WORKING CAPITAL FUND, ARMY	***384,711***	***384,711***
WORKING CAPITAL FUND, NAVY		
SUPPLY MANAGEMENT—NAVY	*150,000*	*150,000*
TOTAL WORKING CAPITAL FUND, NAVY	***150,000***	***150,000***
WORKING CAPITAL FUND, AIR FORCE		
SUPPLY MANAGEMENT	*77,453*	*77,453*
TOTAL WORKING CAPITAL FUND, AIR FORCE	***77,453***	***77,453***
WORKING CAPITAL FUND, DEFENSE-WIDE		
ENERGY MANAGEMENT—DEFENSE	*40,000*	*40,000*
SUPPLY CHAIN MANAGEMENT—DEFENSE	*87,765*	*87,765*
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	***127,765***	***127,765***
WORKING CAPITAL FUND, DECA		
COMMISSARY OPERATIONS	*1,162,071*	*1,162,071*
TOTAL WORKING CAPITAL FUND, DECA	***1,162,071***	***1,162,071***
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	*93,121*	*93,121*
CHEM DEMILITARIZATION—RDT&E	*1,001,231*	*1,001,231*
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	***1,094,352***	***1,094,352***
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
COUNTER-NARCOTICS SUPPORT	*593,250*	*593,250*
DRUG DEMAND REDUCTION PROGRAM	*126,024*	*126,024*
NATIONAL GUARD COUNTER-DRUG PROGRAM	*96,970*	*96,970*
NATIONAL GUARD COUNTER-DRUG SCHOOLS	*5,664*	*5,664*
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	***821,908***	***821,908***
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL	*434,700*	*434,700*
OFFICE OF THE INSPECTOR GENERAL—CYBER	*1,218*	*1,218*
OFFICE OF THE INSPECTOR GENERAL—RDTE	*2,365*	*2,365*
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	*80*	*80*
TOTAL OFFICE OF THE INSPECTOR GENERAL	***438,363***	***438,363***
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	*9,720,004*	*9,587,742*
Assumptions for care		*[–27,800]*
Excess funding for capability replacement		*[–104,462]*
PRIVATE SECTOR CARE	*18,092,679*	*18,068,879*
Unjustified support services growth		*[–23,800]*
CONSOLIDATED HEALTH SUPPORT	*1,541,122*	*1,556,522*
Assumptions for care		*[–14,600]*
Program increase: Anomalous health incidents care capacity		*[30,000]*
INFORMATION MANAGEMENT	*2,233,677*	*2,233,677*
MANAGEMENT ACTIVITIES	*335,138*	*335,138*
EDUCATION AND TRAINING	*333,234*	*333,234*
BASE OPERATIONS/COMMUNICATIONS	*1,926,865*	*1,921,865*
Program decrease		*[–5,000]*
R&D RESEARCH	*9,091*	*9,091*
R&D EXPLORATRY DEVELOPMENT	*75,463*	*75,463*
R&D ADVANCED DEVELOPMENT	*235,556*	*235,556*
R&D DEMONSTRATION/VALIDATION	*142,252*	*142,252*
R&D ENGINEERING DEVELOPMENT	*101,054*	*101,054*
R&D MANAGEMENT AND SUPPORT	*49,645*	*49,645*
R&D CAPABILITIES ENHANCEMENT	*17,619*	*17,619*
UNDISTRIBUTED RDT&E		*12,500*
Combat triple negative breast cancer		*[10,000]*
Post-traumatic stress disorder		*[2,500]*
PROC INITIAL OUTFITTING	*20,926*	*20,926*
PROC REPLACEMENT & MODERNIZATION	*250,366*	*250,366*
PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	*72,302*	*72,302*
PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	*435,414*	*435,414*
TOTAL DEFENSE HEALTH PROGRAM	***35,592,407***	***35,459,245***
TOTAL OTHER AUTHORIZATIONS	***39,849,030***	***39,715,868***

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
	Alabama			
Army	Fort Rucker	AIT Barracks Complex	0	66,000
Army	Redstone Arsenal	Propulsion Systems Lab	55,000	55,000
	Belgium			
Army	Shape Headquarters	Command and Control Facility	16,000	16,000
	California			
Army	Fort Irwin	Simulations Center	52,000	52,000
	Georgia			
Army	Fort Gordon	Cyber Center of Excellence School Headquarters and Classrooms (P&D)	0	3,670
Army	Fort Gordon	Cyber Instructional Fac (Admin/Cmd), Inc. 2	69,000	69,000
Army	Fort Stewart	Barracks	0	105,000
	Germany			
Army	East Camp Grafenwoehr	EDI: Barracks and Dining Facility	103,000	103,000
Army	Smith Barracks	Indoor Small Arms Range	17,500	17,500
Army	Smith Barracks	Live Fire Exercise Shoothouse	16,000	16,000
	Hawaii			
Army	Fort Shafter	Ctc—Command and Control Facility	0	55,000
Army	Wheeler Army Airfield	Rotary Wing Parking Apron	0	56,000
Army	Wheeler Army Airfield	Aviation Unit OPS Building	0	84,000
Army	West Loch Nav Mag Annex	Ammunition Storage	51,000	51,000
	Kansas			
Army	Fort Leavenworth	Child Development Center	0	34,000
	Kentucky			
Army	Fort Knox	Child Development Center	0	27,000
	Louisiana			
Army	Fort Polk	Joint Operations Center	55,000	55,000
Army	Fort Polk	Barracks	0	56,000
	Maryland			
Army	Aberdeen Proving Ground	Moving Target Simulator (Combat Systems Simulation Laboratory)	0	0
Army	Fort Detrick	Medical Waste Incinerator	0	23,981
Army	Fort Detrick	USAMRMC Headquarters	0	0
Army	Fort Meade	Barracks	81,000	81,000
	Mississippi			
Army	Engineer Research and Development Center	Communications Center	0	0
Army	Engineer Research and Development Center	Rtd&e (Risk Lab)	0	0
	Missouri			
Army	Fort Leonard Wood	Advanced Individual Training Battalion Complex (P&D)	0	4,000
	New Jersey			
Army	Picatinny Arsenal	Igloo Storage, Installation	0	0
	New Mexico			
Army	White Sands Missile Range	Missile Assembly Support Facility	0	29,000
	New York			
Army	Fort Hamilton	Information Systems Facility	26,000	26,000
Army	West Point Military Reservation	Ctc—Engineering Center	0	17,200
Army	Watervliet Arsenal	Access Control Point	20,000	20,000
	Pennsylvania			
Army	Letterkenny Army Depot	Fire Station	21,000	21,000
	South Carolina			
Army	Fort Jackson	Reception Barracks Complex, Ph2, Inc. 2	34,000	34,000
Army	Fort Jackson	Ctc- Reception Barracks, Ph1	0	21,000
	Texas			
Army	Camp Bullis	Ctc- Vehicle Maintenance Shop	0	16,400
Army	Fort Hood	Barracks	0	61,000
Army	Fort Hood	Barracks	0	69,000
	Virginia			
Army	Joint Base Langley-Eustis	AIT Barracks Complex, Ph4	0	16,000
	Worldwide Classified			
Army	Classified Location	Forward Operating Site	31,000	31,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support	27,000	27,000
Army	Unspecified Worldwide Locations	Minor Construction	35,543	35,543
Army	Unspecified Worldwide Locations	Planning and Design	124,649	134,649
Army	Worldwide Various Locations	Labs and RDT&E Planning and Design Unfunded Requirement	0	45,000
Army	Worldwide Various Locations	Cost to Complete—Unspecified Minor Construction	0	69,000
	Military Construction, Army Total		**834,692**	**1,727,943**
	Arizona			
Navy	Marine Corps Air Station Yuma	Combat Training Tank Complex	0	29,300
Navy	Marine Corps Air Station Yuma	Bachelor Enlisted Quarters	0	0
	California			
Navy	Marine Corps Base Camp Pendleton	I MEF Consolidated Information Center Inc.	19,869	19,869
Navy	Marine Corps Base Camp Pendleton	Warehouse Replacement	0	22,200
Navy	Marine Corps Base Camp Pendleton	Basilone Road Realignment	0	0
Navy	Marine Corps Air Station Miramar	F–35 Centralized Engine Repair Facility	0	31,400
Navy	Marine Corps Air Station Miramar	Aircraft Maintenance Hangar	0	185,991

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Navy	Naval Air Station Lemoore	F–35C Hangar 6 Phase 2 (Mod 3/4) Inc.	75,070	50,000
Navy	Marine Corps Air Ground Combat Center	Cost to Complete—Wastewater Treatment Plant	0	45,000
Navy	Naval Base Ventura County	Combat Vehicle Maintenance Facility	0	48,700
Navy	Naval Base Ventura County	MQ–25 Aircraft Maintenance Hangar	0	125,291
Navy	Naval Base Coronado	CMV–22B Aircraft Maintenance Hangar	0	63,600
Navy	Marine Corps Base Camp Pendleton	CLB MEU Complex	0	83,900
Navy	Marine Corps Reserve Depot San Diego	Recruit Mess Hall Replacement	0	93,700
Navy	Naval Information Warfare Center Pacific	Reconfigurable Cyber Laboratory	0	0
Navy	Naval Weapons Station Seal Beach	Missile Magazines Inc.	10,840	10,840
Navy	Naval Base San Diego	Pier 6 Replacement Inc.	50,000	50,000
Navy	San Nicholas Island	Directed Energy Weapons Test Facilities	19,907	19,907
	District of Columbia			
Navy	Naval Research Laboratory	Electromagnetic & Cyber Countermeasures Laboratory	0	0
Navy	Naval Research Laboratory	Biomolecular Science & Synthetic Biology Laboratory	0	0
	El Salvador			
Navy	Cooperative Security Location Comalapa	Hangar and Ramp Expansion	0	0
	Florida			
Navy	Naval Air Station Jacksonville	Planning and Design for Lighterage and Small Craft	0	7,000
Navy	Naval Surface Warfare Center Panama City Division	Unmanned Vehicle Littoral Combat Space	0	0
Navy	Naval Surface Warfare Center Panama City Division	Mine Warfare RDT&E Facility	0	0
Navy	Naval Undersea Warfare Center Panama City Division	AUTEC Pier Facility 1902	0	37,980
Navy	Marine Corps Support Facility Blount Island	Lighterage and Small Craft Facility	0	69,400
Navy	Naval Undersea Warfare Center Panama City Division	Array Calibration Facility	0	0
	Greece			
Navy	Naval Support Activity Souda Bay	EDI: Joint Mobility Processing Center	41,650	41,650
	Guam			
Navy	Andersen Air Force Base	Aviation Admin Building	50,890	50,890
Navy	Joint Region Marianas	4th Marines Regiment Facilities	109,507	65,000
Navy	Joint Region Marianas	Bachelor Enlisted Quarters H Inc.	43,200	43,200
Navy	Joint Region Marianas	Combat Logistics Batallion–4 Facility	92,710	49,710
Navy	Joint Region Marianas	Consolidated Armory	43,470	43,470
Navy	Joint Region Marianas	Infantry Battalion Company HQ	44,100	44,100
Navy	Joint Region Marianas	Joint Communication Upgrade Inc.	84,000	84,000
Navy	Joint Region Marianas	Marine Expeditionary Brigade Enablers	66,830	66,830
Navy	Joint Region Marianas	Principal End Item (PEI) Warehouse	47,110	47,110
Navy	Joint Region Marianas	X-Ray Wharf Berth 2	103,800	51,900
	Hawaii			
Navy	Marine Corps Training Area Bellows	Perimeter Security Fence	0	6,220
Navy	Marine Corps Base Kaneohe	Bachelor Enlisted Quarters, Ph 2 Inc,	0	101,200
Navy	Marine Corps Base Kaneohe	Electrical Distribution Modernization	0	64,500
	Indiana			
Navy	Naval Surface Warfare Center Crane Division	Strategic Systems Engineering & Hardware Assurance Center	0	0
Navy	Naval Surface Warfare Center Crane Division	Corporate Operations and Training Center	0	0
Navy	Naval Surface Warfare Center Crane Division	Anti-Ship Missile Defense Life Cycle Integration and Test Center	0	0
	Japan			
Navy	Fleet Activities Yokosuka	Pier 5 (Berths 2 and 3) Inc.	15,292	15,292
Navy	Fleet Activities Yokosuka	Ship Handling & Combat Training Facilities	49,900	49,900
	Maine			
Navy	Naval Support Activity Cutler	Firehouse (P&D)	0	2,500
Navy	Portsmouth Naval Shipyard	Multi-Mission Drydock #1 Extension Inc.	250,000	250,000
Navy	Portsmouth Naval Shipyard	Multi-Mission Drydock #1 Extension Inc.—Navy #1 Ufr	0	0
	Maryland			
Navy	Naval Air Station Patuxent River	Planning and Design for Aircraft Prototyping Facility, Ph 3	0	1,500
Navy	Naval Air Warfare Center Aircraft Division	Aircraft Prototyping Facility, Ph 3	0	0
Navy	Naval Air Warfare Center Aircraft Division	Rotary Wing T&E Hangar Replacement	0	0
Navy	Naval Surface Warfare Center Carderock Division	Ship Systems Design & Integration Facility	0	0
Navy	Naval Surface Warfare Center Carderock Division	ARD Range Craft Berthing Facility	0	0
Navy	Naval Surface Warfare Center Carderock Division	Navy Combatant Craft Laboratory	0	0
Navy	Naval Surface Warfare Center Indian Head	Planning and Design for Contained Burn Facility	0	1,500

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Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Navy	Naval Surface Warfare Center Indian Head	Energetic Systems and Technology Laboratory Complex, Ph 2	0	0
Navy	Naval Surface Warfare Center Indian Head	Contained Burn Facility	0	0
Navy	Naval Surface Warfare Center Indian Head	Energetic Chemical Scale-up Facility	0	0
Navy	Naval Surface Warfare Center Indian Head	Energetics Prototyping Facility	0	0
Navy	Naval Surface Warfare Center Indian Head	Energetic Systems and Technology Laboratory Complex, Ph 3	0	0
	Nevada			
Navy	Naval Air Station Fallon	Training Range Land Acquisition—Ph 2	48,250	0
	North Carolina			
Navy	Marine Corps Base Camp Lejeune	Cost to Complete—Water Treatment Plant Replacement Hadnot Pt	0	64,200
Navy	Marine Corps Base Camp Lejeune	II MEF Operations Center Replacement Inc.	42,200	42,200
Navy	Marine Corps Air Station Cherry Point	Aircraft Maintenance Hangar	207,897	57,897
Navy	Marine Corps Air Station Cherry Point	F–35 Flightline Utilities Modernization Ph 2	113,520	30,000
Navy	Marine Corps Air Station Cherry Point	F–35 Joint Strike Fighter Sustainment Center (P–993) (P&D)	0	10,000
Navy	Marine Corps Air Station Cherry Point	Ctc—ATC Tower and Airfield Operations	0	18,700
Navy	Marine Corps Air Station New River	Maintenance Hangar (P&D)	0	13,300
Navy	Marine Corps Air Station New River	Aircraft Maintenance Hangar Addition/Alteration (P&D)	0	2,700
	Pennsylvania			
Navy	Naval Surface Warfare Center Philadelphia Division	Machinery Control Development Center	0	77,290
Navy	Naval Surface Warfare Center Philadelphia Division	Machinery Integration Lab, Ph 1	0	0
Navy	Naval Surface Warfare Center Philadelphia Division	Power & Energy Tech Systems Integration Lab	0	0
	Poland			
Navy	Redzikowo	AEGIS Ashore Barracks Planning and Design	0	
	Rhode Island			
Navy	Naval Station Newport	Next Generation Torpedo Integration Lab (P&D)	0	1,200
Navy	Naval Station Newport	Submarine Payloads Integration Laboratory (P&D)	0	1,400
Navy	Naval Station Newport	Consolidated RDT&E Systems Facility (P&D)	0	1,700
Navy	Naval Station Newport	Next Generation Secure Submarine Platform Facility (P&D)	0	4,000
Navy	Naval Undersea Warfare Center Newport Division	Next Generation Secure Submarine Platform Facility	0	0
Navy	Naval Undersea Warfare Center Newport Division	Next Generation Torpedo Integration Lab	0	0
Navy	Naval Undersea Warfare Center Newport Division	Submarine Payloads Integration Facility	0	0
Navy	Naval Undersea Warfare Center Newport Division	Consolidation RDT&E Systems Facility	0	0
	South Carolina			
Navy	Marine Corps Air Station Beaufort	Instrument Landing System	0	3,000
Navy	Marine Corps Air Station Beaufort	F–35 Operational Support Facility	0	4,700
Navy	Marine Corps Air Station Beaufort	Ctc—Recycling/Hazardous Waste Facility	0	5,000
Navy	Marine Corps Air Station Beaufort	Aircraft Maintenance Hangar	0	122,600
Navy	Marine Corps Reserve Depot Parris Island	Entry Control Facility	0	6,000
	Spain			
Navy	Naval Station Rota	EDI: Explosive Ordnance Disposal (EOD) Mobile Unit Facilities	0	85,600
	Texas			
Navy	Naval Air Station Kingsville	Planning and Design for Fire Rescue Safety Center	0	2,500
	Virginia			
Navy	Naval Station Norfolk	CMV–22 Aircraft Maintenance Hangar and Airfield Improvement	0	75,100
Navy	Naval Station Norfolk	Submarine Pier 3 Inc.	88,923	43,923
Navy	Naval Surface Warfare Center Dahlgren Division	Cyber Threat & Weapon Systems Engineering Complex	0	0
Navy	Naval Surface Warfare Center Dahlgren Division	High Powered Electric Weapons Laboratory	0	0
Navy	Norfolk Naval Shipyard	Dry Dock Saltwater System for CVN–78	156,380	30,000
Navy	Marine Corps Base Quantico	Vehicle Inspection and Visitor Control Center	42,850	42,850
Navy	Marine Corps Base Quantico	Wargaming Center Inc.	30,500	30,500
Navy	Naval Weapons Station Yorktown	Navy Munitions Command (Nmc) Ordnance Facilities Recap, Phase 2	0	93,500
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Planning and Design	363,252	413,252
Navy	Unspecified Worldwide Locations	Shipyard Investment Optimization Program	0	225,000
Navy	Unspecified Worldwide Locations	Shipyard Investment Optimization Program—Planning and Design	0	62,820

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Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	56,435	56,435
Navy	Worldwide Various Locations	PDI: Planning and Design Unfunded Requirement	0	68,200
Navy	Worldwide Various Locations	Unspecified Minor Construction	0	75,000
Navy	Worldwide Various Locations	Labs and RDT&E Planning and Design Unfunded Requirement	0	50,000
Military Construction, Navy Total			**2,368,352**	**3,895,117**
	Alaska			
AF	Eielson Air Force Base	Contaminated Soil Removal	0	44,850
AF	Joint Base Elmendorf-Richardson	Extend Runway 16/34, Inc. 1	79,000	79,000
	Arizona			
AF	Davis-Monthan Air Force Base	South Wilmot Gate	13,400	13,400
AF	Luke Air Force Base	F–35A ADAL AMU Facility Squadron #6	28,000	28,000
AF	Luke Air Force Base	F–35A Squadron Operations Facility #6	21,000	21,000
	Australia			
AF	Royal Australian Air Force Base Darwin	Squadron Operations Facility	7,400	7,400
AF	Royal Australian Air Force Base Tindal	Aircraft Maintenance Support Facility	6,200	6,200
AF	Royal Australian Air Force Base Tindal	Squadron Operations Facility	8,200	8,200
	California			
AF	Edwards Air Force Base	Flight Test Engineering Lab Complex	4,000	4,000
AF	Edwards Air Force Base	Upgrade Munitions Complex	0	0
AF	Edwards Air Force Base	Rocket Engineering, Analysis, and Collaboration Hub (Reach)	0	0
AF	Vandenberg Space Force Base	GBSD Re-Entry Vehicle Facility	48,000	48,000
AF	Vandenberg Space Force Base	GBSD Stage Processing Facility	19,000	19,000
	Colorado			
AF	Schriever Space Force Base	ADAL Fitness Center	0	30,000
AF	United States Air Force Academy	Add High Bay Vehicle Maintenance	0	4,360
AF	United States Air Force Academy	Cadet Prep School Dormitory	0	0
	District of Columbia			
AF	Joint Base Anacostia Bolling	Joint Air Defense Operations Center Ph 2	24,000	24,000
	Florida			
AF	Eglin Air Force Base	Weapons Technology Integration Center (P&D)	0	40,000
AF	Eglin Air Force Base	HC-Blackfyre Facilities	0	0
AF	Eglin Air Force Base	JADC2 & Abms Test Facility	0	0
AF	Eglin Air Force Base	F–35A Development/Operational Test 2–Bay Hangar (P&D)	0	4,000
AF	Eglin Air Force Base	Ctc—Advanced Munitions Technology Complex	0	35,000
AF	Eglin Air Force Base	Integrated Control Facility	0	0
AF	Eglin Air Force Base	F–35A Development Test 2–Bay MX Hangar	0	0
AF	Eglin Air Force Base	Flightline Fire Station at Duke Field	0	14,000
	Georgia			
AF	Moody Air Force Base	41 Rqs Hh–60w Apron	0	0
	Germany			
AF	Spangdahlem Air Base	F/a–22 LO/Composite Repair Facility	22,625	22,625
	Guam			
AF	Joint Region Marianas	Airfield Damage Repair Warehouse	30,000	30,000
AF	Joint Region Marianas	Hayman Munitions Storage Igloos, MSA2	9,824	9,824
AF	Joint Region Marianas	Munitions Storage Igloos IV	55,000	55,000
	Hawaii			
AF	Maui Experimental Site #3	Secure Integration Support Lab W/ Land Acquisition (P&D)	0	8,800
	Hungary			
AF	Kecskemet Air Base	EDI: Construct Airfield Upgrades	20,564	20,564
AF	Kecskemet Air Base	EDI: Construct Parallel Taxiway	38,650	38,650
	Italy			
AF	Aviano Air Force Base	Area A1 Entry Control Point	0	10,200
	Japan			
AF	Kadena Air Base	Airfield Damage Repair Storage Facility	38,000	38,000
AF	Kadena Air Base	Helicopter Rescue OPS Maintenance Hangar	168,000	35,000
AF	Kadena Air Base	Replace Munitions Structures	26,100	26,100
AF	Misawa Air Base	Airfield Damage Repair Facility	25,000	25,000
AF	Yokota Air Base	C–130J Corrosion Control Hangar	67,000	67,000
AF	Yokota Air Base	Airfield Damage Repair Warehouse	0	39,000
AF	Yokota Air Base	Construct CATM Facility	25,000	25,000
	Louisiana			
AF	Barksdale Air Force Base	Weapons Generation Facility, Inc. 1	40,000	40,000
AF	Barksdale Air Force Base	New Entrance Road and Gate Complex—Ctc	0	36,000
	Maryland			
AF	Joint Base Andrews	Fire Crash Rescue Station	26,000	26,000
AF	Joint Base Andrews	Military Working Dog Kennel—Ctc	0	10,000
	Massachusetts			
AF	Hanscom Air Force Base	NC3 Acquisitions Management Facility	66,000	66,000
	Nebraska			
AF	Offutt Air Force Base	Replace Trestle F312	0	0
	Nevada			
AF	Creech Air Force Base	Warrior Fitness Training Center (P&D)	0	2,200
AF	Creech Air Force Base	Mission Support Facility	0	14,200
	New Mexico			
AF	Cannon Air Force Base	192 Bed Dormitory (P&D)	0	5,568
AF	Cannon Air Force Base	Deployment Processing Center (P&D)	0	5,976
AF	Holloman Air Force Base	Indoor Target Flip Facility (P&D)	0	2,340

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AF	Holloman Air Force Base	RAMS Indoor Target Flip Facility	0	0
AF	Holloman Air Force Base	Holloman High Speed Test Track Recapitalization	0	0
AF	Holloman Air Force Base	ADAL Fabrication Shop	0	0
AF	Holloman Air Force Base	MQ–9 Formal Training Unit Operations Facility	0	0
AF	Kirtland Air Force Base	Dedicated Facility for the Space Rapid Capabilities Office (P&D)	0	5,280
AF	Kirtland Air Force Base	Ctc—Wyoming Gate Antiterrorism Compliance	0	5,600
AF	Kirtland Air Force Base	Pj/Cro Urban Training Complex (P&D)	0	810
AF	Kirtland Air Force Base	High Power Electromagnetic (HPEM) Laboratory	0	0
AF	Kirtland Air Force Base	Laser Effects & Simulation Laboratory	0	0
AF	Kirtland Air Force Base	ADAL Systems & Engineering Lab	0	0
	New Jersey			
AF	Joint Base McGuire-Dix-Lakehurst	SFS OPS Confinement Facility (P&D)	0	450
	Ohio			
AF	Wright-Patterson Air Force Base	Child Development Center	0	24,000
AF	Wright-Patterson Air Force Base	Human Performance Wing Laboratory	0	0
AF	Wright-Patterson Air Force Base	Bionatronics Research Center Laboratory	0	0
	Oklahoma			
AF	Tinker Air Force Base	KC–46A 3–Bay Depot Maintenance Hangar	160,000	60,000
	South Carolina			
AF	Joint Base Charleston	Flightline Support Facility	0	29,000
AF	Joint Base Charleston	Fire and Rescue Station	0	30,000
	South Dakota			
AF	Ellsworth Air Force Base	B–21 2–Bay LO Restoration Facility, Inc. 2	91,000	41,000
AF	Ellsworth Air Force Base	B–21 ADAL Flight Simulator	24,000	24,000
AF	Ellsworth Air Force Base	B–21 Field Training Detachment Facility	47,000	47,000
AF	Ellsworth Air Force Base	B–21 Formal Training Unit/AMU	70,000	70,000
AF	Ellsworth Air Force Base	B–21 Mission Operations Planning Facility	36,000	36,000
AF	Ellsworth Air Force Base	B–21 Washrack & Maintenance Hangar	65,000	65,000
	Spain			
AF	Moron Air Base	EDI-Hot Cargo Pad	8,542	8,542
	Tennessee			
AF	Arnold Air Force Base	Cooling Water Expansion, Rowland Creek	0	0
AF	Arnold Air Force Base	Add/Alter Test Cell Delivery Bay	0	14,600
AF	Arnold Air Force Base	Primary Pumping Station Upgrades	0	0
	Texas			
AF	Joint Base San Antonio	BMT Recruit Dormitory 7	141,000	40,000
AF	Joint Base San Antonio	BMT Recruit Dormitory 8, Inc. 3	31,000	31,000
AF	Joint Base San Antonio—Fort Sam Houston	Child Development Center	0	29,000
AF	Joint Base San Antonio—Fort Sam Houston	Directed Energy Research Center	0	0
AF	Joint Base San Antonio—Lackland Air Force Base	Child Development Center	0	29,000
AF	Sheppard Air Force Base	Child Development Center	20,000	20,000
	United Kingdom			
AF	Royal Air Force Fairford	EDI: Construct DABS-FEV Storage	94,000	94,000
AF	Royal Air Force Lakenheath	F–35A Child Development Center	0	24,000
AF	Royal Air Force Lakenheath	F–35A Munition Inspection Facility	31,000	31,000
AF	Royal Air Force Lakenheath	F–35 ADAL Conventional Munitions MX	0	4,500
AF	Royal Air Force Lakenheath	F–35A Weapons Load Training Facility	49,000	49,000
	Utah			
AF	Hill Air Force Base	GBSD Organic Software Sustainment Ctr, Inc. 2	31,000	31,000
	Virginia			
AF	Joint Base Langley-Eustis	Fuel Systems Maintenance Dock	0	24,000
	Worldwide Unspecified			
AF	Various Worldwide Locations	EDI: Planning & Design	648	10,648
AF	Various Worldwide Locations	PDI: Planning & Design	27,200	47,200
AF	Various Worldwide Locations	Planning & Design	201,453	201,453
AF	Various Worldwide Locations	Intelligence, Surveillance, and Reconnaissance Infrastructure Planning and Design.	0	20,000
AF	Various Worldwide Locations	Cost to Complete—Natural Disaster Conus-Based Projects	0	100,000
AF	Various Worldwide Locations	EDI: UMMC	0	15,000
AF	Various Worldwide Locations	Unspecified Minor Military Construction	58,884	58,884
AF	Worldwide Various Locations	Labs and RDT&E Planning and Design Unfunded Requirement	0	75,000
	Military Construction, Air Force Total		**2,102,690**	**2,485,424**
	Alabama			
Def-Wide	Fort Rucker	10 MW RICE Generator Plant and Microgrid Controls	0	24,000
Def-Wide	Redstone Arsenal	Msic Advanced Analysis Facility Phase 1 (Inc)	0	25,000
	Belgium			
Def-Wide	Chievres Air Force Base	Europe West District Superintendent's Office	15,000	15,000
	California			
Def-Wide	Marine Corps Base Camp Pendleton	Veterinary Treatment Facility Replacement	13,600	13,600
Def-Wide	Silver Strand Training Complex	SOF ATC Operations Support Facility	21,700	21,700
Def-Wide	Silver Strand Training Complex	SOF NSWG11 Operations Support Facility	12,000	12,000
Def-Wide	Marine Corps Air Station Miramar	Additional LFG Power Meter Station	0	4,054
Def-Wide	Naval Air Weapons Station China Lake	Solar Energy Storage System	0	9,120

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Def-Wide	Naval Amphibious Base Coronado	Ctc- SOF Training Command	0	20,500
	Colorado			
Def-Wide	Buckley Air Force Base	JCC Expansion	20,000	20,000
	District of Columbia			
Def-Wide	Joint Base Anacostia-Bolling	DIA HQ Cooling Towers and Cond Pumps	0	2,257
Def-Wide	Joint Base Anacostia-Bolling	PV Carports	0	29,004
	Florida			
Def-Wide	MacDill Air Force Base	Transmission and Switching Stations	0	22,000
	Georgia			
Def-Wide	Fort Benning	4.8 MW Generation and Microgrid	0	17,593
Def-Wide	Fort Benning	SOF Battalion Headquarters Facility	62,000	62,000
Def-Wide	Fort Stewart	10 MW Generation Plant, With Microgrid Controls	0	22,000
Def-Wide	Kings Bay Naval Submarine Base	Electrical Transmission and Distribution	0	19,314
	Germany			
Def-Wide	Ramstein Air Base	Ramstein Middle School	93,000	13,000
	Guam			
Def-Wide	Polaris Point Submarine Base	Inner Apra Harbor Resiliency Upgrades Ph1	0	38,300
	Hawaii			
Def-Wide	Hdr-Hawaii	Homeland Defense Radar (P&D)	0	9,000
Def-Wide	Joint Base Pearl Harbor-Hickam	Veterinary Treatment Facility Replacement	29,800	29,800
	Idaho			
Def-Wide	Mountain Home Air Force Base	Water Treatment Plant and Pump Station	0	33,800
	Japan			
Def-Wide	Marine Corps Air Base Iwakuni	Fuel Pier	57,700	57,700
Def-Wide	Kadena Air Base	Operations Support Facility	24,000	24,000
Def-Wide	Kadena Air Base	Truck Unload Facilities	22,300	22,300
Def-Wide	Misawa Air Base	Additive Injection Pump and Storage Sys	6,000	6,000
Def-Wide	Naval Air Facility Atsugi	Smart Grid for Utility and Facility Controls	0	3,810
Def-Wide	Yokota Air Base	Hangar/AMU	108,253	31,653
	Kuwait			
Def-Wide	Camp Arifjan	Microgrid Controller, 1.25 MW Solar PV, and 1.5 MWH Battery	0	15,000
	Maryland			
Def-Wide	Bethesda Naval Hospital	MEDCEN Addition / Alteration, Inc. 5	153,233	153,233
Def-Wide	Fort Meade	NSAW Mission OPS and Records Center Inc. 1	94,000	94,000
Def-Wide	Fort Meade	NSAW Recap Building 4, Inc. 1	104,100	104,100
Def-Wide	Fort Meade	SOF Operations Facility	100,000	75,000
	Michigan			
Def-Wide	Camp Grayling	650 KW Gas-Fired Micro-Turbine Generation System	0	5,700
	Mississippi			
Def-Wide	Camp Shelby	10 MW Generation Plant an Feeder Level Microgrid System	0	34,500
Def-Wide	Camp Shelby	Electrical Distribution Infrastructure Undergrounding Hardening Project.	0	11,155
	Missouri			
Def-Wide	Fort Leonard Wood	Hospital Replacement, Inc. 4	160,000	160,000
	New Mexico			
Def-Wide	Kirtland Air Force Base	Environmental Health Facility Replacement	8,600	8,600
	New York			
Def-Wide	Fort Drum	Wellfield Expansion Resiliency Project	0	27,000
	North Carolina			
Def-Wide	Camp Lejeune	Ctc—SOF Motor Transport Maintenance Expansion	0	0
Def-Wide	Fort Bragg	Ctc—SOF Intelligence Training Center	0	0
Def-Wide	Fort Bragg	10 MW Microgrid Utilizing Existing and New Generators	0	19,464
Def-Wide	Fort Bragg	Emergency Water System	0	7,705
	North Dakota			
Def-Wide	Cavalier Air Force Station	Pcars Emergency Power Plant Fuel Storage	0	24,150
	Ohio			
Def-Wide	Springfield-Beckley Municipal Airport	Base-Wide Microgrid With Natural Gas Generator, Photovaltaic, and Battery Storage.	0	4,700
	Puerto Rico			
Def-Wide	Fort Allen	Microgrid Conrol System, 690 KW PV, 275 KW Gen, 570 Kwh Bess	0	12,190
Def-Wide	Punta Borinquen	Ramey Unit School Replacement	84,000	84,000
Def-Wide	Aguadilla Ramey Unit School	Microgrid Conrol System, 460 KW PV, 275 KW Generator, 660 Kwh Bess.	0	10,120
	Tennessee			
Def-Wide	Memphis International Airport	PV Arrays and Battery Storage	0	4,780
	Texas			
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Ph 4	35,000	35,000
	United Kingdom			
Def-Wide	Menwith Hill Station	Rafmh Main Gate Rehabilitation	20,000	20,000
Def-Wide	Royal Air Force Lakenheath	Hospital Replacement-Temporary Facilities	19,283	19,283
	Virginia			
Def-Wide	Fort Belvoir	Veterinary Treatment Facility Replacement	29,800	29,800
Def-Wide	Humphries Engineer Center and Support Activity	SOF Battalion Operations Facility	0	36,000
Def-Wide	Pentagon	Consolidated Maintenance Complex (RRMC)	20,000	20,000
Def-Wide	Pentagon	Force Protection Perimeter Enhancements	8,608	8,608
Def-Wide	Pentagon	Public Works Support Facility	21,935	21,935
Def-Wide	Fort Belvoir, NGA Campus East	Led Upgrade Package	0	365
Def-Wide	Pentagon, Mark Center, and Raven Rock Mountain Complex	Recommisioning of Hvac Systems, Part B	0	2,600
Def-Wide	National Geospatial-Intelligence Agency Campus East	Electrical System Redundancy	0	5,299

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	Washington			
Def-Wide	Oak Harbor	ACC / Dental Clinic (Oak Harbor)	59,000	59,000
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	DIA Planning and Design	11,000	11,000
Def-Wide	Unspecified Worldwide Locations	DODEA Planning and Design	13,317	13,317
Def-Wide	Unspecified Worldwide Locations	DODEA Unspecified Minor Construction	8,000	8,000
Def-Wide	Unspecified Worldwide Locations	ERCIP Design	40,150	40,150
Def-Wide	Unspecified Worldwide Locations	Energy Resilience and Conserv. Invest. Prog.	246,600	0
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	5,615	5,615
Def-Wide	Unspecified Worldwide Locations	MDA Unspecified Minor Construction	4,435	4,435
Def-Wide	Unspecified Worldwide Locations	NSA Planning and Design	83,840	83,840
Def-Wide	Unspecified Worldwide Locations	NSA Unspecified Minor Military Construction	12,000	12,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	14,194	14,194
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Military Construction	21,746	21,746
Def-Wide	Unspecified Worldwide Locations	TJS Planning and Design	2,000	2,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	WHS Planning and Design	5,275	5,275
Def-Wide	Various Worldwide Locations	DHA Planning and Design	35,099	35,099
Def-Wide	Various Worldwide Locations	DLA Planning and Design	20,862	20,862
Def-Wide	Various Worldwide Locations	DLA Unspecified Minor Construction	6,668	6,668
Def-Wide	Various Worldwide Locations	SOCOM Planning and Design	20,576	20,576
	Military Construction, Defense-Wide Total		**1,957,289**	**2,029,569**
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	205,853	205,853
	NATO Security Investment Program Total		**205,853**	**205,853**
	Alabama			
Army NG	Redstone Arsenal	National Guard Readiness Center	0	17,000
	Alaska			
Army NG	Joint Base Elmendorf-Richardson	Planning and Design for National Guard Readiness Center	0	5,000
	Connecticut			
Army NG	Connecticut Army National Guard Readiness Center—Putnam	National Guard Readiness Center	17,500	17,500
	Georgia			
Army NG	Fort Benning	Post-Initial Mil. Training Unaccomp. Housing	13,200	13,200
	Guam			
Army NG	Guam National Guard Readiness Center Barrigada	National Guard Readiness Center Addition	34,000	34,000
	Idaho			
Army NG	Jerome National Guard Armory	National Guard Readiness Center	15,000	15,000
	Illinois			
Army NG	Bloomington National Guard Armory	National Guard Vehicle Maintenance Shop	15,000	15,000
	Kansas			
Army NG	Nickell Memorial Armory	National Guard/Reserve Center Building SCIF (P&D)	0	420
Army NG	Nickell Memorial Armory	National Guard/Reserve Center Building	16,732	16,732
	Louisiana			
Army NG	Camp Minden Training Site	Collective Training Unaccompanied Housing	0	13,800
Army NG	Lake Charles National Guard Readiness Center	National Guard Readiness Center	18,500	18,500
	Maine			
Army NG	Saco National Guard Readiness Center	National Guard Vehicle Maintenance Shop	21,200	21,200
	Michigan			
Army NG	Camp Grayling Military Installation	National Guard Readiness Center	0	16,000
	Mississippi			
Army NG	Camp Shelby Training Site	Maneuver Area Training Equipment Site	0	15,500
	Missouri			
Army NG	Aviation Classification Repair Activity Depot	Avcrad Aircraft Maintenance Hangar Addition (P&D)	0	3,800
	Montana			
Army NG	Butte Military Entrance Training Site	National Guard Readiness Center	16,000	16,000
	Nebraska			
Army NG	Mead Army National Guard Readiness Center	Collective Training Unaccompanied Housing	0	11,000
	North Dakota			
Army NG	Dickinson National Guard Armory	National Guard Readiness Center	15,500	15,500
	South Dakota			
Army NG	Sioux Falls Army National Guard	National Guard Readiness Center	0	15,000
	Vermont			
Army NG	Ethan Allen Air Force Base	Family Readiness Center	0	4,665
Army NG	Vermont National Guard Armory	National Guard Readiness Center	0	16,900
	Virginia			
Army NG	Virginia National Guard Readiness Center	Army Aviation Support Facility (P&D)	0	5,805

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Army NG	Virginia National Guard Readiness Center	Combined Support Maintenance Shop Addition	6,900	6,900
Army NG	Virginia National Guard Readiness Center	National Guard Readiness Center Addition	6,100	6,100
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning and Design	22,000	32,000
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	39,471	39,471
Army NG	Various Worldwide Locations	Army National Guard Transformation Plan	0	0
	Military Construction, Army National Guard Total		**257,103**	**391,993**
	Michigan			
Army Res	Southfield	Area Maintenance Support Activity	12,000	12,000
	Ohio			
Army Res	Wright-Patterson Air Force Base	AR Center Training Building/ UHS	19,000	19,000
	Wisconsin			
Army Res	Fort McCoy	Transient Training BN HQ	12,200	12,200
Army Res	Fort McCoy	Transient Training Enlisted Barracks	0	29,200
Army Res	Fort McCoy	Transient Training Officer Barracks	0	29,200
Army Res	Fort McCoy	Transient Training Enlisted Barracks	0	0
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	7,167	7,167
Army Res	Unspecified Worldwide Locations	Cost to Complete	0	0
Army Res	Unspecified Worldwide Locations	Unspecified Minor Military Construction	14,544	14,544
	Military Construction, Army Reserve Total		**64,911**	**123,311**
	Michigan			
N/MC Res	Navy Operational Support Center Battle Creek	Reserve Center & Vehicle Maintenance Facility	49,090	49,090
	Minnesota			
N/MC Res	Minneapolis	Joint Reserve Intelligence Center	14,350	14,350
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	MCNR Planning & Design	1,257	1,257
N/MC Res	Unspecified Worldwide Locations	MCNR Unspecified Minor Construction	2,359	2,359
N/MC Res	Unspecified Worldwide Locations	USMCR Planning and Design	4,748	4,748
	Military Construction, Naval Reserve Total		**71,804**	**71,804**
	Alabama			
Air NG	Sumpter Smith Air National Guard Base	Security and Services Training Facility	0	7,500
Air NG	Montgomery Regional Airport	Aircraft Maintenance Facility	0	19,200
	Connecticut			
Air NG	Bradley International Airport	Composite ASE/Vehicle MX Facility	0	17,000
	Delaware			
Air NG	Newcastle Air National Guard Base	Fuel Cell/Corrosion Control Hangar	0	17,500
	Idaho			
Air NG	Boise Air National Guard Base Gowen Field	Medical Training Facility	0	6,500
	Illinois			
Air NG	Abraham Lincoln Capital Airport	Base Civil Engineering Facility	0	10,200
	Massachusetts			
Air NG	Barnes Air National Guard	Combined Engine/ASE/NDI Shop	12,200	12,200
	Michigan			
Air NG	Alpena County Regional Airport	Aircraft Maintenance Hangar/Shops	23,000	23,000
Air NG	Selfridge Air National Guard Base	a–10 Maintenance Hangar and Shops	0	28,000
Air NG	W. K. Kellog Regional Airport	Construct Main Base Entrance	10,000	10,000
	Mississippi			
Air NG	Jackson International Airport	Fire Crash and Rescue Station	9,300	9,300
	New York			
Air NG	Francis S. Gabreski Airport	Base Civil Engineer Complex	0	14,800
Air NG	Schenectady Municipal Airport	C–130 Flight Simulator Facility	10,800	10,800
	Ohio			
Air NG	Camp Perry	Red Horse Logistics Complex	7,800	7,800
	South Carolina			
Air NG	Mcentire Joint National Guard Base	Hazardous Cargo Pad	0	9,000
Air NG	Mcentire Joint National Guard Base	F–16 Mission Training Center	9,800	9,800
	South Dakota			
Air NG	Joe Foss Field	F–16 Mission Training Center	9,800	9,800
	Texas			
Air NG	Kelly Field Annex	Aircraft Corrosion Control	0	9,500
	Washington			
Air NG	Camp Murray Air National Guard Station	Air Support Operations Complex	0	27,000
	Wisconsin			
Air NG	Truax Field	F–35 3–Bay Specialized Hangar	31,000	31,000

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(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Air NG	Truax Field	Medical Readiness Facility	13,200	13,200
Air NG	Volk Combat Readiness Training Center	Replace Aircraft Maintenance Hangar/Shops (P&D)	0	2,280
	Worldwide Unspecified			
Air NG	Unspecified Worldwide Locations	Unspecified Minor Construction	29,068	29,068
Air NG	Various Worldwide Locations	Planning and Design	18,402	34,402
	Wyoming			
Air NG	Cheyenne Municipal Airport	Combined Vehicle Maintenance & ASE Complex	13,400	13,400
	Military Construction, Air National Guard Total		**197,770**	**382,250**
	California			
AF Res	Beale Air Force Base	940 ARW SQ OPS &amu Complex	0	33,000
	Florida			
AF Res	Homestead Air Force Reserve Base	Corrosion Control Facility	14,000	14,000
AF Res	Patrick Air Force Base	Simulator C–130J	18,500	18,500
	Indiana			
AF Res	Grissom Air Reserve Base	Logistics Readiness Complex	0	29,000
	Minnesota			
AF Res	Minneapolis-St Paul International Airport	Mission Support Group Facility	14,000	14,000
	New York			
AF Res	Niagara Falls Air Reserve Station	Main Gate	10,600	10,600
	Ohio			
AF Res	Youngstown Air Reserve Base	Assault Runway	0	8,700
	Worldwide Unspecified			
AF Res	Worldwide Various Locations	KC–46 Mob 5 (P&D)	0	15,000
AF Res	Unspecified Worldwide Locations	Planning & Design	5,830	5,830
AF Res	Unspecified Worldwide Locations	Unspecified Minor Military Construction	15,444	15,444
	Military Construction, Air Force Reserve Total		**78,374**	**164,074**
	Italy			
FH Con Army	Vicenza	Family Housing New Construction	92,304	92,304
	Kwajalein Atoll			
FH Con Army	Kwajalein Atoll	Family Housing Replacement Construction	0	10,000
	Pennsylvania			
FH Con Army	Tobyhanna Army Depot	Ctc- Family Housing Replacement Construction	0	7,500
	Puerto Rico			
FH Con Army	Fort Buchanan	Ctc- Family Housing Replacement Construction	0	14,000
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Family Housing P&D	7,545	37,545
	Family Housing Construction, Army Total		**99,849**	**161,349**
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Furnishings	18,077	18,077
FH Ops Army	Unspecified Worldwide Locations	Housing Privitization Support	38,404	38,404
FH Ops Army	Unspecified Worldwide Locations	Leasing	128,110	128,110
FH Ops Army	Unspecified Worldwide Locations	Maintenance	111,181	111,181
FH Ops Army	Unspecified Worldwide Locations	Management	42,850	42,850
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	556	556
FH Ops Army	Unspecified Worldwide Locations	Services	8,277	8,277
FH Ops Army	Unspecified Worldwide Locations	Utilities	43,772	43,772
	Family Housing Operation And Maintenance, Army Total		**391,227**	**391,227**
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Construction Improvements	71,884	71,884
FH Con Navy	Unspecified Worldwide Locations	Planning & Design	3,634	3,634
FH Con Navy	Unspecified Worldwide Locations	USMC DPRI/Guam Planning and Design	2,098	2,098
	Family Housing Construction, Navy And Marine Corps Total		**77,616**	**77,616**
	Worldwide Unspecified			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
FH Ops Navy	Unspecified Worldwide Locations	Furnishings	16,537	16,537
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	54,544	54,544
FH Ops Navy	Unspecified Worldwide Locations	Leasing	62,567	62,567
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	95,417	95,417
FH Ops Navy	Unspecified Worldwide Locations	Management	54,083	54,083
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	285	285
FH Ops Navy	Unspecified Worldwide Locations	Services	17,637	17,637
FH Ops Navy	Unspecified Worldwide Locations	Utilities	56,271	56,271
	Family Housing Operation And Maintenance, Navy And Marine Corps Total		**357,341**	**357,341**
	Georgia			
FH Con AF	Robins Air Force Base	Robins 2 MHPI Restructure	6,000	6,000
	Nebraska			
FH Con AF	Offutt Air Force Base	Offutt MHPI Restructure	50,000	50,000
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Construction Improvements	49,258	49,258
FH Con AF	Unspecified Worldwide Locations	Planning & Design	10,458	10,458
	Family Housing Construction, Air Force Total		**115,716**	**115,716**
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings	26,842	26,842
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	23,275	23,275
FH Ops AF	Unspecified Worldwide Locations	Leasing	9,520	9,520
FH Ops AF	Unspecified Worldwide Locations	Maintenance	141,754	141,754
FH Ops AF	Unspecified Worldwide Locations	Management	70,062	70,062
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	2,200	2,200
FH Ops AF	Unspecified Worldwide Locations	Services	8,124	8,124
FH Ops AF	Unspecified Worldwide Locations	Utilities	43,668	43,668
	Family Housing Operation And Maintenance, Air Force Total		**325,445**	**325,445**
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	DIA Furnishings	656	656
FH Ops DW	Unspecified Worldwide Locations	DIA Leasing	31,430	31,430
FH Ops DW	Unspecified Worldwide Locations	DIA Utilities	4,166	4,166
FH Ops DW	Unspecified Worldwide Locations	Maintenance	49	49
FH Ops DW	Unspecified Worldwide Locations	NSA Furnishings	83	83
FH Ops DW	Unspecified Worldwide Locations	NSA Leasing	13,387	13,387
FH Ops DW	Unspecified Worldwide Locations	NSA Utilities	14	14
	Family Housing Operation And Maintenance, Defense-Wide Total		**49,785**	**49,785**
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Administrative Expenses—FHIF	6,081	6,081
	Unaccompanied Housing Improvement Fund Total		**6,081**	**6,081**
	Worldwide Unspecified			
UHIF	Unspecified Worldwide Locations	Administrative Expenses—UHIF	494	494
	Unaccompanied Housing Improvement Fund Total		**494**	**494**
	Worldwide Unspecified			
BRAC	Base Realignment & Closure, Army	Base Realignment and Closure	65,301	115,301
	Base Realignment and Closure—Army Total		**65,301**	**115,301**
	Worldwide Unspecified			
BRAC	Unspecified Worldwide Locations	Base Realignment & Closure	111,155	161,155
	Base Realignment and Closure—Navy Total		**111,155**	**161,155**
	Worldwide Unspecified			
BRAC	Unspecified Worldwide Locations	DOD BRAC Activities—Air Force	104,216	104,216
	Base Realignment and Closure—Air Force Total		**104,216**	**104,216**
	Worldwide Unspecified			
BRAC	Unspecified Worldwide Locations	Base Realignment and Closure	0	0
BRAC	Unspecified Worldwide Locations	Int–4: DLA Activities	3,967	3,967

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Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Base Realignment and Closure—Defense-wide Total			**3,967**	**3,967**
Total, Military Construction			**9,847,031**	**13,347,031**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2022 Request	Conference Authorized
Discretionary Summary by Appropriation		
Energy and Water Development and Related Agencies		
Appropriation Summary:		
Energy Programs		
Nuclear energy	149,800	149,800
Atomic Energy Defense Activities		
National Nuclear Security Administration:		
Weapons activities	15,484,295	15,981,328
Defense nuclear nonproliferation	1,934,000	1,957,000
Naval reactors	1,860,705	1,860,705
Federal Salaries and Expenses	464,000	464,000
Total, National Nuclear Security Administration	**19,743,000**	**20,263,033**
Defense environmental cleanup	6,841,670	6,480,759
Defense Uranium Enrichment D&D	0	0
Other defense activities	1,170,000	920,000
Total, Atomic Energy Defense Activities	**27,754,670**	**27,663,792**
Total, Discretionary Funding	**27,904,470**	**27,813,592**
Nuclear Energy		
Safeguards and security	149,800	149,800
Total, Nuclear Energy	**149,800**	**149,800**
National Nuclear Security Administration		
Federal Salaries and Expenses		
Program direction	464,000	464,000
Weapons Activities		
Stockpile management		
Stockpile major modernization		
B61 Life extension program	771,664	771,664
W76–2 Modification program	0	0
W88 Alteration program	207,157	207,157
W80–4 Life extension program	1,080,400	1,080,400
W80–4 ALT SLCM	10,000	10,000
W87–1 Modification Program (formerly IW1)	691,031	691,031
W93	72,000	72,000
Subtotal, Stockpile major modernization	**2,832,252**	**2,832,252**
Stockpile sustainment	1,180,483	1,180,483
Weapons dismantlement and disposition	51,000	51,000
Production operations	568,941	568,941
Total, Stockpile management	**4,632,676**	**4,632,676**
Production modernization		
Primary Capability Modernization		
Plutonium Modernization		
Los Alamos plutonium modernization		
Los Alamos Plutonium Operations	660,419	660,419
21–D–512, Plutonium Pit Production Project, LANL	350,000	350,000
Subtotal, Los Alamos plutonium modernization	**1,010,419**	**1,010,419**
Savannah River plutonium modernization		
Savannah River plutonium operations	128,000	128,000
21–D–511, Savannah River Plutonium Processing Facility, SRS	475,000	475,000
Subtotal, Savannah River plutonium modernization	**603,000**	**603,000**
Enterprise Plutonium Support	107,098	107,098
Total, Plutonium Modernization	**1,720,517**	**1,720,517**
High Explosives & Energetics	68,785	68,785
Total, Primary Capability Modernization	**1,789,302**	**1,789,302**
Secondary Capability Modernization	488,097	488,097

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2022 Request	Conference Authorized
Tritium and Domestic Uranium Enrichment	489,017	489,017
Non-Nuclear Capability Modernization	144,563	144,563
Total, Production modernization	**2,910,979**	**2,910,979**
Stockpile research, technology, and engineering		
Assessment science	689,578	769,394
Engineering and integrated assessments	336,766	292,085
Inertial confinement fusion	529,000	580,000
Advanced simulation and computing	747,012	747,012
Weapon technology and manufacturing maturation	292,630	292,630
Academic programs	95,645	101,945
Total, Stockpile research, technology, and engineering	**2,690,631**	**2,783,066**
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	670,000	1,020,000
Recapitalization		
Infrastructure and Safety	508,664	508,664
Capabilities Based Investments	143,066	143,066
Planning for Programmatic Construction (Pre-CD–1)	0	0
Subtotal, Recapitalization	**651,730**	**651,730**
Total, Operating	**2,501,084**	**2,851,084**
Construction		
Programmatic		
22–D–513 Power Sources Capability, SNL	13,827	13,827
21–D–510, HE Synthesis, Formulation, and Production Facility, PX	44,500	36,200
18–D–690, Lithium Processing Facility, Y–12	167,902	167,902
18–D–650, Tritium Finishing Facility, SRS	27,000	27,000
18–D–620, Exascale Computing Facility Modernization Project, LLNL	0	0
17–D–640, U1a Complex Enhancements Project, NNSS	135,000	135,000
15–D–302, TA–55 Reinvestment Project—Phase 3, LANL	27,000	27,000
15–D–301, HE Science & Engineering Facility, PX	0	0
07–D–220-04, Transuranic Liquid Waste Facility, LANL	0	0
06–D–141, Uranium Processing Facility, Y–12	524,000	600,000
04–D–125, Chemistry and Metallurgy Research Replacement Project, LANL	138,123	138,123
Total, Programmatic	**1,077,352**	**1,145,052**
Mission enabling		
22–D–514 Digital Infrastructure Capability Expansion	8,000	8,000
Total, Mission enabling	**8,000**	**8,000**
Total, Construction	**1,085,352**	**1,153,052**
Total, Infrastructure and operations	**3,586,436**	**4,004,136**
Secure transportation asset		
Operations and equipment	213,704	213,704
Program direction	117,060	117,060
Total, Secure transportation asset	**330,764**	**330,764**
Defense nuclear security		
Operations and maintenance	824,623	811,521
Security improvements program	0	0
Construction:		
17–D–710, West end protected area reduction project, Y–12	23,000	23,000
Subtotal, construction	**23,000**	**23,000**
Total, Defense nuclear security	**847,623**	**834,521**
Information technology and cybersecurity	**406,530**	406,530
Legacy contractor pensions	**78,656**	78,656
Total, Weapons Activities	**15,484,295**	**15,981,328**
Adjustments		
Use of prior year balances	0	0
Total, Adjustments	**0**	**0**
Total, Weapons Activities	**15,484,295**	**15,981,328**
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Material management and minimization		
Conversion (formerly HEU Reactor Conversion)	100,660	100,660
Nuclear material removal	42,100	42,100
Material disposition	200,186	200,186
Laboratory and partnership support	0	0
Total, Material management & minimization	**342,946**	**342,946**
Global material security		
International nuclear security	79,939	79,939
Domestic radiological security	158,002	158,002
International radiological security	85,000	85,000
Nuclear smuggling detection and deterrence	175,000	185,000
Total, Global material security	**497,941**	**507,941**
Nonproliferation and arms control	184,795	184,795

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2022 Request	Conference Authorized
National Technical Nuclear Forensics R&D	45,000	45,000
Defense nuclear nonproliferation R&D		
Proliferation detection	269,407	269,407
Nonproliferation stewardship program	87,329	100,329
Nuclear detonation detection	271,000	271,000
Nonproliferation fuels development	0	0
Total, Defense Nuclear Nonproliferation R&D	**627,736**	**640,736**
Nonproliferation construction		
U. S. Construction:		
18–D–150 Surplus Plutonium Disposition Project	156,000	156,000
99–D–143, Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	0	0
Total, U. S. Construction:	**156,000**	**156,000**
Total, Nonproliferation construction	**156,000**	**156,000**
Total, Defense Nuclear Nonproliferation Programs	**1,854,418**	**1,877,418**
Legacy contractor pensions	38,800	38,800
Nuclear counterterrorism and incident response program		
Emergency Operations	14,597	14,597
Counterterrorism and Counterproliferation	356,185	356,185
Total, Nuclear counterterrorism and incident response program	**370,782**	**370,782**
Subtotal, Defense Nuclear Nonproliferation	**2,264,000**	**2,287,000**
Adjustments		
Use of prior year balances	0	0
Use of prior year MOX funding	–330,000	–330,000
Total, Adjustments	**–330,000**	**–330,000**
Total, Defense Nuclear Nonproliferation	**1,934,000**	**1,957,000**
Naval Reactors		
Naval reactors development	640,684	640,684
Columbia-Class reactor systems development	55,000	55,000
S8G Prototype refueling	126,000	126,000
Naval reactors operations and infrastructure	594,017	594,017
Program direction	55,579	55,579
Construction:		
22–D–532 Security Upgrades KL	5,100	5,100
22–D–531 KL Chemistry & Radiological Health Building	41,620	41,620
21–D–530 KL Steam and Condensate Upgrades	0	0
14–D–901, Spent Fuel Handling Recapitalization Project, NRF	348,705	348,705
Total, Construction	**395,425**	**395,425**
Use of Prior Year unobligated balances	–6,000	–6,000
Total, Naval Reactors	**1,860,705**	**1,860,705**
TOTAL, National Nuclear Security Administration	**19,743,000**	**20,263,033**
Defense Environmental Cleanup		
Closure sites administration	3,987	3,987
Richland:		
River corridor and other cleanup operations	196,000	211,000
Central plateau remediation	689,776	689,776
Richland community and regulatory support	5,121	5,121
18–D–404 Modification of Waste Encapsulation and Storage Facility	8,000	8,000
22–D–401 L–888, 400 Area Fire Station	15,200	15,200
22–D–402 L–897, 200 Area Water Treatment Facility	12,800	12,800
Total, Richland	**926,897**	**941,897**
Office of River Protection:		
Waste Treatment Immobilization Plant Commissioning	50,000	50,000
Rad liquid tank waste stabilization and disposition	817,642	837,642
Construction:		
18–D–16 Waste treatment and immobilization plant—LBL/Direct feed LAW	586,000	586,000
01–D–16 D, High-level waste facility	60,000	60,000
01–D–16 E, Pretreatment Facility	20,000	20,000
Total, Construction	**666,000**	**666,000**
ORP Low-level waste offsite disposal	7,000	7,000
Total, Office of River Protection	**1,540,642**	**1,560,642**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	358,925	358,925
Idaho community and regulatory support	2,658	2,658
Construction:		
22–D–403 Idaho Spent Nuclear Fuel Staging Facility	3,000	3,000
22–D–404 Addl ICDF Landfill Disposal Cell and Evaporation Ponds Project	5,000	5,000
Total, Construction	**8,000**	**8,000**
Total, Idaho National Laboratory	**369,583**	**369,583**
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,806	1,806

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2022 Request	Conference Authorized
LLNL Excess facilities D&D	35,000	35,000
Separations Processing Research Unit	15,000	15,000
Nevada Test Site	60,737	60,737
Sandia National Laboratory	4,576	4,576
Los Alamos National Laboratory	275,119	275,119
Los Alamos Excess facilities D&D	58,381	58,381
Total, NNSA sites and Nevada off-sites	**450,619**	**450,619**
Oak Ridge Reservation:		
OR Nuclear facility D&D	274,923	287,316
U233 Disposition Program	55,000	55,000
OR cleanup and waste disposition	73,725	73,725
Construction:		
17–D–401 On-site waste disposal facility	12,500	12,500
14–D–403 Outfall 200 Mercury Treatment Facility	0	0
Subtotal, Construction:	**12,500**	**12,500**
OR community & regulatory support	5,096	5,096
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	**424,244**	**436,637**
Savannah River Site:		
Savannah River risk management operations	452,724	454,090
SR legacy pensions	130,882	130,882
SR community and regulatory support	5,805	11,805
Construction:		
20–D–402 Advanced Manufacturing Collaborative Facility (AMC)	0	0
20–D–401 Saltstone Disposal Unit #10, 11, 12	19,500	19,500
19–D–701 SR Security systems replacement	5,000	5,000
18–D–402 Saltstone disposal unit #8/9	68,000	68,000
17–D–402 Saltstone Disposal Unit #7	0	0
05–D–405 Salt waste processing facility, SRS	0	0
8–D–402 Emergency Operations Center Replacement, SR	8,999	8,999
Radioactive liquid tank waste stabilization	890,865	890,865
Total, Savannah River Site	**1,581,775**	**1,589,141**
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	350,424	350,424
Construction:		
15–D–411 Safety significant confinement ventilation system, WIPP	55,000	55,000
15–D–412 Exhaust shaft, WIPP	25,000	25,000
21–D–401 Hoisting Capability Project	0	0
Total, Construction	**80,000**	**80,000**
Total, Waste Isolation Pilot Plant	**430,424**	**430,424**
Program direction—Defense Environmental Cleanup	293,106	293,106
Program support—Defense Environmental Cleanup	62,979	62,979
Safeguards and Security—Defense Environmental Cleanup	316,744	316,744
Technology development and deployment	25,000	25,000
Federal contribution to the Uranium Enrichment D&D Fund	415,670	0
Use of prior year balances	0	0
Subtotal, Defense environmental cleanup	**6,841,670**	**6,480,759**
TOTAL, Defense Environmental Cleanup	**6,841,670**	**6,480,759**
Defense Uranium Enrichment D&D	0	0
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security mission support	130,809	130,809
Program direction	75,511	75,511
Total, Environment, health, safety and security	**206,320**	**206,320**
Independent enterprise assessments		
Enterprise assessments	27,335	27,335
Program direction—Office of Enterprise Assessments	56,049	56,049
Total, Office of Enterprise Assessments	**83,384**	**83,384**
Specialized security activities	283,500	283,500
Office of Legacy Management		
Legacy management activities—defense	408,797	158,797
Program direction	19,933	19,933
Total, Office of Legacy Management	**428,730**	**178,730**
Defense related administrative support	163,710	163,710
Office of hearings and appeals	4,356	4,356
Subtotal, Other defense activities	**1,170,000**	**920,000**
Use of prior year balances	0	0
Total, Other Defense Activities	**1,170,000**	**920,000**

DIVISION E—DEPARTMENT OF STATE AUTHORIZATION ACT OF 2021

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Department of State Authorization Act of 2021''.

SEC. 5002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) DEPARTMENT.—If not otherwise specified, the term ''Department'' means the Department of State.

(3) SECRETARY.—If not otherwise specified, the term ''Secretary'' means the Secretary of State.

TITLE LI—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

SEC. 5101. SENSE OF CONGRESS ON IMPORTANCE OF DEPARTMENT OF STATE'S WORK.

It is the sense of Congress that—

(1) United States global engagement is key to a stable and prosperous world;

(2) United States leadership is indispensable in light of the many complex and interconnected threats facing the United States and the world;

(3) diplomacy and development are critical tools of national power, and full deployment of these tools is vital to United States national security;

(4) challenges such as the global refugee and migration crises, terrorism, historic famine and food insecurity, and fragile or repressive societies cannot be addressed without sustained and robust United States diplomatic and development leadership;

(5) the United States Government must use all of the instruments of national security and foreign policy at its disposal to protect United States citizens, promote United States interests and values, and support global stability and prosperity;

(6) United States security and prosperity depend on having partners and allies that share our interests and values, and these partnerships are nurtured and our shared interests and values are promoted through United States diplomatic engagement, security cooperation, economic statecraft, and assistance that helps further economic development, good governance, including the rule of law and democratic institutions, and the development of shared responses to natural and humanitarian disasters;

(7) as the United States Government agencies primarily charged with conducting diplomacy and development, the Department and the United States Agency for International Development (USAID) require sustained and robust funding to carry out this important work, which is essential to our ability to project United States leadership and values and to advance United States interests around the world;

(8) the work of the Department and USAID makes the United States and the world safer and more prosperous by alleviating global poverty and hunger, fighting HIV/AIDS and other infectious diseases, strengthening alliances, expanding educational opportunities for women and girls, promoting good governance and democracy, supporting anti-corruption efforts, driving economic development and trade, preventing armed conflicts and humanitarian crises, and creating American jobs and export opportunities;

(9) the Department and USAID are vital national security agencies, whose work is critical to the projection of United States power and leadership worldwide, and without which Americans would be less safe, United States economic power would be diminished, and global stability and prosperity would suffer;

(10) investing in diplomacy and development before conflicts break out saves American lives while also being cost-effective; and

(11) the contributions of personnel working at the Department and USAID are extraordinarily valuable and allow the United States to maintain its leadership around the world.

SEC. 5102. ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) IN GENERAL.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) 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) ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.—

''(A) IN GENERAL.—There is authorized to be in the Department of State an Assistant Secretary for International Narcotics and Law Enforcement Affairs, who shall be responsible to the Secretary of State for all matters, programs, and related activities pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy by the Department, including, as appropriate, leading the coordination of programs carried out by United States Government agencies abroad, and such other related duties as the Secretary may from time to time designate.

''(B) AREAS OF RESPONSIBILITY.—The Assistant Secretary for International Narcotics and Law Enforcement Affairs shall maintain continuous observation and coordination of all matters pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy, including programs carried out by other United States Government agencies when such programs pertain to the following matters:

''(i) Combating international narcotics production and trafficking.

''(ii) Strengthening foreign justice systems, including judicial and prosecutorial capacity, appeals systems, law enforcement agencies, prison systems, and the sharing of recovered assets.

''(iii) Training and equipping foreign police, border control, other government officials, and other civilian law enforcement authorities for anti-crime purposes, including ensuring that no foreign security unit or member of such unit shall receive such assistance from the United States Government absent appropriate vetting.

''(iv) Ensuring the inclusion of human rights and women's participation issues in law enforcement programs, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, and other senior officials in regional and thematic bureaus and offices.

''(v) Combating, in conjunction with other relevant bureaus of the Department of State and other United States Government agencies, all forms of transnational organized crime, including human trafficking, illicit trafficking in arms, wildlife, and cultural property, migrant smuggling, corruption, money laundering, the illicit smuggling of bulk cash, the licit use of financial systems for malign purposes, and other new and emerging forms of crime.

''(vi) Identifying and responding to global corruption, including strengthening the capacity of foreign government institutions responsible for addressing financial crimes and engaging with multilateral organizations responsible for monitoring and supporting foreign governments' anti-corruption efforts.

''(C) ADDITIONAL DUTIES.—In addition to the responsibilities specified in subparagraph (B), the Assistant Secretary for International Narcotics and Law Enforcement Affairs shall also—

''(i) carry out timely and substantive consultation with chiefs of mission and, as appropriate, the heads of other United States Government agencies to ensure effective coordination of all international narcotics and law enforcement programs carried out overseas by the Department and such other agencies;

''(ii) coordinate with the Office of National Drug Control Policy to ensure lessons learned from other United States Government agencies are available to the Bureau of International Narcotics and Law Enforcement Affairs of the Department;

''(iii) develop standard requirements for monitoring and evaluation of Bureau programs, including metrics for success that do not rely solely on the amounts of illegal drugs that are produced or seized;

''(iv) in coordination with the Secretary of State, annually certify in writing to the Committee on Foreign Relations of the Senate that United States and the Committee on Foreign Affairs of the House of Representatives enforcement personnel posted abroad whose activities are funded to any extent by the Bureau of International Narcotics and Law Enforcement Affairs are complying with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927); and

''(v) carry out such other relevant duties as the Secretary may assign.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.''.

(b) MODIFICATION OF ANNUAL INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Subsection (a) of section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h) is amended by inserting after paragraph (9) the following new paragraph:

''(10) A separate section that contains an identification of all United States Government-supported units funded by the Bureau of International Narcotics and Law Enforcement Affairs and any Bureau-funded operations by such units in which United States law enforcement personnel have been physically present.''.

SEC. 5103. BUREAU OF CONSULAR AFFAIRS; BUREAU OF POPULATION, REFUGEES, AND MIGRATION.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following new subsections:

''(g) BUREAU OF CONSULAR AFFAIRS.—There is in the Department of State the Bureau of Consular Affairs, which shall be headed by the Assistant Secretary of State for Consular Affairs.

''(h) BUREAU OF POPULATION, REFUGEES, AND MIGRATION.—There is in the Department of State the Bureau of Population, Refugees, and

Migration, which shall be headed by the Assistant Secretary of State for Population, Refugees, and Migration.''.

SEC. 5104. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.

(a) ESTABLISHMENT.—There should be established in the Department of State an Office of International Disability Rights (referred to in this section as the ''Office'').

(b) DUTIES.—The Office should—

(1) seek to ensure that all United States foreign operations are accessible to, and inclusive of, persons with disabilities;

(2) promote the human rights and full participation in international development activities of all persons with disabilities;

(3) promote disability inclusive practices and the training of Department of State staff on soliciting quality programs that are fully inclusive of people with disabilities;

(4) represent the United States in diplomatic and multilateral fora on matters relevant to the rights of persons with disabilities, and work to raise the profile of disability across a broader range of organizations contributing to international development efforts;

(5) conduct regular consultation with civil society organizations working to advance international disability rights and empower persons with disabilities internationally;

(6) consult with other relevant offices at the Department that are responsible for drafting annual reports documenting progress on human rights, including, wherever applicable, references to instances of discrimination, prejudice, or abuses of persons with disabilities;

(7) advise the Bureau of Human Resources or its equivalent within the Department regarding the hiring and recruitment and overseas practices of civil service employees and Foreign Service officers with disabilities and their family members with chronic medical conditions or disabilities; and

(8) carry out such other relevant duties as the Secretary of State may assign.

(c) SUPERVISION.—The Office may be headed by—

(1) a senior advisor to the appropriate Assistant Secretary of State; or

(2) an officer exercising significant authority who reports to the President or Secretary of State, appointed by and with the advice and consent of the Senate.

(d) CONSULTATION.—The Secretary of State should direct Ambassadors at Large, Representatives, Special Envoys, and coordinators working on human rights to consult with the Office to promote the human rights and full participation in international development activities of all persons with disabilities.

SEC. 5105. SPECIAL APPOINTMENT AUTHORITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 6103 of this Act, is further amended by inserting after subsection (h) the following new subsection:

''(i) SPECIAL APPOINTMENTS.—

''(1) POSITIONS EXERCISING SIGNIFICANT AUTHORITY.—The President may, by and with the advice and consent of the Senate, appoint an individual as a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State exercising significant authority pursuant to the laws of the United States. Except as provided in paragraph (3) or in clause 3, section 2, article II of the Constitution (relating to recess appointments), an individual may not be designated as a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department exercising significant authority pursuant to the laws of the United States without the advice and consent of the Senate.

''(2) POSITIONS NOT EXERCISING SIGNIFICANT AUTHORITY.—The President or Secretary of State may appoint any Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Special Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State not exercising significant authority pursuant to the laws of the United States without the advice and consent of the Senate, if the President or Secretary, not later than 15 days before the appointment of a person to such a position, submits to the appropriate congressional committees a notification that includes the following:

''(A) A certification that the position does not require the exercise of significant authority pursuant to the laws of the United States.

''(B) A description of the duties and purpose of the position.

''(C) The rationale for giving the specific title and function to the position.

''(3) LIMITED EXCEPTION FOR TEMPORARY APPOINTMENTS EXERCISING SIGNIFICANT AUTHORITY.—The President may maintain or establish a position with the title of Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State exercising significant authority pursuant to the laws of the United States for not longer than 180 days if the Secretary of State, not later than 15 days after the appointment of a person to such a position, or 30 days after the date of the enactment of this subsection, whichever is earlier, submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification that includes the following:

''(A) The necessity for conferring such title and function.

''(B) The dates during which such title and function will be held.

''(C) The justification for not submitting the proposed conferral of such title and function to the Senate as a nomination for advice and consent to appointment.

''(D) All relevant information concerning any potential conflict of interest which the proposed recipient of such title and function may have with regard to the appointment.

''(4) RENEWAL OF TEMPORARY APPOINTMENT.—The President may renew for one period not to exceed 180 days any position maintained or established under paragraph (3) if the President, not later than 15 days before issuing such renewal, submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a detailed justification on the necessity of such extension, including the dates with respect to which such title will continue to be held and the justification for not submitting such title to the Senate as a nomination for advice and consent.

''(5) EXEMPTION.—Paragraphs (1) through (4) shall not apply to a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other person performing a similar function, regardless of title, at the Department of State if the position is expressly mandated by statute.

''(6) EFFECTIVE DATE.—This subsection shall apply to appointments made on or after January 3, 2023.''.

SEC. 5106. REPEAL OF AUTHORITY FOR SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

Section 7 of the Tom Lantos Block Burmese Jade (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110–286; 50 U.S.C. 1701 note) relating to the establishment of a Special Representative and Policy Coordinator for Burma) is hereby repealed.

SEC. 5107. ANTI-PIRACY INFORMATION SHARING.

The Secretary is authorized to provide for the participation by the United States in the Information Sharing Centre located in Singapore, as established by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

SEC. 5108. IMPORTANCE OF FOREIGN AFFAIRS TRAINING TO NATIONAL SECURITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department is a crucial national security agency, whose employees, both Foreign and Civil Service, require the best possible training at every stage of their careers to prepare them to promote and defend United States national interests and the health and safety of United States citizens abroad;

(2) the Department's investment of time and resources with respect to the training and education of its personnel is considerably below the level of other Federal departments and agencies in the national security field, and falls well below the investments many allied and adversarial countries make in the development of their diplomats;

(3) the Department faces increasingly complex and rapidly evolving challenges, many of which are science and technology-driven, and which demand the continual, high-quality training and education of its personnel;

(4) the Department must move beyond reliance on ''on-the-job training'' and other informal mentorship practices, which lead to an inequality in skillset development and career advancement opportunities, often particularly for minority personnel, and towards a robust professional tradecraft training continuum that will provide for greater equality in career advancement and increase minority participation in the senior ranks;

(5) the Department's Foreign Service Institute and other training facilities should seek to substantially increase their educational and training offerings to Department personnel, including developing new and innovative educational and training courses, methods, programs, and opportunities; and

(6) consistent with existing Department gift acceptance authority and other applicable laws, the Department and Foreign Service Institute may accept funds and other resources from foundations, not-for-profit corporations, and other appropriate sources to help the Department and the Institute enhance the quantity and quality of training offerings, especially in the introduction of new, innovative, and pilot model courses.

(b) TRAINING FLOAT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall develop and submit to the appropriate congressional committees a strategy to establish a ''training float'' to allow for up to 15 percent of the Civil and Foreign Service to participate in long-term training at any given time. The strategy should identify steps necessary to ensure the implementation of the training priorities identified in subsection (c), sufficient training capacity and opportunities are available to Civil and Foreign Service officers, the equitable distribution of long-term training opportunities to Civil and Foreign Service officers, and the provision of any additional resources or authorities necessary to facilitate such a training float, including programs at the George P. Schultz National Foreign Affairs Training Center, the Foreign Service Institute, the Foreign Affairs Security Training Center, and other facilities or programs operated by the Department of State. The strategy shall identify which types of training would be prioritized, the extent (if any) to which such training is already being provided to Civil and Foreign Service officers by the Department of State, any factors incentivizing or disincentivizing such training, and why such training cannot be achieved without Civil and Foreign Service officers leaving the workforce. In addition to training opportunities provided by the Department, the strategy shall consider training that could be provided by the other United States Government training

institutions, as well as nongovernmental educational institutions. The strategy shall consider approaches to overcome disincentives to pursuing long-term training.

(c) PRIORITIZATION.—In order to provide the Civil and Foreign Service with the level of education and training needed to effectively advance United States interests across the globe, the Department of State should—

(1) increase its offerings—

(A) of virtual instruction to make training more accessible to personnel deployed throughout the world; or

(B) at partner organizations to provide useful outside perspectives to Department personnel;

(2) offer courses utilizing computer-based or assisted simulations, allowing civilian officers to lead decisionmaking in a crisis environment; and

(3) consider increasing the duration and expanding the focus of certain training courses, including—

(A) the A-100 orientation course for Foreign Service officers, and

(B) the chief of mission course to more accurately reflect the significant responsibilities accompanying such role.

(d) OTHER AGENCY RESPONSIBILITIES.—Other national security agencies should increase the enrollment of their personnel in courses at the Foreign Service Institute and other Department of State training facilities to promote a whole-of-government approach to mitigating national security challenges.

SEC. 5109. CLASSIFICATION AND ASSIGNMENT OF FOREIGN SERVICE OFFICERS.

The Foreign Service Act of 1980 is amended—

(1) in section 501 (22 U.S.C. 3981), by inserting ''If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with section 309.'' after ''Positions designated under this section are excepted from the competitive service.''; and

(2) in paragraph (2) of section 502(a) (22 U.S.C. 3982(a)), by inserting '', or domestically, in a position working on issues relating to a particular country or geographic area,'' after ''geographic area''.

SEC. 5110. REPORTING ON IMPLEMENTATION OF GAO RECOMMENDATIONS.

(a) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that lists all of the Government Accountability Office's recommendations relating to the Department that have not been fully implemented.

(b) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the submission of the Comptroller General's report under subsection (b), the Secretary shall submit to the appropriate congressional committees a report that describes the implementation status of each recommendation from the Government Accountability Office included in the report submitted under subsection (a).

(2) JUSTIFICATION.—The report under paragraph (1) shall include—

(A) a detailed justification for each decision not to fully implement a recommendation or to implement a recommendation in a different manner than specified by the Government Accountability Office;

(B) a timeline for the full implementation of any recommendation the Secretary has decided to adopt, but has not yet fully implemented; and

(C) an explanation for any discrepancies included in the Comptroller General report submitted under subsection (b).

(c) FORM.—The information required in each report under this section shall be submitted in unclassified form, to the maximum extent practicable, but may be included in a classified annex to the extent necessary.

SEC. 5111. EXTENSION OF PERIOD FOR REIMBURSEMENT OF FISHERMEN FOR COSTS INCURRED FROM THE ILLEGAL SEIZURE AND DETENTION OF U.S.-FLAG FISHING VESSELS BY FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (e) of section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977) is amended to read as follows:

''(e) AMOUNTS.—Payments may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts.''.

(b) RETROACTIVE APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply as if the date specified in subsection (e) of section 7 of the Fishermen's Protective Act of 1967, as in effect on the day before the date of the enactment of this Act, were the day after such date of enactment.

(2) AGREEMENTS AND PAYMENTS.—The Secretary is authorized to—

(A) enter into agreements pursuant to section 7 of the Fishermen's Protective Act of 1967 for any claims to which such section would otherwise apply but for the date specified in subsection (e) of such section, as in effect on the day before the date of the enactment of this Act; and

(B) make payments in accordance with agreements entered into pursuant to such section if any such payments have not been made as a result of the expiration of the date specified in such section, as in effect on the day before the date of the enactment of this Act.

SEC. 5112. ART IN EMBASSIES.

(a) IN GENERAL.—No funds are authorized to be appropriated for the purchase of any piece of art for the purposes of installation or display in any embassy, consulate, or other foreign mission of the United States if the purchase price of such piece of art is in excess of $37,500, unless such purchase is subject to prior consultation with, and the regular notification procedures of, the appropriate congressional committees.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a report on the costs of the Art in Embassies Program for each of fiscal years 2016 through 2020.

(c) SUNSET.—This section shall terminate on the date that is 2 years after the date of the enactment of this Act.

(d) DEFINITION.—In this section, the term ''art'' includes paintings, sculptures, photographs, industrial design, and craft art.

SEC. 5113. INTERNATIONAL FAIRS AND EXPOSITIONS.

There is authorized to be appropriated $20,000,000 for the Department of State for United States participation in international fairs and expositions abroad, including for construction and the operation of United States pavilions or other major exhibits.

SEC. 5114. AMENDMENT OR REPEAL OF REPORTING REQUIREMENTS.

(a) BURMA.—

(1) IN GENERAL.—Section 570 of Public Law 104–208 is amended—

(A) by amending subsection (c) to read as follows:

''(c) MULTILATERAL STRATEGY.—The President shall develop, in coordination with likeminded countries, a comprehensive, multilateral strategy to—

''(1) support democratic governance and inclusive and representative civilian government, including by supporting entities promoting democracy in Burma and denying legitimacy and resources to the military junta;

''(2) support organizations that represent the democratic aspirations of the people of Burma in the struggle against the military junta;

''(3) impose costs on the military junta;

''(4) secure the unconditional release of all political prisoners in Burma;

''(5) promote genuine national reconciliation among Burma's diverse ethnic and religious groups;

''(6) provide humanitarian assistance to internally displaced persons in Burma, particularly in areas targeted by the military junta, and in neighboring countries for refugees from Burma;

''(7) pursue accountability for atrocities, human rights violations, and crimes against humanity committed by the military junta or the Tatmadaw; and

''(8) counter corrosive malign influence of the People's Republic of China and the Russian Federation in Burma.''; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking ''six months'' and inserting ''year''; and

(ii) by striking paragraphs (1) through (3) and inserting the following new paragraphs:

''(1) progress towards inclusive, democratic governance in Burma;

''(2) improvements in human rights practices and accountability for atrocities, human rights violations, and crimes against humanity committed by the Tatmadaw, or military junta of Burma;

''(3) progress toward broad-based and inclusive economic growth;

''(4) progress toward genuine national reconciliation;

''(5) steps taken to impose costs on the military junta;

''(6) progress made in advancing the strategy referred to in subsection (c); and

''(7) actions by the People's Republic of China or the Russian Federation that undermine the sovereignty, stability, or unity of Burma.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply with respect to the first report required under subsection (d) of section 570 of Public Law 104–208 that is required after the date of the enactment of this Act.

(b) REPEALS.—The following provisions of law are hereby repealed:

(1) Subsection (b) of section 804 of Public Law 101–246.

(2) Section 6 of Public Law 104–45.

(3) Subsection (c) of section 702 of Public Law 96–465 (22 U.S.C. 4022).

(4) Section 404 of the Arms Control and Disarmament Act (22 U.S.C. 2593b).

(5) Section 5 of Public Law 94–304 (22 U.S.C. 3005).

(6) Subsection (b) of section 502 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa–7).

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report that includes each of the following:

(1) A list of all reports described in subsection (d) required to be submitted by their respective agency.

(2) For each such report, a citation to the provision of law under which the report is required to be submitted.

(3) The reporting frequency of each such report.

(4) The estimated cost of each report, to include personnel time costs.

(d) COVERED REPORTS.—A report described in this subsection is a recurring report that is required to be submitted to Congress by the Department of State or the United States Agency for International Development, or by any officer, official, component, or element of each entity.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the

Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and the Committees on Appropriations of the Senate and the House of Representatives.

TITLE LII—EMBASSY CONSTRUCTION

SEC. 5201. EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.

For ''Embassy Security, Construction, and Maintenance'', there is authorized to be appropriated $1,983,149,000 for fiscal year 2022.

SEC. 5202. STANDARD DESIGN IN CAPITAL CONSTRUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department's Bureau of Overseas Building Operations (OBO) or successor office should give appropriate consideration to standardization in construction, in which each new United States embassy and consulate starts with a standard design and keeps customization to a minimum.

(b) CONSULTATION.—The Secretary shall carry out any new United States embassy compound or new consulate compound project that utilizes a non-standard design, including those projects that are in the design or pre-design phase as of the date of the enactment of this Act, only in consultation with the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives. The Secretary shall provide the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives, for each such project, the following documentation:

(1) A comparison of the estimated full lifecycle costs of the project to the estimated full lifecycle costs of such project if it were to use a standard design.

(2) A comparison of the estimated completion date of such project to the estimated completion date of such project if it were to use a standard design.

(3) A comparison of the security of the completed project to the security of such completed project if it were to use a standard design.

(4) A justification for the Secretary's selection of a non-standard design over a standard design for such project.

(5) A written explanation if any of the documentation necessary to support the comparisons and justification, as the case may be, described in paragraphs (1) through (4) cannot be provided.

(c) SUNSET.—The consultation requirement under subsection (b) shall expire on the date that is 4 years after the date of the enactment of this Act.

SEC. 5203. CAPITAL CONSTRUCTION TRANSPARENCY.

(a) IN GENERAL.—Section 118 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 304) is amended—

*(1) in the section heading , by striking ''***ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS***'' and inserting ''***BIANNUAL REPORT ON OVERSEAS CAPITAL CONSTRUCTION PROJECTS***''; and*

(2) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection and every 180 days thereafter until the date that is 4 years after such date of enactment, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a comprehensive report regarding all ongoing overseas capital construction projects and major embassy security upgrade projects.

''(b) CONTENTS.—Each report required under subsection (a) shall include the following with respect to each ongoing overseas capital construction project and major embassy security upgrade project:

''(1) The initial cost estimate as specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations for Acts making appropriations for the Department of State, foreign operations, and related programs.

''(2) The current cost estimate.

''(3) The value of each request for equitable adjustment received by the Department to date.

''(4) The value of each certified claim received by the Department to date.

''(5) The value of any usage of the project's contingency fund to date and the value of the remainder of the project's contingency fund.

''(6) An enumerated list of each request for adjustment and certified claim that remains outstanding or unresolved.

''(7) An enumerated list of each request for equitable adjustment and certified claim that has been fully adjudicated or that the Department has settled, and the final dollar amount of each adjudication or settlement.

''(8) The date of estimated completion specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs.

''(9) The current date of estimated completion.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323; 130 Stat. 1905) is amended by amending the item relating to section 118 to read as follows:

''Sec. 118. Biannual report on overseas capital construction projects.''.

SEC. 5204. CONTRACTOR PERFORMANCE INFORMATION.

(a) DEADLINE FOR COMPLETION.—The Secretary shall complete all contractor performance evaluations outstanding as of the date of the enactment of this Act required by subpart 42.15 of the Federal Acquisition Regulation for those contractors engaged in construction of new embassy or new consulate compounds by April 1, 2022.

(b) PRIORITIZATION SYSTEM.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall develop a prioritization system for clearing the current backlog of required evaluations referred to in subsection (a).

(2) ELEMENTS.—The system required under paragraph (1) should prioritize the evaluations as follows:

(A) Project completion evaluations should be prioritized over annual evaluations.

(B) Evaluations for relatively large contracts should have priority.

(C) Evaluations that would be particularly informative for the awarding of government contracts should have priority.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on the Department's plan for completing all evaluations by April 1, 2022, in accordance with subsection (a) and the prioritization system developed pursuant to subsection (b).

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) contractors deciding whether to bid on Department contracts would benefit from greater understanding of the Department as a client; and

(2) the Department should develop a forum where contractors can comment on the Department's project management performance.

SEC. 5205. GROWTH PROJECTIONS FOR NEW EMBASSIES AND CONSULATES.

(a) IN GENERAL.—For each new United States embassy compound (NEC) and new consulate compound project (NCC) in or not yet in the design phase as of the date of the enactment of this Act, the Department shall project growth over the estimated life of the facility using all available and relevant data, including the following:

(1) Relevant historical trends for Department personnel and personnel from other agencies represented at the NEC or NCC that is to be constructed.

(2) An analysis of the tradeoffs between risk and the needs of United States Government policy conducted as part of the most recent Vital Presence Validation Process, if applicable.

(3) Reasonable assumptions about the strategic importance of the NEC or NCC, as the case may be, over the life of the building at issue.

(4) Any other data that would be helpful in projecting the future growth of NEC or NCC.

(b) OTHER FEDERAL AGENCIES.—The head of each Federal agency represented at a United States embassy or consulate shall provide to the Secretary, upon request, growth projections for the personnel of each such agency over the estimated life of each embassy or consulate, as the case may be.

(c) BASIS FOR ESTIMATES.—The Department shall base its growth assumption for all NECs and NCCs on the estimates required under subsections (a) and (b).

(d) CONGRESSIONAL NOTIFICATION.—Any congressional notification of site selection for a NEC or NCC submitted after the date of the enactment of this Act shall include the growth assumption used pursuant to subsection (c).

SEC. 5206. LONG-RANGE PLANNING PROCESS.

(a) PLANS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the next five years as the Secretary of State considers appropriate, the Secretary shall develop—

(A) a comprehensive 6-year plan documenting the Department's overseas building program for the replacement of overseas diplomatic posts taking into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety; and

(B) a comprehensive 6-year plan detailing the Department's long-term planning for the maintenance and sustainment of completed diplomatic posts, which takes into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety.

(2) INITIAL REPORT.—The first plan developed pursuant to paragraph (1)(A) shall also include

a one-time status report on existing small diplomatic posts and a strategy for establishing a physical diplomatic presence in countries in which there is no current physical diplomatic presence and with which the United States maintains diplomatic relations. Such report, which may include a classified annex, shall include the following:

(A) A description of the extent to which each small diplomatic post furthers the national interest of the United States.

(B) A description of how each small diplomatic post provides American Citizen Services, including data on specific services provided and the number of Americans receiving services over the previous year.

(C) A description of whether each small diplomatic post meets current security requirements.

(D) A description of the full financial cost of maintaining each small diplomatic post.

(E) Input from the relevant chiefs of mission on any unique operational or policy value the small diplomatic post provides.

(F) A recommendation of whether any small diplomatic posts should be closed.

(3) UPDATED INFORMATION.—The annual updates of each of the plans developed pursuant to paragraph (1) shall highlight any changes from the previous year's plan to the ordering of construction and maintenance projects.

(b) REPORTING REQUIREMENTS.—

(1) SUBMISSION OF PLANS TO CONGRESS.—Not later than 60 days after the completion of each plan required under subsection (a), the Secretary shall submit the plans to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives.

(2) REFERENCE IN BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to the appropriate congressional committees in support of the Department's budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the plans required under subsection (a) shall be referenced to justify funding requested for building and maintenance projects overseas.

(3) FORM OF REPORT.—Each report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(c) SMALL DIPLOMATIC POST DEFINED.—In this section, the term ''small diplomatic post'' means any United States embassy or consulate that has employed five or fewer United States Government employees or contractors on average over the 36 months prior to the date of the enactment of this Act.

SEC. 5207. VALUE ENGINEERING AND RISK ASSESSMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) Federal departments and agencies are required to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs pursuant to OMB Circular A–131, Value Engineering, dated December 31, 2013.

(2) OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

(b) NOTIFICATION REQUIREMENTS.—

(1) SUBMISSION TO AUTHORIZING COMMITTEES.—Any notification that includes the allocation of capital construction and maintenance funds shall be submitted to the appropriate congressional committees.

(2) REQUIREMENT TO CONFIRM COMPLETION OF VALUE ENGINEERING AND RISK ASSESSMENT STUDIES.—The notifications required under paragraph (1) shall include confirmation that the Department has completed the requisite VE and risk management process described in subsection (a), or applicable successor process.

(c) REPORTING AND BRIEFING REQUIREMENTS.—The Secretary shall provide to the appropriate congressional committees upon request—

(1) a description of each risk management study referred to in subsection (a)(2) and a table detailing which recommendations related to each such study were accepted and which were rejected; and

(2) a report or briefing detailing the rationale for not implementing any such recommendations that may otherwise yield significant cost savings to the Department if implemented.

SEC. 5208. BUSINESS VOLUME.

Section 402(c)(2)(E) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852(c)(2)(E)) is amended by striking ''in 3 years'' and inserting ''cumulatively over 3 years''.

SEC. 5209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.

The Secretary of State shall provide to the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate upon request information on physical security deficiencies at United States diplomatic posts, including relating to the following:

(1) Requests made over the previous year by United States diplomatic posts for security upgrades.

(2) Significant security deficiencies at United States diplomatic posts that are not operating out of a new embassy compound or new consulate compound.

SEC. 5210. OVERSEAS SECURITY BRIEFINGS.

Not later than one year after the date of the enactment of this Act, the Secretary of State shall revise the Foreign Affairs Manual to stipulate that information on the current threat environment shall be provided to all United States Government employees under chief of mission authority traveling to a foreign country on official business. To the extent practicable, such material shall be provided to such employees prior to their arrival at a United States diplomatic post or as soon as possible thereafter.

SEC. 5211. CONTRACTING METHODS IN CAPITAL CONSTRUCTION.

(a) DELIVERY.—Unless the Secretary of State notifies the appropriate congressional committees that the use of the design-build project delivery method would not be appropriate, the Secretary shall make use of such method at United States diplomatic posts that have not yet received design or capital construction contracts as of the date of the enactment of this Act.

(b) NOTIFICATION.—Before executing a contract for a delivery method other than design-build in accordance with subsection (a), the Secretary of State shall notify the appropriate congressional committees in writing of the decision, including the reasons therefor. The notification required by this subsection may be included in any other report regarding a new United States diplomatic post that is required to be submitted to the appropriate congressional committees.

(c) PERFORMANCE EVALUATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall report to the appropriate congressional committees regarding performance evaluation measures in accordance with GAO's ''Standards for Internal Control in the Federal Government'' that will be applicable to design and construction, lifecycle cost, and building maintenance programs of the Bureau of Overseas Building Operations of the Department.

SEC. 5212. COMPETITION IN EMBASSY CONSTRUCTION.

Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committee and the Committees on Appropriations of the Senate and the House of Representatives a report detailing steps the Department of State is taking to expand the embassy construction contractor base in order to increase competition and maximize value.

SEC. 5213. STATEMENT OF POLICY.

It is the policy of the United States that the Bureau of Overseas Building Operations of the Department or its successor office shall continue to balance functionality and security with accessibility, as defined by guidelines established by the United States Access Board in constructing embassies and consulates, and shall ensure compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) to the fullest extent possible.

SEC. 5214. DEFINITIONS.

In this title:

(1) DESIGN-BUILD.—The term ''design-build'' means a method of project delivery in which one entity works under a single contract with the Department to provide design and construction services.

(2) NON-STANDARD DESIGN.—The term ''non-standard design'' means a design for a new embassy compound project or new consulate compound project that does not utilize a standardized design for the structural, spatial, or security requirements of such embassy compound or consulate compound, as the case may be.

TITLE LIII—PERSONNEL ISSUES

SEC. 5301. DEFENSE BASE ACT INSURANCE WAIVERS.

(a) APPLICATION FOR WAIVERS.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall apply to the Department of Labor for a waiver from insurance requirements under the Defense Base Act (42 U.S.C. 1651 et seq.) for all countries with respect to which the requirement was waived prior to January 2017, and for which there is not currently a waiver.

(b) CERTIFICATION REQUIREMENT.—Not later than 45 days after the date of the enactment of

this Act, the Secretary shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met.

SEC. 5302. STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report detailing an empirical analysis on the effect of overseas allowances on the foreign assignment of Foreign Service officers (FSOs), to be conducted by a federally-funded research and development center with appropriate expertise in labor economics and military compensation.

(2) CONTENTS.—The analysis required under paragraph (1) shall—

(A) identify all allowances paid to FSOs assigned permanently or on temporary duty to foreign areas;

(B) examine the efficiency of the Foreign Service bidding system in determining foreign assignments;

(C) examine the factors that incentivize FSOs to bid on particular assignments, including danger levels and hardship conditions;

(D) examine the Department's strategy and process for incentivizing FSOs to bid on assignments that are historically in lower demand, including with monetary compensation, and whether monetary compensation is necessary for assignments in higher demand;

(E) make any relevant comparisons to military compensation and allowances, noting which allowances are shared or based on the same regulations;

(F) recommend options for restructuring allowances to improve the efficiency of the assignments system and better align FSO incentives with the needs of the Foreign Service, including any cost savings associated with such restructuring;

(G) recommend any statutory changes necessary to implement subparagraph (F), such as consolidating existing legal authorities for the provision of hardship and danger pay; and

(H) detail any effects of recommendations made pursuant to subparagraphs (F) and (G) on other United States Government departments and agencies with civilian employees permanently assigned or on temporary duty in foreign areas, following consultation with such departments and agencies.

(b) BRIEFING REQUIREMENT.—Before initiating the analysis required under subsection (a)(1), and not later than 60 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees a briefing on the implementation of this section that includes the following:

(1) The name of the federally funded research and development center that will conduct such analysis.

(2) The scope of such analysis and terms of reference for such analysis as specified between the Department and such federally funded research and development center.

(c) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall make available to the federally-funded research and development center carrying out the analysis required under subsection (a)(1) all necessary and relevant information to allow such center to conduct such analysis in a quantitative and analytical manner, including historical data on the number of bids for each foreign assignment and any survey data collected by the Department from eligible bidders on their bid decision-making.

(2) COOPERATION.—The Secretary shall work with the heads of other relevant United States Government departments and agencies to ensure such departments and agencies provide all necessary and relevant information to the federally-funded research and development center carrying out the analysis required under subsection (a)(1).

(d) INTERIM REPORT TO CONGRESS.—The Secretary shall require that the chief executive officer of the federally-funded research and development center that carries out the analysis required under subsection (a)(1) submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an interim report on such analysis not later than 180 days after the date of the enactment of this Act.

SEC. 5303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d) is amended by adding at the end the following new subsection:

''(e) GRANTS AND COOPERATIVE AGREEMENTS RELATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAMS.—

''(1) IN GENERAL.—The Secretary is authorized to make grants or enter into cooperative agreements related to Department of State science and technology fellowship programs, including for assistance in recruiting fellows and the payment of stipends, travel, and other appropriate expenses to fellows.

''(2) EXCLUSION FROM CONSIDERATION AS COMPENSATION.—Stipends under paragraph (1) shall not be considered compensation for purposes of section 209 of title 18, United States Code.

''(3) MAXIMUM ANNUAL AMOUNT.—The total amount of grants made pursuant to this subsection may not exceed $500,000 in any fiscal year.''.

SEC. 5304. TRAVEL FOR SEPARATED FAMILIES.

Section 901(15) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''1 round-trip per year for each child below age 21 of a member of the Service assigned abroad'' and inserting ''in the case of one or more children below age 21 of a member of the Service assigned abroad, 1 round-trip per year'';

(2) in subparagraph (A)—

(A) by inserting ''for each child'' before ''to visit the member abroad''; and

(B) by striking ''; or'' and inserting a comma;

(3) in subparagraph (B)—

(A) by inserting ''for each child'' before ''to visit the other parent''; and

(B) by inserting ''or'' after ''resides,'';

(4) by inserting after subparagraph (B) the following new subparagraph:

''(C) for one of the child's parents to visit the child or children abroad if the child or children do not regularly reside with that parent and that parent is not receiving an education allowance or educational travel allowance for the child or children under section 5924(4) of title 5, United States Code,''; and

(5) in the matter following subparagraph (C), as added by paragraph (4) of this section, by striking ''a payment'' and inserting ''the cost of round-trip travel''.

SEC. 5305. HOME LEAVE TRAVEL FOR SEPARATED FAMILIES.

Section 903(b) of the Foreign Service Act of 1980 (22 U.S.C. 4083(b)) is amended by adding at the end the following new sentence: ''In cases in which a member of the Service has official orders to an unaccompanied post and in which the family members of the member reside apart from the member at authorized locations outside the United States, the member may take the leave ordered under this section where that member's family members reside, notwithstanding section 10305 of title 5, United States Code.''.

SEC. 5306. SENSE OF CONGRESS REGARDING CERTAIN FELLOWSHIP PROGRAMS.

It is the sense of Congress that Department fellowships that promote the employment of candidates belonging to under-represented groups, including the Charles B. Rangel International Affairs Graduate Fellowship Program, the Thomas R. Pickering Foreign Affairs Fellowship Program, and the Donald M. Payne International Development Fellowship Program, represent smart investments vital for building a strong, capable, and representative national security workforce.

SEC. 5307. TECHNICAL CORRECTION.

Subparagraph (A) of section 601(c)(6) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(6)) is amended, in the matter preceding clause (i), by—

(1) striking ''promotion'' and inserting ''promotion, on or after January 1, 2017,''; and

(2) striking ''individual joining the Service on or after January 1, 2017,'' and inserting ''Foreign Service officer, appointed under section 302(a)(1), who has general responsibility for carrying out the functions of the Service''.

SEC. 5308. FOREIGN SERVICE AWARDS.

(a) IN GENERAL.—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended—

(1) by amending the section heading to read as follows: ''DEPARTMENT AWARDS''; and

(2) in the first sentence, by inserting ''or Civil Service'' after ''the Service''.

(b) CONFORMING AMENDMENT.—The item relating to section 614 in the table of contents of the Foreign Service Act of 1980 is amended to read as follows:

''Sec. 614. Department awards.''.

SEC. 5309. WORKFORCE ACTIONS.

(a) SENSE OF CONGRESS ON WORKFORCE RECRUITMENT.—It is the sense of Congress that the Secretary should continue to hold entry-level classes for Foreign Service officers and specialists and continue to recruit civil servants through programs such as the Presidential Management Fellows Program and Pathways Internship Programs in a manner and at a frequency consistent with prior years and consistent with the need to maintain a pool of experienced personnel effectively distributed across skill codes and ranks. It is further the sense of Congress that absent continuous recruitment and training of Foreign Service officers and civil servants, the Department will lack experienced, qualified personnel in the short, medium, and long terms.

(b) LIMITATION.—The Secretary should not implement any reduction-in-force action under section 3502 or 3595 of title 5, United States Code, or for any incentive payments for early separation or retirement under any other provision of law unless—

(1) the appropriate congressional committees are notified not less than 15 days in advance of such obligation or expenditure; and

(2) the Secretary has provided to the appropriate congressional committees a detailed report that describes the Department's strategic staffing goals, including—

(A) a justification that describes how any proposed workforce reduction enhances the effectiveness of the Department;

(B) a certification that such workforce reduction is in the national interest of the United States;

(C) a comprehensive strategic staffing plan for the Department, including 5-year workforce forecasting and a description of the anticipated impact of any proposed workforce reduction; and

(D) a dataset displaying comprehensive workforce data for all current and planned employees of the Department, disaggregated by—

(i) Foreign Service officer and Foreign Service specialist rank;

(ii) civil service job skill code, grade level, and bureau of assignment;

(iii) contracted employees, including the equivalent job skill code and bureau of assignment; and

(iv) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including their equivalent grade and job skill code and bureau of assignment.

SEC. 5310. SENSE OF CONGRESS REGARDING VETERANS EMPLOYMENT AT THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Department should continue to promote the employment of veterans, in accordance with section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941), as amended by section 10406 of this Act, including those veterans belonging to traditionally underrepresented groups at the Department;

(2) veterans employed by the Department have made significant contributions to United States foreign policy in a variety of regional and global affairs bureaus and diplomatic posts overseas; and

(3) the Department should continue to encourage veteran employment and facilitate their participation in the workforce.

SEC. 5311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND PRECLUSIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department should expand the appeal process it makes available to employees related to assignment preclusions and restrictions.

(b) APPEAL OF ASSIGNMENT RESTRICTION OR PRECLUSION.—Subsection (a) of section 414 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 2734c(a)) is amended by adding at the end the following new sentences: ''Such right and process shall ensure that any employee subjected to an assignment restriction or preclusion shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance. Any such appeal shall be resolved not later than 60 days after such appeal is filed.''.

(c) NOTICE AND CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall revise, and certify to the appropriate congressional committees regarding such revision, the Foreign Affairs Manual guidance regarding denial or revocation of a security clearance to expressly state that all review and appeal rights relating thereto shall also apply to any recommendation or decision to impose an assignment restriction or preclusion to an employee.

(d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report that contains the following:

(1) A rationale for the use of assignment restrictions by the Department of State, including specific case studies related to cleared United States Foreign Service and civil service employees of the Department that demonstrate country-specific restrictions serve a counterintelligence role beyond that which is already covered by the security clearance process.

(2) The number of such Department employees subject to assignment restrictions over the previous year, with data disaggregated by—

(A) identification as a Foreign Service officer, civil service employee, eligible family member, or other employment status;

(B) the ethnicity, national origin, and race of the precluded employee;

(C) gender; and

(D) the country of restriction.

(3) A description of the considerations and criteria used by the Bureau of Diplomatic Security to determine whether an assignment restriction is warranted.

(4) The number of restrictions that were appealed and the success rate of such appeals.

(5) The impact of assignment restrictions in terms of unused language skills as measured by Foreign Service Institute language scores of such precluded employees.

(6) Measures taken to ensure the diversity of adjudicators and contracted investigators, with accompanying data on results.

SEC. 5312. RECALL AND REEMPLOYMENT OF CAREER MEMBERS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) career Department employees provide invaluable service to the United States as nonpartisan professionals who contribute subject matter expertise and professional skills to the successful development and execution of United States foreign policy; and

(2) reemployment of skilled former members of the Foreign and civil service who have voluntarily separated from the Foreign or civil service due to family reasons or to obtain professional skills outside government is of benefit to the Department.

(b) NOTICE OF EMPLOYMENT OPPORTUNITIES.—Title 5, United States Code, is amended by inserting after chapter 102 the following new chapter:

''CHAPTER 103—DEPARTMENT OF STATE

''§ 10301. Notice of employment opportunities for Department of State and USAID positions

''To ensure that individuals who have separated from the Department of State or the United States Agency for International Development and who are eligible for reappointment are aware of such opportunities, the Department of State and the United States Agency for International Development shall publicize notice of all employment opportunities, including positions for which the relevant agency is accepting applications from individuals within the agency's workforce under merit promotion procedures, on publicly accessible sites, including www.usajobs.gov. If using merit promotion procedures, the notice shall expressly state that former employees eligible for reinstatement may apply.''.

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 5, United States Code, is amended by inserting after the item relating to chapter 102 the following:

''103. Department of State .....10301.''.

SEC. 5313. STRATEGIC STAFFING PLAN FOR THE DEPARTMENT OF STATE.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a comprehensive 5-year strategic staffing plan for the Department that is aligned with and furthers the objectives of the National Security Strategy of the United States of America issued in December 2017, or any subsequent strategy issued not later than 18 months after the date of the enactment of this Act, which shall include the following:

(1) A dataset displaying comprehensive workforce data, including all shortages in bureaus described in GAO report GAO–19–220, for all current and planned employees of the Department, disaggregated by—

(A) Foreign Service officer and Foreign Service specialist rank;

(B) civil service job skill code, grade level, and bureau of assignment;

(C) contracted employees, including the equivalent job skill code and bureau of assignment;

(D) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including the equivalent grade and job skill code and bureau of assignment of such employee; and

(E) overseas region.

(2) Recommendations on the number of Foreign Service officers disaggregated by service cone that should be posted at each United States diplomatic post and in the District of Columbia, with a detailed basis for such recommendations.

(3) Recommendations on the number of civil service officers that should be employed by the Department, with a detailed basis for such recommendations.

(b) MAINTENANCE.—The dataset required under subsection (a)(1) shall be maintained and updated on a regular basis.

(c) CONSULTATION.—The Secretary shall lead the development of the plan required under subsection (a) but may consult or partner with private sector entities with expertise in labor economics, management, or human resources, as well as organizations familiar with the demands and needs of the Department's workforce.

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report regarding root causes of Foreign Service and civil service shortages, the effect of such shortages on national security objectives, and the Department's plan to implement recommendations described in GAO–19–220.

SEC. 5314. CONSULTING SERVICES.

(a) IN GENERAL.—Chapter 103 of title 5, United States Code, as added by section 10312, is amended by adding at the end the following:

''§ 10302. Consulting services for the Department of State

''Any consulting service obtained by the Department of State through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts with respect to which expenditures are a matter of public record and available for public inspection, except if otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 103 of title 5, United States Code, as added by section 10312(b) of this Act, is amended by adding after the item relating to section 10301 of title 5, United States Code, the following new item:

''10302. Consulting services for the Department of State.''.

SEC. 5315. INCENTIVES FOR CRITICAL POSTS.

Section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) is amended by striking the last sentence.

SEC. 5316. EXTENSION OF AUTHORITY FOR CERTAIN ACCOUNTABILITY REVIEW BOARDS.

Section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) is amended—

(1) in the heading, by striking ''AFGHANISTAN AND'' and inserting ''AFGHANISTAN, YEMEN, SYRIA, AND''; and

(2) in subparagraph (A)—

(A) in clause (i), by striking ''Afghanistan or'' and inserting ''Afghanistan, Yemen, Syria, or''; and

(B) in clause (ii), by striking ''beginning on October 1, 2005, and ending on September 30, 2009'' and inserting ''beginning on October 1, 2020, and ending on September 30, 2022''.

SEC. 5317. FOREIGN SERVICE SUSPENSION WITHOUT PAY.

Subsection (c) of section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''suspend'' and inserting ''indefinitely suspend without duties'';

(2) by redesignating paragraph (5) as paragraph (7);

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

''(5) For each member of the Service suspended under paragraph (1)(A) whose security clearance remains suspended for more than one calendar year, not later than 30 days after the end of such calendar year, the Secretary of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in writing regarding the specific reasons relating to the duration of each such suspension.

''(6) Any member of the Service suspended under paragraph (1)(B) may be suspended without pay only after a final written decision is

provided to such member pursuant to paragraph (2).''; and

(4) in paragraph (7), as so redesignated—

(A) by striking ''this subsection'' and all that follows through ''The term'' in subparagraph (A) and inserting ''this subsection, the term'';

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving such subparagraphs 2 ems to the left; and

(C) by striking subparagraph (B) (relating to the definition of ''suspend'' and ''suspension'').

SEC. 5318. FOREIGN AFFAIRS MANUAL AND FOREIGN AFFAIRS HANDBOOK CHANGES.

(a) APPLICABILITY.—The Foreign Affairs Manual and the Foreign Affairs Handbook apply with equal force and effect and without exception to all Department of State personnel, including the Secretary of State, Department employees, and political appointees, regardless of an individual's status as a Foreign Service officer, Civil Service employee, or political appointee hired under any legal authority.

(b) CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a certification in unclassified form that the applicability described in subsection (a) has been communicated to all Department personnel, including the personnel referred to in such subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the Secretary shall submit to the appropriate congressional committees a report detailing all significant changes made to the Foreign Affairs Manual or the Foreign Affairs Handbook.

(2) COVERED PERIODS.—The first report required under paragraph (1) shall cover the 5-year period preceding the submission of such report. Each subsequent report shall cover the 180-day period preceding submission.

(3) CONTENTS.—Each report required under paragraph (1) shall contain the following:

(A) The location within the Foreign Affairs Manual or the Foreign Affairs Handbook where a change has been made.

(B) The statutory basis for each such change, as applicable.

(C) A side-by-side comparison of the Foreign Affairs Manual or Foreign Affairs Handbook before and after such change.

(D) A summary of such changes displayed in spreadsheet form.

SEC. 5319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPATIONAL REQUIREMENTS OF CERTAIN POSITIONS.

The Secretary of State may waive any or all of the individual occupational requirements with respect to an employee or prospective employee of the Department of State for a civilian position categorized under the GS–0130 occupational series if the Secretary determines that the individual possesses significant scientific, technological, engineering, or mathematical expertise that is integral to performing the duties of the applicable position, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the Secretary shall set forth in a written document that is transmitted to the Director of the Office of Personnel Management the rationale for the decision of the Secretary to waive such requirements.

SEC. 5320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL ENGAGEMENT CENTER.

The Secretary may appoint, for a 3-year period that may be extended for up to an additional 2 years, solely to carry out the functions of the Global Engagement Center, employees of the Department without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title.

SEC. 5321. COMPETITIVE STATUS FOR CERTAIN EMPLOYEES HIRED BY INSPECTORS GENERAL TO SUPPORT THE LEAD IG MISSION.

Subparagraph (A) of section 8L(d)(5)(A) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''a lead Inspector General for'' and inserting ''any of the Inspectors General specified in subsection (c) for oversight of''.

SEC. 5322. REPORT RELATING TO FOREIGN SERVICE OFFICER TRAINING AND DEVELOPMENT.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report on fellowships or details for Department of State Foreign Service generalists at—

(1) the Department of Defense;

(2) United States intelligence agencies; and

(3) congressional offices or committees.

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

(1) The number of Senior Foreign Service Officer generalists who, as of the date of the enactment of this Act, have done a tour of at least one year in any of the agencies or congressional committees described in subsection (a).

(2) The total number of senior Foreign Service Officer generalists as of the date of the enactment of this Act.

(3) The average number of Senior Foreign Service Officer generalists inducted annually during the 10 years preceding the date of the enactment of this Act.

(4) The total number of Department advisors stationed in any of the agencies or congressional offices described in subsection (a), including the agencies or offices in which such advisors serve.

(5) The total number of advisors from other United States Government agencies stationed in the Department of State (excluding defense attaches, senior defense officials, and other Department of Defense personnel stationed in United States missions abroad), the home agency of the advisor, and the offices in which such advisors serve.

(c) EDUCATIONAL EXCLUSION.—For the purposes of the report required under subsection (a), educational programs shall not be included.

SEC. 5323. COOPERATION WITH OFFICE OF THE INSPECTOR GENERAL.

(a) ADMINISTRATIVE DISCIPLINE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall make explicit in writing to all Department of State personnel, including the Secretary of State, Department employees, contractors, and political appointees, and shall consider updating the Foreign Affairs Manual and the Foreign Affairs Handbook to explicitly specify, that if any of such personnel does not comply within 60 days with a request for an interview or access to documents from the Office of the Inspector General of the Department, such personnel may be subject to appropriate administrative discipline including, when circumstances warrant, suspension without pay or removal.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and on a quarterly basis thereafter, the Office of the Inspector General of the Department of State and the United States Agency for Global Media shall submit to the appropriate congressional committees and the Secretary of State a report in unclassified form detailing the following:

(A) The number of individuals who have failed to comply within 60 days with a request for an interview or access to documents from the Office of the Inspector General pertaining to a noncriminal matter.

(B) The date on which such requests were initially made.

(C) Any extension of time that was voluntarily granted to such individual by the Office of the Inspector General.

(D) The general subject matters regarding which the Office of the Inspector General has requested of such individuals.

(2) FORM.—Additional information pertaining solely to the subject matter of a request described in paragraph (1) may be provided in a supplemental classified annex, if necessary, but all other information required by the reports required under such paragraph shall be provided in unclassified form.

SEC. 5324. INFORMATION ON EDUCATIONAL OPPORTUNITIES FOR CHILDREN WITH SPECIAL EDUCATION NEEDS CONSISTENT WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Not later than March 31, 2022, and annually thereafter, the Director of the Office of Overseas Schools of the Department of State shall maintain and update a list of overseas schools receiving assistance from the Office and detailing the extent to which each such school provides special education and related services to children with disabilities in accordance with part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.). Each list required under this section shall be posted on the public website of the Office for access by members of the Foreign Service, the Senior Foreign Service, and their eligible family members.

SEC. 5325. IMPLEMENTATION OF GAP MEMORANDUM IN SELECTION BOARD PROCESS.

(a) IN GENERAL.—Section 603 of the Foreign Service Act of 1980 (22 U.S.C. 4003) is amended by adding at the end the following new subsection:

''(c)(1) A member of the Service or member of the Senior Foreign Service whose performance will be evaluated by a selection board may submit to such selection board a gap memo in advance of such evaluation.

''(2) Members of a selection board may not consider as negative the submission of a gap memo by a member described in paragraph (1) when evaluating the performance of such member.

''(3) In this subsection, the term 'gap memo' means a written record, submitted to a selection board in a standard format established by the Director General of the Foreign Service, which indicates and explains a gap in the record of a member of the Service or member of the Senior Foreign Service whose performance will be evaluated by such selection board, which gap is due to personal circumstances, including for health, family, or other reason as determined by the Director General in consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.''.

(b) CONSULTATION AND GUIDANCE.—

(1) CONSULTATION.—Not later than 30 days after the date of the enactment of this Act, the Director General of the Foreign Service shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the development of the gap memo under subsection (c) of section 603 of the Foreign Service Act of 1980 (22 U.S.C. 4003), as added by subsection (a) of this section.

(2) DEFINITION.—In this subsection, the term ''gap memo'' has the meaning given such term in subsection (c) of section 603 of the Foreign Service Act of 1980 (22 U.S.C. 4003), as added by subsection (a) of this section.

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

SEC. 5401. DEFINITIONS.

In this title:

(1) APPLICANT FLOW DATA.—The term ''applicant flow data'' means data that tracks the rate of applications for job positions among demographic categories.

(2) DEMOGRAPHIC DATA.—The term ''demographic data'' means facts or statistics relating to the demographic categories specified in the Office of Management and Budget statistical policy directive entitled ''Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity'' (81 Fed. Reg. 67398).

(3) DIVERSITY.—The term ''diversity'' means those classes of persons protected under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) WORKFORCE.—The term ''workforce'' means—

(A) individuals serving in a position in the civil service (as defined in section 2101 of title 5, United States Code);

(B) individuals who are members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3902));

(C) all individuals serving under a personal services contract;

(D) all individuals serving under a Foreign Service Limited appointment under section 309 of the Foreign Service Act of 1980; or

(E) individuals other than Locally Employed Staff working in the Department of State under any other authority.

SEC. 5402. EXIT INTERVIEWS FOR WORKFORCE.

(a) RETAINED MEMBERS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall conduct periodic interviews with a representative and diverse cross-section of the workforce of the Department—

(1) to understand the reasons of individuals in such workforce for remaining in a position in the Department; and

(2) to receive feedback on workplace policies, professional development opportunities, and other issues affecting the decision of individuals in the workforce to remain in the Department.

(b) DEPARTING MEMBERS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall provide an opportunity for an exit interview to each individual in the workforce of the Department who separates from service with the Department to better understand the reasons of such individual for leaving such service.

(c) USE OF ANALYSIS FROM INTERVIEWS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall analyze demographic data and other information obtained through interviews under subsections (a) and (b) to determine to what extent, if any, the diversity of those participating in such interviews impacts the results.

(d) TRACKING DATA.—The Department shall—

(1) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs;

(2) annually evaluate such data—

(A) to identify ways to improve outreach and recruitment for such programs, consistent with merit system principles; and

(B) to understand the extent to which participation in any professional development program offered or sponsored by the Department differs among the demographic categories of the workforce; and

(3) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation, in such professional development programs.

SEC. 5403. RECRUITMENT AND RETENTION.

(a) IN GENERAL.—The Secretary shall—

(1) continue to seek a diverse and talented pool of applicants; and

(2) instruct the Director General of the Foreign Service and the Director of the Bureau of Human Resources of the Department to have a recruitment plan of action for the recruitment of people belonging to traditionally under-represented groups, which should include outreach at appropriate colleges, universities, affinity groups, and professional associations.

(b) SCOPE.—The diversity recruitment initiatives described in subsection (a) shall include—

(1) recruiting at women's colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(2) placing job advertisements in newspapers, magazines, and job sites oriented toward diverse groups;

(3) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;

(4) providing opportunities through highly respected, international leadership programs, that focus on diversity recruitment and retention;

(5) expanding the use of paid internships; and

(6) cultivating partnerships with organizations dedicated to the advancement of the profession of international affairs and national security to advance shared diversity goals.

(c) EXPAND TRAINING ON ANTI-HARASSMENT AND ANTI-DISCRIMINATION.—

(1) IN GENERAL.—The Secretary shall, through the Foreign Service Institute and other educational and training opportunities—

(A) ensure the provision to all individuals in the workforce of training on anti-harassment and anti-discrimination information and policies, including in existing Foreign Service Institute courses or modules prioritized in the Department's Diversity and Inclusion Strategic Plan for 2016–2020 to promote diversity in Bureau awards or mitigate unconscious bias;

(B) expand the provision of training on workplace rights and responsibilities to focus on anti-harassment and anti-discrimination information and policies, including policies relating to sexual assault prevention and response; and

(C) make such expanded training mandatory for—

(i) individuals in senior and supervisory positions;

(ii) individuals having responsibilities related to recruitment, retention, or promotion of employees; and

(iii) any other individual determined by the Department who needs such training based on analysis by the Department or OPM analysis.

(2) BEST PRACTICES.—The Department shall give special attention to ensuring the continuous incorporation of research-based best practices in training provided under this subsection.

SEC. 5404. LEADERSHIP ENGAGEMENT AND ACCOUNTABILITY.

(a) REWARD AND RECOGNIZE EFFORTS TO PROMOTE DIVERSITY AND INCLUSION.—

(1) IN GENERAL.—The Secretary shall implement performance and advancement requirements that reward and recognize the efforts of individuals in senior positions and supervisors in the Department in fostering an inclusive environment and cultivating talent consistent with merit system principles, such as through participation in mentoring programs or sponsorship initiatives, recruitment events, and other similar opportunities.

(2) OUTREACH EVENTS.—The Secretary shall create opportunities for individuals in senior positions and supervisors in the Department to participate in outreach events and to discuss issues relating to diversity and inclusion with the workforce on a regular basis, including with employee resource groups.

(b) EXTERNAL ADVISORY COMMITTEES AND BOARDS.—For each external advisory committee or board to which individuals in senior positions in the Department appoint members, the Secretary is strongly encouraged by Congress to ensure such external advisory committee or board is developed, reviewed, and carried out by qualified teams that represent the diversity of the organization.

SEC. 5405. PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOOLS.

(a) EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—

(1) IN GENERAL.—The Secretary is authorized to expand professional development opportunities that support the mission needs of the Department, such as—

(A) academic programs;

(B) private-public exchanges; and

(C) detail assignments to relevant positions in—

(i) private or international organizations;

(ii) State, local, and Tribal governments;

(iii) other branches of the Federal Government; or

(iv) professional schools of international affairs.

(2) TRAINING FOR SENIOR POSITIONS.—

(A) IN GENERAL.—The Secretary shall offer, or sponsor members of the workforce to participate in, a Senior Executive Service candidate development program or other program that trains members on the skills required for appointment to senior positions in the Department.

(B) REQUIREMENTS.—In determining which members of the workforce are granted professional development or career advancement opportunities under subparagraph (A), the Secretary shall—

(i) ensure any program offered or sponsored by the Department under such subparagraph comports with the requirements of subpart C of part 412 of title 5, Code of Federal Regulations, or any successor thereto, including merit staffing and assessment requirements;

(ii) consider the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs;

(iii) understand how participation in any program offered or sponsored by the Department under such subparagraph differs by gender, race, national origin, disability status, or other demographic categories; and

(iv) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

SEC. 5406. EXAMINATION AND ORAL ASSESSMENT FOR THE FOREIGN SERVICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department should offer both the Foreign Service written examination and oral assessment in more locations throughout the United States. Doing so would ease the financial burden on potential candidates who do not currently reside in and must travel at their own expense to one of the few locations where these assessments are offered.

(b) FOREIGN SERVICE EXAMINATIONS.—Section 301(b) of the Foreign Service Act of 1980 (22 U.S.C. 3941) is amended—

(1) by striking ''The Secretary'' and inserting: ''(1) The Secretary''; and

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

''(2) The Secretary shall ensure that the Board of Examiners for the Foreign Service annually offers the oral assessment examinations described in paragraph (1) in cities, chosen on a rotating basis, located in at least three different time zones across the United States.''.

SEC. 5407. PAYNE FELLOWSHIP AUTHORIZATION.

(a) IN GENERAL.—Undergraduate and graduate components of the Donald M. Payne International Development Fellowship Program may conduct outreach to attract outstanding students with an interest in pursuing a Foreign Service career who represent diverse ethnic and socioeconomic backgrounds.

(b) REVIEW OF PAST PROGRAMS.—The Secretary shall review past programs designed to

increase minority representation in international affairs positions.

SEC. 5408. VOLUNTARY PARTICIPATION.

(a) IN GENERAL.—Nothing in this title should be construed so as to compel any employee to participate in the collection of the data or divulge any personal information. Department employees shall be informed that their participation in the data collection contemplated by this title is voluntary.

(b) PRIVACY PROTECTION.—Any data collected under this title shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees.

TITLE LV—INFORMATION SECURITY

SEC. 5501. DEFINITIONS.

In this title:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means—

(A) the appropriate congressional committees;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 5502. LIST OF CERTAIN TELECOMMUNICATIONS PROVIDERS.

(a) LIST OF COVERED CONTRACTORS.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of National Intelligence and other appropriate Federal agencies as determined jointly by the Secretary and the Director of National Intelligence, shall develop or maintain, as the case may be, and update as frequently as the Secretary determines appropriate, a list of covered contractors with respect to which the Department should seek to avoid entering into contracts. Not later than 30 days after the initial development of the list under this subsection, any update thereto, and annually thereafter for 5 years after such initial 30 day period, the Secretary shall submit to the appropriate congressional committees a copy of such list.

(b) COVERED CONTRACTOR DEFINED.—In this section, the term ''covered contractor'' means a provider of telecommunications, telecommunications equipment, or information technology equipment, including hardware, software, or services, that has knowingly assisted or facilitated a cyber attack or conducted surveillance, including passive or active monitoring, carried out against—

(1) the United States by, or on behalf of, any government, or persons associated with such government, listed as a cyber threat actor in the intelligence community's 2017 assessment of worldwide threats to United States national security or any subsequent worldwide threat assessment of the intelligence community; or

(2) individuals, including activists, journalists, opposition politicians, or other individuals for the purposes of suppressing dissent or intimidating critics, on behalf of a country included in the annual country reports on human rights practices of the Department for systematic acts of political repression, including arbitrary arrest or detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights.

SEC. 5503. PRESERVING RECORDS OF ELECTRONIC COMMUNICATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that all officers and employees of the Department and the United States Agency for International Development are obligated under chapter 31 of title 44, United States Code (popularly referred to as the Federal Records Act of 1950), to create and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions or operations of the Department and United States embassies, consulates, and missions abroad, including records of official communications with foreign government officials or other foreign entities.

(b) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a certification in unclassified form that the Secretary has communicated to all Department personnel, including the Secretary of State and all political appointees, that such personnel are obligated under chapter 31 of title 44, United States Code, to treat electronic messaging systems, software, and applications as equivalent to electronic mail for the purpose of identifying Federal records.

SEC. 5504. FOREIGN RELATIONS OF THE UNITED STATES (FRUS) SERIES AND DECLASSIFICATION.

The State Department Basic Authorities Act of 1956 is amended—

(1) in section 402(a)(2) (22 U.S.C. 4352(a)(2)), by striking ''26'' and inserting ''20''; and

(2) in section 404(a)(1) (22 U.S.C. 4354(a)(1), by striking ''30''and inserting ''25''.

TITLE LVI—PUBLIC DIPLOMACY

SEC. 5601. SHORT TITLE.

This title may be cited as the ''Public Diplomacy Modernization Act of 2021''.

SEC. 5602. AVOIDING DUPLICATION OF PROGRAMS AND EFFORTS.

The Secretary shall—

(1) identify opportunities for greater efficiency of operations, including through improved coordination of efforts across public diplomacy bureaus and offices of the Department; and

(2) maximize shared use of resources between, and within, such public diplomacy bureaus and offices in cases in which programs, facilities, or administrative functions are duplicative or substantially overlapping.

SEC. 5603. IMPROVING RESEARCH AND EVALUATION OF PUBLIC DIPLOMACY.

(a) RESEARCH AND EVALUATION ACTIVITIES.—The Secretary, acting through the Director of Research and Evaluation appointed pursuant to subsection (b), shall—

(1) conduct regular research and evaluation of public diplomacy programs and activities of the Department, including through the routine use of audience research, digital analytics, and impact evaluations, to plan and execute such programs and activities; and

(2) make available to Congress the findings of the research and evaluations conducted under paragraph (1).

(b) DIRECTOR OF RESEARCH AND EVALUATION.—

(1) APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall appoint a Director of Research and Evaluation (referred to in this subsection as the ''Director'') in the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department.

(2) LIMITATION ON APPOINTMENT.—The appointment of the Director pursuant to paragraph (1) shall not result in an increase in the overall full-time equivalent positions within the Department.

(3) RESPONSIBILITIES.—The Director shall—

(A) coordinate and oversee the research and evaluation of public diplomacy programs and activities of the Department in order to—

(i) improve public diplomacy strategies and tactics; and

(ii) ensure that such programs and activities are increasing the knowledge, understanding, and trust of the United States by relevant target audiences;

(B) routinely organize and oversee audience research, digital analytics, and impact evaluations across all public diplomacy bureaus and offices of the Department;

(C) support United States diplomatic posts' public affairs sections;

(D) share appropriate public diplomacy research and evaluation information within the Department and with other appropriate Federal departments and agencies;

(E) regularly design and coordinate standardized research questions, methodologies, and procedures to ensure that public diplomacy programs and activities across all public diplomacy bureaus and offices are designed to meet appropriate foreign policy objectives; and

(F) report biannually to the United States Advisory Commission on Public Diplomacy, through the Subcommittee on Research and Evaluation established pursuant to subsection (f), regarding the research and evaluation of all public diplomacy bureaus and offices.

(4) GUIDANCE AND TRAINING.—Not later than 1 year after the appointment of the Director pursuant to paragraph (1), the Director shall develop guidance and training, including curriculum for use by the Foreign Service Institute, for all public diplomacy officers of the Department regarding the reading and interpretation of public diplomacy program and activity evaluation findings to ensure that such findings and related lessons learned are implemented in the planning and evaluation of all public diplomacy programs and activities of the Department.

(c) PRIORITIZING RESEARCH AND EVALUATION.—

(1) IN GENERAL.—The head of the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department shall ensure that research and evaluation of public diplomacy and activities of the Department, as coordinated and overseen by the Director pursuant to subsection (b), supports strategic planning and resource allocation across all public diplomacy bureaus and offices of the Department.

(2) ALLOCATION OF RESOURCES.—Amounts allocated for the purpose of research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) shall be made available to be disbursed at the direction of the Director of Research and Evaluation among the research and evaluation staff across all public diplomacy bureaus and offices of the Department.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the Department should gradually increase its allocation of funds made available under the headings ''Educational and Cultural Exchange Programs'' and ''Diplomatic Programs'' for research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) to a percentage of program funds that is commensurate with Federal Government best practices.

(d) LIMITED EXEMPTION RELATING TO THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') shall not apply to the collection of information directed at any individuals conducted by, or on behalf of, the Department of State for the purpose of audience research, monitoring, and evaluations, and in connection with the Department's activities conducted pursuant to any of the following:

(1) The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).

(2) Section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note).

(3) The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(e) LIMITED EXEMPTION RELATING TO THE PRIVACY ACT.—

(1) IN GENERAL.—The Department shall maintain, collect, use, and disseminate records (as such term is defined in section 552a(a)(4) of title 5, United States Code) for audience research, digital analytics, and impact evaluation of communications related to public diplomacy efforts intended for foreign audiences.

(2) CONDITIONS.—Audience research, digital analytics, and impact evaluations under paragraph (1) shall be—

(A) reasonably tailored to meet the purposes of this subsection; and

(B) carried out with due regard for privacy and civil liberties guidance and oversight.

(f) UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

(1) SUBCOMMITTEE FOR RESEARCH AND EVALUATION.—The United States Advisory Commission on Public Diplomacy shall establish a Subcommittee on Research and Evaluation to monitor and advise regarding audience research, digital analytics, and impact evaluations carried out by the Department and the United States Agency for Global Media.

(2) ANNUAL REPORT.—The Subcommittee on Research and Evaluation established pursuant to paragraph (1) shall submit to the appropriate congressional committees an annual report, in conjunction with the United States Advisory Commission on Public Diplomacy's Comprehensive Annual Report on the performance of the Department and the United States Agency for Global Media, describing all actions taken by the Subcommittee pursuant to paragraph (1) and any findings made as a result of such actions.

SEC. 5604. PERMANENT REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended—

(1) in the section heading, by striking ''**SUNSET**'' and inserting ''**CONTINUATION**''; and

(2) by striking ''until October 1, 2021''.

SEC. 5605. STREAMLINING OF SUPPORT FUNCTIONS.

(a) WORKING GROUP ESTABLISHED.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish a working group to explore the possibilities and cost-benefit analysis of transitioning to a shared services model as such pertains to human resources, travel, purchasing, budgetary planning, and all other executive support functions for all bureaus of the Department that report to the Under Secretary for Public Diplomacy of the Department.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan to implement any such findings of the working group established under subsection (a).

SEC. 5606. GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMACY FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall adopt, and include in the Foreign Affairs Manual, guidelines to collect and utilize information from each diplomatic post at which the construction of a new embassy compound or new consulate compound would result in the closure or co-location of an American Space, American Center, American Corner, or any other public diplomacy facility under the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).

(b) REQUIREMENTS.—The guidelines required by subsection (a) shall include the following:

(1) Standardized notification to each chief of mission at a diplomatic post describing the requirements of the Secure Embassy Construction and Counterterrorism Act of 1999 and the impact on the mission footprint of such requirements.

(2) An assessment and recommendations from each chief of mission of potential impacts to public diplomacy programming at such diplomatic post if any public diplomacy facility referred to in subsection (a) is closed or staff is co-located in accordance with such Act.

(3) A process by which assessments and recommendations under paragraph (2) are considered by the Secretary and the appropriate Under Secretaries and Assistant Secretaries of the Department.

(4) Notification to the appropriate congressional committees, prior to the initiation of a new embassy compound or new consulate compound design, of the intent to close any such public diplomacy facility or co-locate public diplomacy staff in accordance with such Act.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the guidelines required under subsection (a) and any recommendations for any modifications to such guidelines.

SEC. 5607. DEFINITIONS.

In this title:

(1) AUDIENCE RESEARCH.—The term ''audience research'' means research conducted at the outset of a public diplomacy program or the outset of campaign planning and design regarding specific audience segments to understand the attitudes, interests, knowledge, and behaviors of such audience segments.

(2) DIGITAL ANALYTICS.—The term ''digital analytics'' means the analysis of qualitative and quantitative data, accumulated in digital format, to indicate the outputs and outcomes of a public diplomacy program or campaign.

(3) IMPACT EVALUATION.—The term ''impact evaluation'' means an assessment of the changes in the audience targeted by a public diplomacy program or campaign that can be attributed to such program or campaign.

(4) PUBLIC DIPLOMACY BUREAUS AND OFFICES.—The term ''public diplomacy bureaus and offices'' means, with respect to the Department, the following:

(A) The Bureau of Educational and Cultural Affairs.

(B) The Bureau of Global Public Affairs.

(C) The Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs.

(D) The Global Engagement Center.

(E) The public diplomacy functions within the regional and functional bureaus.

TITLE LVII—OTHER MATTERS

SEC. 5701. LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT.

Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking ''No assistance'' and inserting the following:

''(1) No assistance'';

(2) by inserting ''the government of'' before ''any country'';

(3) by inserting ''the government of'' before ''such country'' each place it appears;

(4) by striking ''determines'' and all that follows and inserting ''determines, after consultation with the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, that assistance for such country is in the national interest of the United States.''; and

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

''(2) No assistance shall be furnished under this Act, the Peace Corps Act, the Millennium Challenge Act of 2003, the African Development Foundation Act, the BUILD Act of 2018, section 504 of the FREEDOM Support Act, or section 23 of the Arms Export Control Act to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest or any loan made to the government of such country by the United States unless the President determines, following consultation with the congressional committees specified in paragraph (1), that assistance for such country is in the national interest of the United States.''.

SEC. 5702. SEAN AND DAVID GOLDMAN CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2014 AMENDMENT.

Subsection (b) of section 101 of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9111; Public Law 113–150) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting '', respectively,'' after ''access cases''; and

(ii) by inserting ''and the number of children involved'' before the semicolon at the end; and

(B) in subparagraph (D), by inserting ''respectively, the number of children involved,'' after ''access cases,'';

(2) in paragraph (7), by inserting '', and number of children involved in such cases'' before the semicolon at the end;

(3) in paragraph (8), by striking ''and'' after the semicolon at the end;

(4) in paragraph (9), by striking the period at the end and inserting ''; and''; and

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

''(10) the total number of pending cases the Department of State has assigned to case officers and number of children involved for each country and as a total for all countries.''.

SEC. 5703. CHIEF OF MISSION CONCURRENCE.

In the course of a chief of mission providing concurrence to the exercise of the authority pursuant to section 127e of title 10, United States Code, or section 1202 of the National Defense Authorization Act for Fiscal Year 2018—

(1) each relevant chief of mission shall inform and consult in a timely manner with relevant individuals at relevant missions or bureaus of the Department of State; and

(2) the Secretary of State shall take such steps as may be necessary to ensure that such relevant individuals have the security clearances necessary and access to relevant compartmented and special programs to so consult in a timely manner with respect to such concurrence.

SEC. 5704. REPORT ON EFFORTS OF THE CORONAVIRUS REPATRIATION TASK FORCE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a report evaluating the efforts of the Coronavirus Repatriation Task Force of the Department of State to repatriate United States citizens and legal permanent residents in response to the 2020 coronavirus outbreak. The report shall identify—

(1) the most significant impediments to repatriating such persons;

(2) the lessons learned from such repatriations; and

(3) any changes planned to future repatriation efforts of the Department of State to incorporate such lessons learned.

DIVISION F—OTHER NON-DEPARTMENT OF DEFENSE MATTERS

TITLE LXI—FINANCIAL SERVICES MATTERS

SEC. 6101. FINCEN EXCHANGE.

Section 310(d) of title 31, United States Code, is amended—

(1) in paragraph (2), by inserting ''other relevant private sector entities,'' after ''financial institutions,'';

(2) in paragraph (3)(A)(i)(II), by inserting ''and other relevant private sector entities'' after ''financial institutions''; and

(3) in paragraph (5)—

(A) in subparagraph (A), by inserting ''or other relevant private sector entity'' after ''financial institution''; and

(B) in subparagraph (B)—

(i) by striking ''Information'' and inserting the following:

''(i) USE BY FINANCIAL INSTITUTIONS.—Information''; and

(ii) by adding at the end the following:

''(ii) USE BY OTHER RELEVANT PRIVATE SECTOR ENTITIES.—Information received by a relevant private sector entity that is not a financial institution pursuant to this section shall not be used for any purpose other than assisting a financial institution in identifying and reporting on activities that may involve the financing of terrorism, money laundering, proliferation financing, or other financial crimes, or in assisting FinCEN or another agency of the Federal Government in mitigating the risk of the financing of terrorism, money laundering, proliferation financing, or other criminal activities.''.

SEC. 6102. ADVERSE INFORMATION IN CASES OF TRAFFICKING.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605B the following:

''§ 605C. Adverse information in cases of trafficking

''(a) DEFINITIONS.—In this section:

''(1) TRAFFICKING DOCUMENTATION.—The term 'trafficking documentation' means—

''(A) documentation of—

''(i) a determination that a consumer is a victim of trafficking made by a Federal, State, or Tribal governmental entity; or

''(ii) by a court of competent jurisdiction; and

''(B) documentation that identifies items of adverse information that should not be furnished by a consumer reporting agency because the items resulted from a severe form of trafficking in persons or sex trafficking of which the consumer is a victim.

''(2) TRAFFICKING VICTIMS PROTECTION ACT OF 2000 DEFINITIONS.—The terms 'severe forms of trafficking in persons' and 'sex trafficking' have the meanings given, respectively, in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

''(3) VICTIM OF TRAFFICKING.—The term 'victim of trafficking' means a person who is a victim of a severe form of trafficking in persons or sex trafficking.

''(b) ADVERSE INFORMATION.—A consumer reporting agency may not furnish a consumer report containing any adverse item of information about a consumer that resulted from a severe form of trafficking in persons or sex trafficking if the consumer has provided trafficking documentation to the consumer reporting agency.

''(c) RULEMAKING.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Director shall issue rules to implement subsection (a).

''(2) CONTENTS.—The rules issued pursuant to paragraph (1) shall establish a method by which consumers shall submit trafficking documentation to consumer reporting agencies.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Fair Credit Reporting Act is amended by inserting after the item relating to section 605B the following:

''605C. Adverse information in cases of trafficking.''.

(c) APPLICATION.—The amendments made by this section shall apply on the date that is 30 days after the date on which the Director of the Bureau of Consumer Financial Protection issues a rule pursuant to section 605C(c) of the Fair Credit Reporting Act, as added by subsection (a) of this section. Any rule issued by the Director to implement such section 605C shall be limited to preventing a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a consumer (as such terms are defined, respectively, in section 603 the Fair Credit Reporting Act (15 U.S.C. 1681a)) that resulted from trafficking.

SEC. 6103. SUPPORT TO ENHANCE THE CAPACITY OF INTERNATIONAL MONETARY FUND MEMBERS TO EVALUATE THE LEGAL AND FINANCIAL TERMS OF SOVEREIGN DEBT CONTRACTS.

(a) IN GENERAL.—Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.) is amended by adding at the end the following:

''SEC. 1630. SUPPORT TO ENHANCE THE CAPACITY OF FUND MEMBERS TO EVALUATE THE LEGAL AND FINANCIAL TERMS OF SOVEREIGN DEBT CONTRACTS.

''The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the United States to advocate that the Fund promote international standards and best practices with respect to sovereign debt contracts and provide technical assistance to Fund members, and in particular to lower middle-income countries and countries eligible to receive assistance from the International Development Association, seeking to enhance their capacity to evaluate the legal and financial terms of sovereign debt contracts with multilateral, bilateral, and private sector creditors.''.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, and annually thereafter for the next 4 years, the Secretary of the Treasury shall report to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate on—

(1) the activities of the International Monetary Fund in the then most recently completed fiscal year to provide technical assistance described in section 1630 of the International Financial Institutions Act (as added by this section), including the ability of the Fund to meet the demand for the assistance; and

(2) the efficacy of efforts by the United States to achieve the policy goal described in such section and any further actions that should be taken, if necessary, to implement that goal.

(c) SUNSET.—The amendment made by subsection (a) shall have no force or effect after the 5-year period that begins with the date of the enactment of this Act.

SEC. 6104. UNITED STATES POLICY ON BURMA AT THE INTERNATIONAL MONETARY FUND, THE WORLD BANK GROUP, AND THE ASIAN DEVELOPMENT BANK.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States should not support the recognition of, or dealing with, the State Administration Council, or any successor entity controlled by the military, as the government of Burma for the purpose of the provision of any loan or financial assistance by the International Monetary Fund, the World Bank Group, or the Asian Development Bank, except for humanitarian assistance channeled through an implementing agency not controlled by the Burmese military.

(b) POLICY.—Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.), as amended by section 6103, is further amended by adding at the end the following:

''SEC. 1631. UNITED STATES POLICY ON BURMA AT THE INTERNATIONAL MONETARY FUND, THE WORLD BANK GROUP, AND THE ASIAN DEVELOPMENT BANK.

''(a) POLICY OF THE UNITED STATES.—The Secretary of Treasury shall instruct the United States Executive Directors at the International Monetary Fund, the World Bank Group, and the Asian Development Bank to inform the respective institution that it is the policy of the United States to oppose, and to use the voice and vote of the United States to vote against, any loan or financial assistance to Burma through the State Administration Council, or any successor entity controlled by the military, except for humanitarian assistance channeled through an implementing agency not controlled by the Burmese military.

''(b) SUBMISSION OF WRITTEN STATEMENTS.—No later than 60 calendar days after a meeting of the Board of Directors of the World Bank Group or the Asian Development Bank, the Secretary of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate any written statement presented at the meeting by the United States Executive Director concerning the United States policy described in subsection (a) or the United States position on any strategy, policy, loan, extension of financial assistance, or technical assistance related to Burma considered by the Board.

''(c) WAIVER.—The President of the United States may waive the application of subsection (a) on a case-by-case basis upon certifying to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the waiver—

''(1) substantially promotes the objective of delivering humanitarian assistance to the civilian population of Burma, including a detailed explanation as to the need for such a waiver, the nature of the humanitarian assistance, the mechanisms through which such assistance will be delivered, and the oversight safeguards that will accompany such assistance; or

''(2) is otherwise in the national interest of the United States, with a detailed explanation of the reasons therefor.

''(d) WORLD BANK GROUP DEFINED.—In this section, the term 'World Bank Group' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the Multilateral Investment Guarantee Agency.''.

(c) SUNSET.—Section 1631 of the International Financial Institutions Act, as added by subsection (b), is repealed on the earlier of—

(1) the date the President of the United States submits to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a certification that—

(A) the Burmese military has released all political prisoners;

(B) an elected government has been instated following free and fair elections; and

(C) all government institutions involved in the provision of multilateral assistance are fully under civilian control; or

(2) the date that is 10 years after the date of the enactment of this Act.

SEC. 6105. UNITED STATES POLICY REGARDING INTERNATIONAL FINANCIAL INSTITUTION ASSISTANCE WITH RESPECT TO ADVANCED WIRELESS TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the ''Secretary'') shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2))) that it is the policy of the United States to—

(1) support assistance by the institution with respect to advanced wireless technologies (such as 5th generation wireless technology for digital cellular networks and related technologies) only if the technologies provide appropriate security for users;

(2) proactively encourage assistance with respect to infrastructure or policy reforms that facilitate the use of secure advanced wireless technologies; and

(3) cooperate, to the maximum extent practicable, with member states of the institution, particularly with United States allies and partners, in order to strengthen international support for such technologies.

(b) WAIVER AUTHORITY.—The Secretary may waive subsection (a) on a case-by-case basis, on reporting to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the waiver—

(1) will allow the United States to effectively promote the objectives of the policy described in subsection (a); or

(2) is in the national interest of the United States, with an explanation of the reasons therefor.

(c) PROGRESS REPORT.—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall include in the annual report required by section 1701 of the International Financial Institutions Act (22 U.S.C. 262r) a description of progress made toward advancing the policy described in subsection (a) of this section.

(d) SUNSET.—The preceding provisions of this section shall have no force or effect after the earlier of—

(1) the date that is 7 years after the date of the enactment of this Act; or

(2) the date that the Secretary reports to the committees specified in subsection (b) that terminating the effectiveness of the provisions is important to the national interest of the United States, with a detailed explanation of the reasons therefor.

SEC. 6106. ILLICIT FINANCE IMPROVEMENTS.

(a) SCOPE OF THE MEETINGS OF THE SUPERVISORY TEAM ON COUNTERING ILLICIT FINANCE.—Section 6214(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (31 U.S.C. 5311 note) is amended by striking ''to combat the risk relating to proliferation financing'' and inserting ''for the purposes of countering illicit finance, including proliferation finance and sanctions evasion''.

(b) COMBATING RUSSIAN MONEY LAUNDERING.—Section 9714 of the Combating Russian Money Laundering Act (Public Law 116–283) is amended—

(1) by redesignating subsections (b) and (c) as subsections (f) and (g), respectively; and

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

''(b) CLASSIFIED INFORMATION.—In any judicial review of a finding of the existence of a primary money laundering concern, or of the requirement for 1 or more special measures with respect to a primary money laundering concern made under this section, if the designation or imposition, or both, were based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.), such information may be submitted by the Secretary to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review of any finding made or any requirement imposed under this section.

''(c) AVAILABILITY OF INFORMATION.—The exemptions from, and prohibitions on, search and disclosure provided in section 5319 of title 31, United States Code, shall apply to any report or record of report filed pursuant to a requirement imposed under subsection (a) of this section. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of that section.

''(d) PENALTIES.—The penalties provided for in sections 5321 and 5322 of title 31, United States Code, that apply to violations of special measures imposed under section 5318A of title 31, United States Code, shall apply to violations of any order, regulation, special measure, or other requirement imposed under subsection (a) of this section, in the same manner and to the same extent as described in sections 5321 and 5322.

''(e) INJUNCTIONS.—The Secretary of the Treasury may bring a civil action to enjoin a violation of any order, regulation, special measure, or other requirement imposed under subsection (a) of this section in the same manner and to the same extent as described in section 5320 of title 31, United States Code.''.

SEC. 6107. BRIEFING ON DELEGATION OF EXAMINATION AUTHORITY UNDER THE BANK SECRECY ACT.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall, after consultation with State bank supervisors, Federal financial regulators, and other relevant stakeholders, conduct a briefing for the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with respect to the delegation of examination authority under the Bank Secrecy Act by the Secretary of the Treasury.

(b) CONTENTS.—The briefing conducted by the Secretary of the Treasury pursuant to subsection (a) shall address—

(1) the current status of the delegation of examination authority under the Bank Secrecy Act by the Secretary of the Treasury, including with respect to the mission of the Bank Secrecy Act;

(2) how frequently, on average, agencies delegated exam authority under the Bank Secrecy Act by the Secretary are able to examine entities for which they have delegated authorities;

(3) whether agencies delegated examination authority under the Bank Secrecy Act by the Secretary of the Treasury have appropriate resources to perform such delegated responsibilities; and

(4) whether the examiners within agencies delegated examination authority under the Bank Secrecy Act by the Secretary of the Treasury have sufficient training and support to perform delegated responsibilities.

(c) DEFINITIONS.—In this section:

(1) BANK SECRECY ACT.—The term ''Bank Secrecy Act'' means—

(A) section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b);

(B) section 123 of Public Law 91–508; and

(C) subchapter II of chapter 53 of title 31, United States Code.

(2) FEDERAL FINANCIAL REGULATORS.—The term ''Federal financial regulators'' means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Comptroller of the Currency, the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the Commissioner of the Internal Revenue Service.

(3) STATE BANK SUPERVISORS.—The term ''State bank supervisors'' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

TITLE LXII—FOREIGN SERVICE FAMILIES ACT OF 2021

SECTION 6201. SHORT TITLE.

This title may be cited as the ''Foreign Service Families Act of 2021''.

SEC. 6202. TELECOMMUTING OPPORTUNITIES.

(a) DETO POLICY.—

(1) IN GENERAL.—Each Federal department and agency shall establish a policy enumerating the circumstances under which employees may be permitted to temporarily perform work requirements and duties from approved overseas locations where there is a related Foreign Service assignment pursuant to an approved Domestically Employed Teleworking Overseas (DETO) agreement, consistent with the requirements under section 6502 of title 5, United States code (relating to the executive agencies telework requirements), as amended by paragraph (2), and DETO requirements, as set forth in the Foreign Affairs Manual and Foreign Affairs Handbook of the Department of State.

(2) AMENDMENT.—Section 6502(b) of title 5, United States Code, is amended—

(A) in paragraph (4)(B), by striking ''and'' after the semicolon;

(B) in paragraph 5, by striking the period at the end and inserting ''; and'' ; and

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

''(6) enumerate the circumstances under which employees may be permitted to temporarily perform work requirements and duties from approved overseas locations, provided that, except in emergency situations as determined by the head of the agency, such circumstances shall not include a situation in which an employee's official duties require on at least a monthly basis the direct handling of secure materials determined to be inappropriate for telework by the agency head.''.

(b) ACCESS TO ICASS SYSTEM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall revise chapter 900 of volume 6 of the Foreign Affairs Manual, the International Cooperative Administrative Support Services Handbook, the Personnel Operations Handbook, and any other relevant regulations to allow each Federal agency that has enacted a policy under subsection (a) to have access to the International Cooperative Administrative Support Services (ICASS) system.

SEC. 6203. EMPLOYMENT AND EDUCATION PROGRAMS FOR ELIGIBLE FAMILY MEMBERS OF MEMBERS OF THE FOREIGN SERVICE.

Section 706(b) of the Foreign Service Act of 1980 (22 U.S.C. 4026(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''The Secretary may facilitate the employment of spouses of members of the

Foreign Service by—'' and inserting ''The Secretary shall implement such measures as the Secretary considers necessary to facilitate the employment of spouses and members of the Service. The measures may include—'';

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by amending subparagraph (C) to read as follows:

''(C) establishing a program for assisting eligible family members in accessing employment and education opportunities, as appropriate, including by exercising the authorities, in relevant part, under sections 1784 and 1784a of title 10, United States Code, and subject to such regulations as the Secretary may prescribe modeled after those prescribed pursuant to subsection (b) of such section 1784;'';

(2) by redesignating paragraph (2) as paragraph (6);

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

''(2) The Secretary may prescribe regulations—

''(A) to provide preference to eligible family members in hiring for any civilian position in the Department, notwithstanding the prohibition on marital discrimination found in 5 U.S.C. 2302(b)(1)(E), if —

''(i) the eligible family member is among persons determined to be best qualified for the position; and

''(ii) the position is located in the overseas country of assignment of their sponsoring employee;

''(B) to ensure that notice of any vacant position in the Department is provided in a manner reasonably designed to reach eligible family members of sponsoring employees whose permanent duty stations are in the same country as that in which the position is located; and

''(C) to ensure that an eligible family member who applies for a vacant position in the Department shall, to the extent practicable, be considered for any such position located in the same country as the permanent duty station of their sponsoring employee.

''(3) Nothing in this section may be construed to provide an eligible family member with entitlement or preference in hiring over an individual who is preference eligible.

''(4) Under regulations prescribed by the Secretary, a chief of mission may, consistent with all applicable laws and regulations pertaining to the ICASS system, make available to an eligible family member and a non-Department entity space in an embassy or consulate for the purpose of the non-Department entity providing employment-related training for eligible family members.

''(5) The Secretary may work with the Director of the Office of Personnel Management and the heads of other Federal departments and agencies to expand and facilitate the use of existing Federal programs and resources in support of eligible family member employment.''; and

(4) by adding after paragraph (6), as redesignated by paragraph (2) of this subsection, the following new paragraph:

''(7) In this subsection, the term 'eligible family member' refers to family members of government employees assigned abroad or hired for service at their post of residence who are appointed by the Secretary of State or the Administrator of the United States Agency for International Development pursuant to sections 102, 202, 303, and 311.''.

SEC. 6204. BRIEFING ON FOREIGN SERVICE FAMILY RESERVE CORPS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on the status of implementation of the Foreign Service Family Reserve Corps.

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

(1) A description of the status of implementation of the Foreign Service Family Reserve Corps (FSFRC).

(2) An assessment of the extent to which implementation was impacted by the Department's hiring freeze and a detailed explanation of the effect of any such impacts.

(3) A description of the status of implementation of a hiring preference for the FSFRC.

(4) A detailed accounting of any individuals eligible for membership in the FSFRC who were unable to begin working at a new location as a result of being unable to transfer their security clearance, including an assessment of whether they would have been able to port their clearance as a member of the FSFRC if the program had been fully implemented.

(5) An estimate of the number of individuals who are eligible to join the FSFRC worldwide and the categories, as detailed in the Under Secretary for Management's guidance dated May 3, 2016, under which those individuals would enroll.

(6) An estimate of the number of individuals who are enrolled in the FSFRC worldwide and the categories, as detailed in the Under Secretary for Management's guidance dated May 3, 2016, under which those individuals enrolled.

(7) An estimate of the number of individuals who were enrolled in each phase of the implementation of the FSFRC as detailed in guidance issued by the Under Secretary for Management.

(8) An estimate of the number of individuals enrolled in the FSFRC who have successfully transferred a security clearance to a new post since implementation of the program began.

(9) An estimate of the number of individuals enrolled in the FSFRC who have been unable to successfully transfer a security clearance to a new post since implementation of the program began.

(10) An estimate of the number of individuals who have declined in writing to apply to the FSFRC.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 6205. TREATMENT OF FAMILY MEMBERS SEEKING POSITIONS CUSTOMARILY FILLED BY FOREIGN SERVICE OFFICERS OR FOREIGN NATIONAL EMPLOYEES.

Section 311 of the Foreign Service Act of 1980 (22 U.S.C. 3951) is amended by adding at the end the following:

''(e) The Secretary shall hold a family member of a government employee described in subsection (a) seeking employment in a position described in that subsection to the same employment standards as those applicable to Foreign Service officers, Foreign Service personnel, or foreign national employees seeking the same or a substantially similar position.''.

SEC. 6206. IN-STATE TUITION RATES FOR MEMBERS OF QUALIFYING FEDERAL SERVICE.

(a) IN GENERAL.—Section 135 of the Higher Education Act of 1965 (20 U.S.C. 1015d) is amended—

*(1) in the section heading, by striking ''**THE ARMED FORCES ON ACTIVE DUTY, SPOUSES, AND DEPENDENT CHILDREN**'' and inserting ''**QUALIFYING FEDERAL SERVICE**'';*

(2) in subsection (a), by striking ''member of the armed forces who is on active duty for a period of more than 30 days and'' and inserting ''member of a qualifying Federal service'';

(3) in subsection (b), by striking ''member of the armed forces'' and inserting ''member of a qualifying Federal service''; and

(4) by striking subsection (d) and inserting the following:

''(d) DEFINITIONS.—In this section, the term 'member of a qualifying Federal service' means—

''(1) a member of the armed forces (as defined in section 101 of title 10, United States Code) who is on active duty for a period of more than 30 days (as defined in section 101 of title 10, United States Code); or

''(2) a member of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903)) who is on active duty for a period of more than 30 days.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at each public institution of higher education in a State that receives assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for the first period of enrollment at such institution that begins after July 1, 2024.

SEC. 6207. TERMINATION OF RESIDENTIAL OR MOTOR VEHICLE LEASES AND TELEPHONE SERVICE CONTRACTS FOR CERTAIN MEMBERS OF THE FOREIGN SERVICE.

(a) IN GENERAL.—Chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) is amended by adding at the end the following new section:

''SEC. 907. TERMINATION OF RESIDENTIAL OR MOTOR VEHICLE LEASES AND TELEPHONE SERVICE CONTRACTS.

''The terms governing the termination of residential or motor vehicle leases and telephone service contracts described in sections 305 and 305A, respectively, of the Servicemembers Civil Relief Act (50 U.S.C. 3955 and 3956) with respect to servicemembers who receive military orders described in such Act shall apply in the same manner and to the same extent to members of the Service who are posted abroad at a Foreign Service post in accordance with this Act.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 906 the following new item:

''Sec. 907. Termination of residential or motor vehicle leases and telephone service contracts.''.

TITLE LXIII—BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION MODERNIZATION ACT

SEC. 6301. SHORT TITLE.

This title may be cited as the ''Barry Goldwater Scholarship and Excellence in Education Modernization Act of 2021''.

SEC. 6302. CLARIFYING AMENDMENTS TO DEFINITIONS.

Section 1403 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4702) is amended—

(1) by striking paragraph (5) and inserting the following new paragraph (5):

''(5) The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and any other territory or possession of the United States.''; and

(2) by striking paragraph (6), by inserting the following new paragraph (6):

''(6) The term 'eligible person' means—

''(A) a permanent resident alien of the United States;

''(B) a citizen or national of the United States;

''(C) a citizen of the Republic of the Marshall Islands, the Federal States of Micronesia, or the Republic of Palau; or

''(D) any person who may be admitted to lawfully engage in occupations and establish residence as a nonimmigrant in the United States as permitted under the Compact of Free Association agreements with the Republic of the Marshall Islands, the Federal States of Micronesia, or the Republic of Palau.''.

SEC. 6303. BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION AWARDS.

(a) AWARD OF SCHOLARSHIPS, FELLOWSHIPS, AND RESEARCH INTERNSHIPS.—Section 1405(a) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4704(a)) is amended—

(1) in the subsection heading, by striking ''AWARD OF SCHOLARSHIPS AND FELLOWSHIPS'' and inserting ''AWARD OF SCHOLARSHIPS, FELLOWSHIPS, AND RESEARCH INTERNSHIPS'';

(2) in paragraph (1)—

(A) by striking ''scholarships and fellowships'' and inserting ''scholarships, fellowships, and research internships''; and

(B) by striking ''science and mathematics'' and inserting ''the natural sciences, engineering, and mathematics'';

(3) in paragraph (2), by striking ''mathematics and the natural sciences'' and inserting ''the natural sciences, engineering, and mathematics, which shall be prioritized for students attending community colleges and minority-serving institutions specified in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))'';

(4) in paragraph (3), by striking ''mathematics and the natural sciences'' and inserting ''the natural sciences, engineering, and mathematics'';

(5) by redesignating paragraph (4) as paragraph (5);

(6) in paragraph (5), as so redesignated, by striking ''scholarships and fellowships'' and inserting ''scholarships, fellowships, and research internships''; and

(7) by inserting after paragraph (3) the following:

''(4) Research internships shall be awarded to outstanding undergraduate students who intend to pursue careers in the natural sciences, engineering, and mathematics, which shall be prioritized for students attending community colleges and minority-serving institutions specified in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).''.

(b) BARRY GOLDWATER SCHOLARS AND RESEARCH INTERNS.—Section 1405(b) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4704(b)) is amended—

(1) in the subsection heading, by adding ''AND RESEARCH INTERNS'' after ''SCHOLARS''; and

(2) by adding at the end the following new sentence: ''Recipients of research internships under this title shall be known as 'Barry Goldwater Interns'.''.

SEC. 6304. STIPENDS.

Section 1406 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4705) is amended by adding at the end the following: ''Each person awarded a research internship under this title shall receive a stipend as may be prescribed by the Board, which shall not exceed the maximum stipend amount awarded for a scholarship or fellowship.''.

SEC. 6305. SCHOLARSHIP AND RESEARCH INTERNSHIP CONDITIONS.

Section 1407 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4706) is amended—

(1) in the section heading, by inserting ''**AND RESEARCH INTERNSHIP**'' after ''**SCHOLARSHIP**'';

(2) in subsection (a)—

(A) by striking the subsection heading and inserting ''SCHOLARSHIP CONDITIONS''; and

(B) by striking ''and devoting full time to study or research and is not engaging in gainful employment other than employment approved by the Foundation'';

(3) in subsection (b), by striking the subsection heading and inserting ''REPORTS ON SCHOLARSHIPS''; and

(4) by adding at the end the following:

''(c) RESEARCH INTERNSHIP CONDITIONS.—A person awarded a research internship under this title may receive payments authorized under this title only during such periods as the Foundation finds that the person is maintaining satisfactory proficiency pursuant to regulations of the Board.

''(d) REPORTS ON RESEARCH INTERNSHIPS.—The Foundation may require reports containing such information in such form and to be filed at such times as the Foundation determines to be necessary from any person awarded a research internship under this title. Such reports may be accompanied by a certificate from an appropriate official at the institution of higher education or internship employer, approved by the Foundation, stating that such person is maintaining satisfactory progress in the internship.''.

SEC. 6306. SUSTAINABLE INVESTMENTS OF FUNDS.

Section 1408 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4707) 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) INVESTMENT IN SECURITIES.—Notwithstanding subsection (b), the Secretary of the Treasury may invest any public or private funds received by the Foundation after the date of enactment of the Barry Goldwater Scholarship and Excellence in Education Modernization Act of 2021 in securities other than or in addition to public debt securities of the United States, if—

''(1) the Secretary receives a determination from the Board that such investments are necessary to enable the Foundation to carry out the purposes of this title; and

''(2) the securities in which such funds are invested are traded in established United States markets.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Board to increase the number of scholarships provided under section 4704, or to increase the amount of the stipend authorized by section 4705, as the Board considers appropriate and is otherwise consistent with the requirements of this title.''.

SEC. 6307. ADMINISTRATIVE PROVISIONS.

Section 1411(a) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4710(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) appoint and fix the rates of basic pay of not more than three employees (in addition to the Executive Secretary appointed under section 4709) to carry out the provisions of this title, without regard to the provisions in chapter 33 of title 5, United States Code, governing appointment in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that—

''(A) a rate of basic pay set under this paragraph may not exceed the maximum rate provided for employees in grade GS–15 of the General Schedule under section 5332 of title 5, United States Code; and

''(B) the employee shall be entitled to the applicable locality-based comparability payment under section 5304 of title 5, United States Code, subject to the applicable limitation established under subsection (g) of such section;'';

(2) in paragraph (2), by striking ''grade GS–18 under section 5332 of such title'' and inserting ''level IV of the Executive Schedule'';

(3) in paragraph (7), by striking ''and'' at the end;

(4) by redesignating paragraph (8) as paragraph (10); and

(5) by inserting after paragraph (7) the following:

''(8) expend not more than 5 percent of the Foundation's annual operating budget on programs that, in addition to or in conjunction with the Foundation's scholarship financial awards, support the development of Goldwater Scholars throughout their professional careers;

''(9) expend not more than 5 percent of the Foundation's annual operating budget to pay the costs associated with fundraising activities, including public and private gatherings; and''.

TITLE LXIV—DEPARTMENT OF HOMELAND SECURITY MEASURES

Subtitle A—DHS Headquarters, Research and Development, and Related Matters

Subtitle B—Transportation Security

Subtitle A—DHS Headquarters, Research and Development, and Related Matters

SEC. 6401. EMPLOYEE ENGAGEMENT STEERING COMMITTEE AND ACTION PLAN.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

''SEC. 711. EMPLOYEE ENGAGEMENT.

''(a) STEERING COMMITTEE.—Not later than 120 days after the date of the enactment of this section, the Secretary shall establish an employee engagement steering committee, including representatives from operational components, headquarters, and field personnel, including supervisory and nonsupervisory personnel, and employee labor organizations that represent Department employees, and chaired by the Under Secretary for Management, to carry out the following activities:

''(1) Identify factors that have a negative impact on employee engagement, morale, and communications within the Department, such as perceptions about limitations on career progression, mobility, or development opportunities, collected through employee feedback platforms, including through annual employee surveys, questionnaires, and other communications, as appropriate.

''(2) Identify, develop, and distribute initiatives and best practices to improve employee engagement, morale, and communications within the Department, including through annual employee surveys, questionnaires, and other communications, as appropriate.

''(3) Monitor efforts of each component to address employee engagement, morale, and communications based on employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate.

''(4) Advise the Secretary on efforts to improve employee engagement, morale, and communications within specific components and across the Department.

''(5) Conduct regular meetings and report, not less than once per quarter, to the Under Secretary for Management, the head of each component, and the Secretary on Departmentwide efforts to improve employee engagement, morale, and communications.

''(b) ACTION PLAN; REPORTING.—The Secretary, acting through the Chief Human Capital Officer, shall—

''(1) not later than 120 days after the date of the establishment of the employee engagement steering committee under subsection (a), issue a Departmentwide employee engagement action plan, reflecting input from the steering committee and employee feedback provided through annual employee surveys, questionnaires, and other communications in accordance with paragraph (1) of such subsection, to execute strategies to improve employee engagement, morale, and communications within the Department; and

''(2) require the head of each component to—

''(A) develop and implement a component-specific employee engagement plan to advance the action plan required under paragraph (1) that includes performance measures and objectives, is informed by employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate, and sets forth how employees and, where applicable, their labor representatives are to be integrated in developing programs and initiatives;

''(B) monitor progress on implementation of such action plan; and

''(C) provide to the Chief Human Capital Officer and the steering committee quarterly reports on actions planned and progress made under this paragraph.

''(c) TERMINATION.—This section shall terminate on the date that is five years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 710 the following new item:

''Sec. 711. Employee engagement.''.

(c) SUBMISSIONS TO CONGRESS.—

(1) DEPARTMENT-WIDE EMPLOYEE ENGAGEMENT ACTION PLAN.—The Secretary of Homeland Security, acting through the Chief Human Capital Officer of the Department of Homeland Security, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the Departmentwide employee engagement action plan required under subsection (b)(1) of section 711 of the Homeland Security Act of 2002 (as added by subsection (a) of this section) not later than 30 days after the issuance of such plan under such subsection (b)(1).

(2) COMPONENT-SPECIFIC EMPLOYEE ENGAGEMENT PLANS.—Each head of a component of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the component-specific employee engagement plan of each such component required under subsection (b)(2) of section 711 of the Homeland Security Act of 2002 not later than 30 days after the issuance of each such plan under such subsection (b)(2).

SEC. 6402. ANNUAL EMPLOYEE AWARD PROGRAM.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 6401 of this Act, is further amended by adding at the end the following new section:

''SEC. 712. ANNUAL EMPLOYEE AWARD PROGRAM.

''(a) IN GENERAL.—The Secretary may establish an annual employee award program to recognize Department employees or groups of employees for significant contributions to the achievement of the Department's goals and missions. If such a program is established, the Secretary shall—

''(1) establish within such program categories of awards, each with specific criteria, that emphasize honoring employees who are at the nonsupervisory level;

''(2) publicize within the Department how any employee or group of employees may be nominated for an award;

''(3) establish an internal review board comprised of representatives from Department components, headquarters, and field personnel to submit to the Secretary award recommendations regarding specific employees or groups of employees;

''(4) select recipients from the pool of nominees submitted by the internal review board under paragraph (3) and convene a ceremony at which employees or groups of employees receive such awards from the Secretary; and

''(5) publicize such program within the Department.

''(b) INTERNAL REVIEW BOARD.—The internal review board described in subsection (a)(3) shall, when carrying out its function under such subsection, consult with representatives from operational components and headquarters, including supervisory and nonsupervisory personnel, and employee labor organizations that represent Department employees.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize additional funds to carry out the requirements of this section or to require the Secretary to provide monetary bonuses to recipients of an award under this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by section 6401 of this Act, is further amended by inserting after the item relating to section 711 the following new item:

''Sec. 712. Annual employee award program.''.

SEC. 6403. CHIEF HUMAN CAPITAL OFFICER RESPONSIBILITIES.

Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 344) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting '', including with respect to leader development and employee engagement,'' after ''policies'';

(ii) by striking ''and in line'' and inserting '', in line''; and

(iii) by inserting ''and informed by best practices within the Federal Government and the private sector,'' after ''priorities,'';

(B) in paragraph (2), by striking ''develop performance measures to provide a basis for monitoring and evaluating'' and inserting ''use performance measures to evaluate, on an ongoing basis,'';

(C) in paragraph (3), by inserting ''that, to the extent practicable, are informed by employee feedback'' after ''policies'';

(D) in paragraph (4), by inserting ''including leader development and employee engagement programs,'' before ''in coordination'';

(E) in paragraph (5), by inserting before the semicolon at the end the following: ''that is informed by an assessment, carried out by the Chief Human Capital Officer, of the learning and developmental needs of employees in supervisory and nonsupervisory roles across the Department and appropriate workforce planning initiatives'';

(F) by redesignating paragraphs (9) and (10) as paragraphs (13) and (14), respectively; and

(G) by inserting after paragraph (8) the following new paragraphs:

''(9) maintain a catalogue of available employee development opportunities, including the Homeland Security Rotation Program pursuant to section 844, departmental leadership development programs, interagency development programs, and other rotational programs;

''(10) ensure that employee discipline and adverse action programs comply with the requirements of all pertinent laws, rules, regulations, and Federal guidance, and ensure due process for employees;

''(11) analyze each Department or Government-wide Federal workforce satisfaction or morale survey not later than 90 days after the date of the publication of each such survey and submit to the Secretary such analysis, including, as appropriate, recommendations to improve workforce satisfaction or morale within the Department;

''(12) review and approve all component employee engagement action plans to ensure such plans include initiatives responsive to the root cause of employee engagement challenges, as well as outcome-based performance measures and targets to track the progress of such initiatives;'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

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

''(d) CHIEF LEARNING AND ENGAGEMENT OFFICER.—The Chief Human Capital Officer may designate an employee of the Department to serve as a Chief Learning and Engagement Officer to assist the Chief Human Capital Officer in carrying out this section.''; and

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

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (1) the following new paragraphs:

''(2) information on employee development opportunities catalogued pursuant to paragraph (9) of subsection (b) and any available data on participation rates, attrition rates, and impacts on retention and employee satisfaction;

''(3) information on the progress of Departmentwide strategic workforce planning efforts as determined under paragraph (2) of subsection (b);

''(4) information on the activities of the steering committee established pursuant to section 711(a), including the number of meetings, types of materials developed and distributed, and recommendations made to the Secretary;''.

SEC. 6404. INDEPENDENT INVESTIGATION AND IMPLEMENTATION PLAN.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall investigate whether the application in the Department of Homeland Security of discipline and adverse actions for managers and non-managers are administered in an equitable and consistent manner that results in the same or substantially similar disciplinary outcomes across the Department that are appropriately calibrated to address the identified misconduct, taking into account relevant aggravating and mitigating factors.

(b) CONSULTATION.—In carrying out the investigation described in subsection (a), the Comptroller General of the United States shall consult

with the Under Secretary for Management of the Department of Homeland Security and the employee engagement steering committee established pursuant to subsection (b)(1) of section 711 of the Homeland Security Act of 2002 (as added by section 6401(a) of this Act).

(c) ACTION BY UNDER SECRETARY FOR MANAGEMENT.—Upon completion of the investigation described in subsection (a), the Under Secretary for Management of the Department of Homeland Security shall review the findings and recommendations of such investigation and implement a plan, in consultation with the employee engagement steering committee established pursuant to subsection (b)(1) of section 711 of the Homeland Security Act of 2002, to correct any relevant deficiencies identified by the Comptroller General of the United States in such investigation. The Under Secretary for Management shall direct the employee engagement steering committee to review such plan to inform committee activities and action plans authorized under such section 711.

SEC. 6405. AUTHORIZATION OF THE ACQUISITION PROFESSIONAL CAREER PROGRAM.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by sections 6401 and 6402 of this Act, is further amended by adding at the end the following new section:

''SEC. 713. ACQUISITION PROFESSIONAL CAREER PROGRAM.

''(a) ESTABLISHMENT.—There is established in the Department an acquisition professional career program to develop a cadre of acquisition professionals within the Department.

''(b) ADMINISTRATION.—The Under Secretary for Management shall administer the acquisition professional career program established pursuant to subsection (a).

''(c) PROGRAM REQUIREMENTS.—The Under Secretary for Management shall carry out the following with respect to the acquisition professional career program.

''(1) Designate the occupational series, grades, and number of acquisition positions throughout the Department to be included in the program and manage centrally such positions.

''(2) Establish and publish on the Department's website eligibility criteria for candidates to participate in the program.

''(3) Carry out recruitment efforts to attract candidates—

''(A) from institutions of higher education, including such institutions with established acquisition specialties and courses of study, historically Black colleges and universities, and Hispanic-serving institutions;

''(B) with diverse work experience outside of the Federal Government; or

''(C) with military service.

''(4) Hire eligible candidates for designated positions under the program.

''(5) Develop a structured program comprised of acquisition training, on-the-job experience, Department-wide rotations, mentorship, shadowing, and other career development opportunities for program participants.

''(6) Provide, beyond required training established for program participants, additional specialized acquisition training, including small business contracting and innovative acquisition techniques training.

''(d) REPORTS.—Not later than one year after the date of the enactment of this section, and annually thereafter through 2027, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the acquisition professional career program. Each such report shall include the following information:

''(1) The number of candidates approved for the program.

''(2) The number of candidates who commenced participation in the program, including generalized information on such candidates' backgrounds with respect to education and prior work experience, but not including personally identifiable information.

''(3) A breakdown of the number of participants hired under the program by type of acquisition position.

''(4) A list of Department components and offices that participated in the program and information regarding length of time of each program participant in each rotation at such components or offices.

''(5) Program attrition rates and post-program graduation retention data, including information on how such data compare to the prior year's data, as available.

''(6) The Department's recruiting efforts for the program.

''(7) The Department's efforts to promote retention of program participants.

''(e) DEFINITIONS.—In this section:

''(1) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given such term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

''(2) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term 'historically Black colleges and universities' has the meaning given the term 'part B institution' in section 322(2) of Higher Education Act of 1965 (20 U.S.C. 1061(2)).

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by sections 6401 and 6402 of this Act, is further amended by inserting after the item relating to section 712 the following new item:

''Sec. 713. Acquisition professional career program.''.

SEC. 6406. NATIONAL URBAN SECURITY TECHNOLOGY LABORATORY.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

''SEC. 322. NATIONAL URBAN SECURITY TECHNOLOGY LABORATORY.

''(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall designate the laboratory described in subsection (b) as an additional laboratory pursuant to the authority under section 308(c)(2) of this Act. Such laboratory shall be used to test and evaluate emerging technologies and conduct research and development to assist emergency response providers in preparing for, and protecting against, threats of terrorism.

''(b) LABORATORY DESCRIBED.—The laboratory described in this subsection is the laboratory—

''(1) known, as of the date of the enactment of this section, as the National Urban Security Technology Laboratory; and

''(2) transferred to the Department pursuant to section 303(1)(E) of this Act.

''(c) LABORATORY ACTIVITIES.—The National Urban Security Technology Laboratory shall—

''(1) conduct tests, evaluations, and assessments of current and emerging technologies, including, as appropriate, the cybersecurity of such technologies that can connect to the internet, for emergency response providers;

''(2) act as a technical advisor to emergency response providers; and

''(3) carry out other such activities as the Secretary determines appropriate.

''(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed as affecting in any manner the authorities or responsibilities of the Countering Weapons of Mass Destruction Office of the Department.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is further amended by inserting after the item relating to section 321 the following new item:

''Sec. 322. National Urban Security Technology Laboratory.''.

SEC. 6407. DEPARTMENT OF HOMELAND SECURITY BLUE CAMPAIGN ENHANCEMENT.

Section 434 of the Homeland Security Act of 2002 (6 U.S.C. 242) is amended—

(1) in subsection (e)(6), by striking ''utilizing resources,'' and inserting ''developing and utilizing, in consultation with the Blue Campaign Advisory Board established pursuant to subsection (g), resources''; and

(2) by adding at the end the following new subsections:

''(f) WEB-BASED TRAINING PROGRAMS.—To enhance training opportunities, the Director of the Blue Campaign shall develop web-based interactive training videos that utilize a learning management system to provide online training opportunities. During the 10-year period beginning on the date that is 90 days after the date of the enactment of this subsection such training opportunities shall be made available to the following individuals:

''(1) Federal, State, local, Tribal, and territorial law enforcement officers.

''(2) Non-Federal correction system personnel.

''(3) Such other individuals as the Director determines appropriate.

''(g) BLUE CAMPAIGN ADVISORY BOARD.—

''(1) IN GENERAL.—There is established in the Department a Blue Campaign Advisory Board, which shall be comprised of representatives assigned by the Secretary from—

''(A) the Office for Civil Rights and Civil Liberties of the Department;

''(B) the Privacy Office of the Department; and

''(C) not fewer than four other separate components or offices of the Department.

''(2) CHARTER.—The Secretary is authorized to issue a charter for the Blue Campaign Advisory Board, and such charter shall specify the following:

''(A) The Board's mission, goals, and scope of its activities.

''(B) The duties of the Board's representatives.

''(C) The frequency of the Board's meetings.

''(3) CONSULTATION.—The Director shall consult the Blue Campaign Advisory Board and, as appropriate, experts from other components and offices of the Center for Countering Human Trafficking of the Department regarding the following:

''(A) Recruitment tactics used by human traffickers to inform the development of training and materials by the Blue Campaign.

''(B) The development of effective awareness tools for distribution to Federal and non-Federal officials to identify and prevent instances of human trafficking.

''(C) Identification of additional persons or entities that may be uniquely positioned to recognize signs of human trafficking and the development of materials for such persons.

''(h) CONSULTATION.—With regard to the development of programs under the Blue Campaign and the implementation of such programs, the Director is authorized to consult with State, local, Tribal, and territorial agencies, non-governmental organizations, private sector organizations, and experts.''.

SEC. 6408. MEDICAL COUNTERMEASURES PROGRAM.

(a) IN GENERAL.—Subtitle C of title XIX of the Homeland Security Act of 2002 (6 U.S.C. 597) is amended by adding at the end the following new section:

''SEC. 1932. MEDICAL COUNTERMEASURES.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall, as appropriate, establish a medical countermeasures program within the components of the Department to—

''(1) facilitate personnel readiness and protection for the employees and working animals of the Department in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic; and

''(2) support the mission continuity of the Department.

''(b) OVERSIGHT.—The Secretary, acting through the Chief Medical Officer of the Department, shall—

''(1) provide programmatic oversight of the medical countermeasures program established under subsection (a); and

''(2) develop standards for—

''(A) medical countermeasure storage, security, dispensing, and documentation;

''(B) maintaining a stockpile of medical countermeasures, including antibiotics, antivirals, antidotes, therapeutics, and radiological countermeasures, as appropriate;

''(C) ensuring adequate partnerships with manufacturers and executive agencies that enable advance prepositioning by vendors of inventories of appropriate medical countermeasures in strategic locations nationwide, based on risk and employee density, in accordance with applicable Federal statutes and regulations;

''(D) providing oversight and guidance regarding the dispensing of stockpiled medical countermeasures;

''(E) ensuring rapid deployment and dispensing of medical countermeasures in a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic;

''(F) providing training to employees of the Department on medical countermeasures; and

''(G) supporting dispensing exercises.

''(c) MEDICAL COUNTERMEASURES WORKING GROUP.—The Secretary, acting through the Chief Medical Officer of the Department, shall establish a medical countermeasures working group comprised of representatives from appropriate components and offices of the Department to ensure that medical countermeasures standards are maintained and guidance is consistent.

''(d) MEDICAL COUNTERMEASURES MANAGEMENT.—Not later than 120 days after the date on which appropriations are made available to carry out subsection (a), the Chief Medical Officer shall develop and submit to the Secretary an integrated logistics support plan for medical countermeasures, including—

''(1) a methodology for determining the ideal types and quantities of medical countermeasures to stockpile and how frequently such methodology shall be reevaluated;

''(2) a replenishment plan; and

''(3) inventory tracking, reporting, and reconciliation procedures for existing stockpiles and new medical countermeasure purchases.

''(e) TRANSFER.—Not later than 120 days after the date of enactment of this section, the Secretary shall transfer all medical countermeasures-related programmatic and personnel resources from the Under Secretary for Management to the Chief Medical Officer.

''(f) STOCKPILE ELEMENTS.—In determining the types and quantities of medical countermeasures to stockpile under subsection (d), the Secretary, acting through the Chief Medical Officer of the Department—

''(1) shall use a risk-based methodology for evaluating types and quantities of medical countermeasures required; and

''(2) may use, if available—

''(A) chemical, biological, radiological, and nuclear risk assessments of the Department; and

''(B) guidance on medical countermeasures of the Office of the Assistant Secretary for Preparedness and Response and the Centers for Disease Control and Prevention.

''(g) BRIEFING.—Not later than 180 days after the date of enactment of this section, the Secretary shall provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding—

''(1) the plan developed under subsection (d); and

''(2) implementation of the requirements of this section.

''(h) DEFINITION.—In this section, the term 'medical countermeasures' means antibiotics, antivirals, antidotes, therapeutics, radiological countermeasures, and other countermeasures that may be deployed to protect the employees and working animals of the Department in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is further amended by inserting after the item relating to section 1931 the following new item:

''Sec. 1932. Medical countermeasures.''.

SEC. 6409. CRITICAL DOMAIN RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

''SEC. 890B. HOMELAND SECURITY CRITICAL DOMAIN RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—

''(1) RESEARCH AND DEVELOPMENT.—The Secretary is authorized to conduct research and development to—

''(A) identify United States critical domains for economic security and homeland security; and

''(B) evaluate the extent to which disruption, corruption, exploitation, or dysfunction of any of such domain poses a substantial threat to homeland security.

''(2) REQUIREMENTS.—

''(A) RISK ANALYSIS OF CRITICAL DOMAINS.—The research under paragraph (1) shall include a risk analysis of each identified United States critical domain for economic security to determine the degree to which there exists a present or future threat to homeland security in the event of disruption, corruption, exploitation, or dysfunction to such domain. Such research shall consider, to the extent possible, the following:

''(i) The vulnerability and resilience of relevant supply chains.

''(ii) Foreign production, processing, and manufacturing methods.

''(iii) Influence of malign economic actors.

''(iv) Asset ownership.

''(v) Relationships within the supply chains of such domains.

''(vi) The degree to which the conditions referred to in clauses (i) through (v) would place such a domain at risk of disruption, corruption, exploitation, or dysfunction.

''(B) ADDITIONAL RESEARCH INTO HIGH-RISK CRITICAL DOMAINS.—Based on the identification and risk analysis of United States critical domains for economic security pursuant to paragraph (1) and subparagraph (A) of this paragraph, respectively, the Secretary may conduct additional research into those critical domains, or specific elements thereof, with respect to which there exists the highest degree of a present or future threat to homeland security in the event of disruption, corruption, exploitation, or dysfunction to such a domain. For each such high-risk domain, or element thereof, such research shall—

''(i) describe the underlying infrastructure and processes;

''(ii) analyze present and projected performance of industries that comprise or support such domain;

''(iii) examine the extent to which the supply chain of a product or service necessary to such domain is concentrated, either through a small number of sources, or if multiple sources are concentrated in one geographic area;

''(iv) examine the extent to which the demand for supplies of goods and services of such industries can be fulfilled by present and projected performance of other industries, identify strategies, plans, and potential barriers to expand the supplier industrial base, and identify the barriers to the participation of such other industries;

''(v) consider each such domain's performance capacities in stable economic environments, adversarial supply conditions, and under crisis economic constraints;

''(vi) identify and define needs and requirements to establish supply resiliency within each such domain; and

''(vii) consider the effects of sector consolidation, including foreign consolidation, either through mergers or acquisitions, or due to recent geographic realignment, on such industries' performances.

''(3) CONSULTATION.—In conducting the research under paragraph (1) and subparagraph (B) of paragraph (2), the Secretary may consult with appropriate Federal agencies, State agencies, and private sector stakeholders.

''(4) PUBLICATION.—Beginning one year after the date of the enactment of this section, the Secretary shall publish a report containing information relating to the research under paragraph (1) and subparagraph (B) of paragraph (2), including findings, evidence, analysis, and recommendations. Such report shall be updated annually through 2026.

''(b) SUBMISSION TO CONGRESS.—Not later than 90 days after the publication of each report required under paragraph (4) of subsection (a), the Secretary shall transmit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate each such report, together with a description of actions the Secretary, in consultation with appropriate Federal agencies, will undertake or has undertaken in response to each such report.

''(c) DEFINITIONS.—In this section:

''(1) UNITED STATES CRITICAL DOMAINS FOR ECONOMIC SECURITY.—The term 'United States critical domains for economic security' means the critical infrastructure and other associated industries, technologies, and intellectual property, or any combination thereof, that are essential to the economic security of the United States.

''(2) ECONOMIC SECURITY.—The term 'economic security' means the condition of having secure and resilient domestic production capacity, combined with reliable access to the global resources necessary to maintain an acceptable standard of living and to protect core national values.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of fiscal years 2022 through 2026 to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is further amended by inserting after the item relating to section 890A the following new item:

''Sec. 890B. Homeland security critical domain research and development.''.

SEC. 6410. CBP DONATIONS ACCEPTANCE PROGRAM REAUTHORIZATION.

Section 482 of the Homeland Security Act of 2002 (6 U.S.C. 301a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''or -leased'' before ''land''; and

(ii) in subparagraph (C)—

(I) in the matter preceding clause (i), by inserting ''or -leased'' before ''land'';

(II) in clause (i), by striking ''$50,000,000'' and inserting ''$75,000,000''; and

(III) by amending clause (ii) to read as follows:

''(ii) the fair market value of donations with respect to the land port of entry total $75,000,000 or less over the preceding five years.''; and

(B) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or -leased'' before ''land'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''Administrator of the General Services Administration'' and inserting ''Administrator of General Services'';

(B) in paragraph (1)(C)—

(i) in clause (i), by striking ''$50,000,000'' and inserting ''$75,000,000''; and

(ii) by amending clause (ii) to read as follows:

''(ii) the fair market value of donations with respect to the land port of entry total $75,000,000 or less over the preceding five years.''; and

(C) in paragraph (4)—

(i) in subparagraph (A), by striking ''terminate'' and all that follows through the period at the end and inserting ''terminate on December 31, 2026.''; and

(ii) in subparagraph (B), by striking ''carrying out the terms of an agreement under this subsection if such agreement is entered into before such termination date'' and inserting ''a proposal accepted for consideration by U.S. Customs and Border Protection or the General Services Administration pursuant to this section or a prior pilot program prior to such termination date'';

(3) in subsection (c)(6)(B), by striking ''the donation will not be used for the construction of a detention facility or a border fence or wall.'' and inserting the following:

''(i) the donation will not be used for the construction of a detention facility or a border fence or wall; and

''(ii) the donor will be notified in the Donations Acceptance Agreement that the donor shall be financially responsible for all costs and operating expenses related to the operation, maintenance, and repair of the donated real property until such time as U.S. Customs and Border Protection provides the donor written notice otherwise.'';

(4) in subsection (d), in the matter preceding paragraph (1), by striking ''annual'' and inserting ''biennial''; and

(5) in subsection (e), by striking ''Administrator of the General Services Administration'' and inserting ''Administrator of General Services''.

Subtitle B—Transportation Security

SEC. 6411. SURVEY OF THE TRANSPORTATION SECURITY ADMINISTRATION WORKFORCE REGARDING COVID–19 RESPONSE.

(a) SURVEY.—Not later than one year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration (referred to in this section as the ''Administrator''), in consultation with the labor organization certified as the exclusive representative of full- and part-time nonsupervisory Administration personnel carrying out screening functions under section 44901 of title 49, United States Code, shall conduct a survey of the Transportation Security Administration (referred to in this section as the ''Administration'') workforce regarding the Administration's response to the COVID–19 pandemic. Such survey shall be conducted in a manner that allows for the greatest practicable level of workforce participation.

(b) CONTENTS.—In conducting the survey required under subsection (a), the Administrator shall solicit feedback on the following:

(1) The Administration's communication and collaboration with the Administration's workforce regarding the Administration's response to the COVID–19 pandemic and efforts to mitigate and monitor transmission of COVID–19 among its workforce, including through—

(A) providing employees with personal protective equipment and mandating its use;

(B) modifying screening procedures and Administration operations to reduce transmission among officers and passengers and ensuring compliance with such changes;

(C) adjusting policies regarding scheduling, leave, and telework;

(D) outreach as a part of contact tracing when an employee has tested positive for COVID–19; and

(E) encouraging COVID–19 vaccinations and efforts to assist employees that seek to be vaccinated such as communicating the availability of duty time for travel to vaccination sites and recovery from vaccine side effects.

(2) Any other topic determined appropriate by the Administrator.

(c) REPORT.—Not later than 30 days after completing the survey required under subsection (a), the Administration shall provide a report summarizing the results of the survey to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 6412. TRANSPORTATION SECURITY PREPAREDNESS PLAN.

(a) PLAN REQUIRED.—Section 114 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(x) TRANSPORTATION SECURITY PREPAREDNESS PLAN.—

''(1) IN GENERAL.—Not later than two years after the date of the enactment of this subsection, the Secretary of Homeland Security, acting through the Administrator, in coordination with the Chief Medical Officer of the Department of Homeland Security, and in consultation with the partners identified under paragraphs (3)(A)(i) through (3)(A)(iv), shall develop a transportation security preparedness plan to address the event of a communicable disease outbreak. The Secretary, acting through the Administrator, shall ensure such plan aligns with relevant Federal plans and strategies for communicable disease outbreaks.

''(2) CONSIDERATIONS.—In developing the plan required under paragraph (1), the Secretary, acting through the Administrator, shall consider each of the following:

''(A) The findings of the survey required under section 6411 of the National Defense Authorization Act for Fiscal Year 2022.

''(B) The findings of the analysis required under section 6414 of the National Defense Authorization Act for Fiscal Year 2022.

''(C) The plan required under section 6415 of the National Defense Authorization Act for Fiscal Year 2022.

''(D) All relevant reports and recommendations regarding the Administration's response to the COVID–19 pandemic, including any reports and recommendations issued by the Comptroller General and the Inspector General of the Department of Homeland Security.

''(E) Lessons learned from Federal interagency efforts during the COVID–19 pandemic.

''(3) CONTENTS OF PLAN.—The plan developed under paragraph (1) shall include each of the following:

''(A) Plans for communicating and collaborating in the event of a communicable disease outbreak with the following partners:

''(i) Appropriate Federal departments and agencies, including the Department of Health and Human Services, the Centers for Disease Control and Prevention, the Department of Transportation, the Department of Labor, and appropriate interagency task forces.

''(ii) The workforce of the Administration, including through the labor organization certified as the exclusive representative of full- and part-time non-supervisory Administration personnel carrying out screening functions under section 44901 of this title.

''(iii) International partners, including the International Civil Aviation Organization and foreign governments, airports, and air carriers.

''(iv) Public and private stakeholders, as such term is defined under subsection (t)(1)(C).

''(v) The traveling public.

''(B) Plans for protecting the safety of the Transportation Security Administration workforce, including—

''(i) reducing the risk of communicable disease transmission at screening checkpoints and within the Administration's workforce related to the Administration's transportation security operations and mission;

''(ii) ensuring the safety and hygiene of screening checkpoints and other workstations;

''(iii) supporting equitable and appropriate access to relevant vaccines, prescriptions, and other medical care; and

''(iv) tracking rates of employee illness, recovery, and death.

''(C) Criteria for determining the conditions that may warrant the integration of additional actions in the aviation screening system in response to the communicable disease outbreak and a range of potential roles and responsibilities that align with such conditions.

''(D) Contingency plans for temporarily adjusting checkpoint operations to provide for passenger and employee safety while maintaining security during the communicable disease outbreak.

''(E) Provisions setting forth criteria for establishing an interagency task force or other standing engagement platform with other appropriate Federal departments and agencies, including the Department of Health and Human Services and the Department of Transportation, to address such communicable disease outbreak.

''(F) A description of scenarios in which the Administrator should consider exercising authorities provided under subsection (g) and for what purposes.

''(G) Considerations for assessing the appropriateness of issuing security directives and emergency amendments to regulated parties in various modes of transportation, including surface transportation, and plans for ensuring compliance with such measures.

''(H) A description of any potential obstacles, including funding constraints and limitations to authorities, that could restrict the ability of the Administration to respond appropriately to a communicable disease outbreak.

''(4) DISSEMINATION.—Upon development of the plan required under paragraph (1), the Administrator shall disseminate the plan to the partners identified under paragraph (3)(A) and to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate.

''(5) REVIEW OF PLAN.—Not later than two years after the date on which the plan is disseminated under paragraph (4), and biennially thereafter, the Secretary, acting through the Administrator and in coordination with the Chief Medical Officer of the Department of Homeland Security, shall review the plan and, after consultation with the partners identified under paragraphs (3)(A)(i) through (3)(A)(iv), update the plan as appropriate.''.

(b) COMPTROLLER GENERAL REPORT.—Not later than one year after the date on which the transportation security preparedness plan required under subsection (x) of section 114 of title 49, United States Code, as added by subsection (a), is disseminated under paragraph (4) of such subsection (x), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of a study assessing the transportation security preparedness plan, including an analysis of—

(1) whether such plan aligns with relevant Federal plans and strategies for communicable disease outbreaks; and

(2) the extent to which the Transportation Security Administration is prepared to implement the plan.

SEC. 6413. AUTHORIZATION OF TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL DETAILS.

(a) COORDINATION.—Pursuant to sections 106(m) and 114(m) of title 49, United States Code, the Administrator of the Transportation Security Administration may provide Transportation Security Administration personnel, who are not engaged in front line transportation security efforts, to other components of the Department and other Federal agencies to improve coordination with such components and agencies to prepare for, protect against, and respond to public health threats to the transportation security system of the United States.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall brief the appropriate congressional committees regarding efforts to improve coordination with other components of the Department of Homeland Security and other Federal agencies to prepare for, protect against, and respond to public health threats to the transportation security system of the United States.

SEC. 6414. TRANSPORTATION SECURITY ADMINISTRATION PREPAREDNESS.

(a) ANALYSIS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall conduct an analysis of preparedness of the transportation security system of the United States for public health threats. Such analysis shall assess, at a minimum, the following:

(A) The risks of public health threats to the transportation security system of the United States, including to transportation hubs, transportation security stakeholders, Transportation Security Administration (TSA) personnel, and passengers.

(B) Information sharing challenges among relevant components of the Department of Homeland Security, other Federal agencies, international entities, and transportation security stakeholders.

(C) Impacts to TSA policies and procedures for securing the transportation security system.

(2) COORDINATION.—The analysis conducted of the risks described in paragraph (1)(A) shall be conducted in coordination with the Chief Medical Officer of the Department of Homeland Security, the Secretary of Health and Human Services, and transportation security stakeholders.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall brief the appropriate congressional committees on the following:

(1) The analysis required under subsection (a).

(2) Technologies necessary to combat public health threats at security screening checkpoints, such as testing and screening technologies, including temperature screenings, to better protect from future public health threats TSA personnel, passengers, aviation workers, and other personnel authorized to access the sterile area of an airport through such checkpoints, and the estimated cost of technology investments needed to fully implement across the aviation system solutions to such threats.

(3) Policies and procedures implemented by TSA and transportation security stakeholders to protect from public health threats TSA personnel, passengers, aviation workers, and other personnel authorized to access the sterile area through the security screening checkpoints, as well as future plans for additional measures relating to such protection.

(4) The role of TSA in establishing priorities, developing solutions, and coordinating and sharing information with relevant domestic and international entities during a public health threat to the transportation security system, and how TSA can improve its leadership role in such areas.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term ''sterile area'' has the meaning given such term in section 1540.5 of title 49, Code of Federal Regulations.

(3) The term ''TSA'' means the Transportation Security Administration.

SEC. 6415. PLAN TO REDUCE THE SPREAD OF CORONAVIRUS AT PASSENGER SCREENING CHECKPOINTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator, in coordination with the Chief Medical Officer of the Department of Homeland Security, and in consultation with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, shall issue and commence implementing a plan to enhance, as appropriate, security operations at airports during the COVID–19 national emergency in order to reduce risk of the spread of the coronavirus at passenger screening checkpoints and among the TSA workforce.

(b) CONTENTS.—The plan required under subsection (a) shall include the following:

(1) An identification of best practices developed and screening technologies deployed in response to the coronavirus among foreign governments, airports, and air carriers conducting aviation security screening operations, as well as among Federal agencies conducting similar security screening operations outside of airports, including in locations where the spread of the coronavirus has been successfully contained, that could be further integrated into the United States aviation security system.

(2) Specific operational changes to aviation security screening operations informed by the identification of best practices and screening technologies under paragraph (1) that could be implemented without degrading aviation security and a corresponding timeline and costs for implementing such changes.

(c) CONSIDERATIONS.—In carrying out the identification of best practices under subsection (b), the Administrator shall take into consideration the following:

(1) Aviation security screening procedures and practices in place at security screening locations, including procedures and practices implemented in response to the coronavirus.

(2) Volume and average wait times at each such security screening location.

(3) Public health measures already in place at each such security screening location.

(4) The feasibility and effectiveness of implementing similar procedures and practices in locations where such are not already in place.

(5) The feasibility and potential benefits to security, public health, and travel facilitation of continuing any procedures and practices implemented in response to the COVID–19 national emergency beyond the end of such emergency.

(d) CONSULTATION.—In developing the plan required under subsection (a), the Administrator may consult with public and private stakeholders and the TSA workforce, including through the labor organization certified as the exclusive representative of full- and part-time nonsupervisory TSA personnel carrying out screening functions under section 44901 of title 49, United States Code.

(e) SUBMISSION.—Upon issuance of the plan required under subsection (a), the Administrator shall submit the plan to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(f) ISSUANCE AND IMPLEMENTATION.—The Administrator shall not be required to issue or implement, as the case may be, the plan required under subsection (a) upon the termination of the COVID–19 national emergency except to the extent the Administrator determines such issuance or implementation, as the case may be, to be feasible and beneficial to security screening operations.

(g) GAO REVIEW.—Not later than one year after the issuance of the plan required under subsection (a) (if such plan is issued in accordance with subsection (f)), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review, if appropriate, of such plan and any efforts to implement such plan.

(h) DEFINITIONS.—In this section:

(1) The term ''Administrator'' means the Administrator of the Transportation Security Administration.

(2) The term ''coronavirus'' has the meaning given such term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).

(3) The term ''COVID–19 national emergency'' means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to the coronavirus.

(4) The term ''public and private stakeholders'' has the meaning given such term in section 114(t)(1)(C) of title 49, United States Code.

(5) The term ''TSA'' means the Transportation Security Administration.

SEC. 6416. COMPTROLLER GENERAL REVIEW OF DEPARTMENT OF HOMELAND SECURITY TRUSTED TRAVELER PROGRAMS.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of Department of Homeland Security trusted traveler programs. Such review shall examine the following:

(1) The extent to which the Department of Homeland Security tracks data and monitors trends related to trusted traveler programs, including root causes for identity-matching errors resulting in an individual's enrollment in a trusted traveler program being reinstated.

(2) Whether the Department coordinates with the heads of other relevant Federal, State, local, Tribal, or territorial entities regarding redress procedures for disqualifying offenses not covered by the Department's own redress processes but which offenses impact an individual's enrollment in a trusted traveler program.

(3) How the Department may improve individuals' access to reconsideration procedures regarding a disqualifying offense for enrollment in a trusted traveler program that requires the involvement of any other Federal, State, local, Tribal, or territorial entity.

(4) The extent to which travelers are informed about reconsideration procedures regarding enrollment in a trusted traveler program.

SEC. 6417. ENROLLMENT REDRESS WITH RESPECT TO DEPARTMENT OF HOMELAND SECURITY TRUSTED TRAVELER PROGRAMS.

Notwithstanding any other provision of law, the Secretary of Homeland Security shall, with respect to an individual whose enrollment in a trusted traveler program was revoked in error extend by an amount of time equal to the period of revocation the period of active enrollment in such a program upon reenrollment in such a program by such an individual.

SEC. 6418. THREAT INFORMATION SHARING.

(a) PRIORITIZATION.—The Secretary of Homeland Security shall prioritize the assignment of officers and intelligence analysts under section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h) from the Transportation Security Administration and, as appropriate, from the Office of Intelligence and Analysis of the Department of Homeland Security, to locations with participating State, local, and regional fusion centers in jurisdictions with a high-risk

surface transportation asset in order to enhance the security of such assets, including by improving timely sharing, in a manner consistent with the protection of privacy rights, civil rights, and civil liberties, of information regarding threats of terrorism and other threats, including targeted violence.

(b) INTELLIGENCE PRODUCTS.—Officers and intelligence analysts assigned to locations with participating State, local, and regional fusion centers under this section shall participate in the generation and dissemination of transportation security intelligence products, with an emphasis on such products that relate to threats of terrorism and other threats, including targeted violence, to surface transportation assets that—

(1) assist State, local, and Tribal law enforcement agencies in deploying their resources, including personnel, most efficiently to help detect, prevent, investigate, apprehend, and respond to such threats;

(2) promote more consistent and timely sharing with and among jurisdictions of threat information; and

(3) enhance the Department of Homeland Security's situational awareness of such threats.

(c) CLEARANCES.—The Secretary of Homeland Security shall make available to appropriate owners and operators of surface transportation assets, and to any other person that the Secretary determines appropriate to foster greater sharing of classified information relating to threats of terrorism and other threats, including targeted violence, to surface transportation assets, the process of application for security clearances under Executive Order No. 13549 (75 Fed. Reg. 162; relating to a classified national security information program) or any successor Executive order.

(d) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes a detailed description of the measures used to ensure privacy rights, civil rights, and civil liberties protections in carrying out this section.

(e) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a review of the implementation of this section, including an assessment of the measures used to ensure privacy rights, civil rights, and civil liberties protections, and any recommendations to improve this implementation, together with any recommendations to improve information sharing with State, local, Tribal, territorial, and private sector entities to prevent, identify, and respond to threats of terrorism and other threats, including targeted violence, to surface transportation assets.

(f) DEFINITIONS.—In this section:

(1) The term ''surface transportation asset'' includes facilities, equipment, or systems used to provide transportation services by—

(A) a public transportation agency (as such term is defined in section 1402(5) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1131(5)));

(B) a railroad carrier (as such term is defined in section 20102(3) of title 49, United States Code);

(C) an owner or operator of—

(i) an entity offering scheduled, fixed-route transportation services by over-the-road bus (as such term is defined in section 1501(4) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1151(4))); or

(ii) a bus terminal; or

(D) other transportation facilities, equipment, or systems, as determined by the Secretary.

(2) The term ''targeted violence'' means an incident of violence in which an attacker selected a particular target in order to inflict mass injury or death with no discernable political or ideological motivation beyond mass injury or death.

(3) The term ''terrorism'' means the terms—

(A) domestic terrorism (as such term is defined in section 2331(5) of title 18, United States Code); and

(B) international terrorism (as such term is defined in section 2331(1) of title 18, United States Code).

SEC. 6419. LOCAL LAW ENFORCEMENT SECURITY TRAINING.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with public and private sector stakeholders, may in a manner consistent with the protection of privacy rights, civil rights, and civil liberties, develop, through the Federal Law Enforcement Training Centers, a training program to enhance the protection, preparedness, and response capabilities of law enforcement agencies with respect to threats of terrorism and other threats, including targeted violence, at a surface transportation asset.

(b) REQUIREMENTS.—If the Secretary of Homeland Security develops the training program described in subsection (a), such training program shall—

(1) be informed by current information regarding tactics used by terrorists and others engaging in targeted violence;

(2) include tactical instruction tailored to the diverse nature of the surface transportation asset operational environment; and

(3) prioritize training officers from law enforcement agencies that are eligible for or receive grants under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) and officers employed by railroad carriers that operate passenger service, including interstate passenger service.

(c) REPORT.—If the Secretary of Homeland Security develops the training program described in subsection (a), not later than one year after the date on which the Secretary first implements the program, and annually thereafter during each year the Secretary carries out the program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the program. Each such report shall include, for the year covered by the report—

(1) a description of the curriculum for the training and any changes to such curriculum;

(2) an identification of any contracts entered into for the development or provision of training under the program;

(3) information on the law enforcement agencies the personnel of which received the training, and for each such agency, the number of participants; and

(4) a description of the measures used to ensure the program was carried out to provide for protections of privacy rights, civil rights, and civil liberties.

(d) DEFINITIONS.—In this section:

(1) The term ''public and private sector stakeholders'' has the meaning given such term in section 114(t)(1)(c) of title 49, United States Code.

(2) The term ''surface transportation asset'' includes facilities, equipment, or systems used to provide transportation services by—

(A) a public transportation agency (as such term is defined in section 1402(5) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1131(5)));

(B) a railroad carrier (as such term is defined in section 20102(3) of title 49, United States Code);

(C) an owner or operator of—

(i) an entity offering scheduled, fixed-route transportation services by over-the-road bus (as such term is defined in section 1501(4) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1151(4))); or

(ii) a bus terminal; or

(D) other transportation facilities, equipment, or systems, as determined by the Secretary.

(3) The term ''targeted violence'' means an incident of violence in which an attacker selected a particular target in order to inflict mass injury or death with no discernable political or ideological motivation beyond mass injury or death.

(4) The term ''terrorism'' means the terms—

(A) domestic terrorism (as such term is defined in section 2331(5) of title 18, United States Code); and

(B) international terrorism (as such term is defined in section 2331(1) of title 18, United States Code).

SEC. 6420. ALLOWABLE USES OF FUNDS FOR PUBLIC TRANSPORTATION SECURITY ASSISTANCE GRANTS.

Subparagraph (A) of section 1406(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135(b)(2); Public Law 110–53) is amended by inserting ''and associated backfill'' after ''security training''.

SEC. 6421. PERIODS OF PERFORMANCE FOR PUBLIC TRANSPORTATION SECURITY ASSISTANCE GRANTS.

Section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110–53) is amended—

(1) by redesignating subsection (m) as subsection (n); and

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

''(m) PERIODS OF PERFORMANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds provided pursuant to a grant awarded under this section for a use specified in subsection (b) shall remain available for use by a grant recipient for a period of not fewer than 36 months.

''(2) EXCEPTION.—Funds provided pursuant to a grant awarded under this section for a use specified in subparagraph (M) or (N) of subsection (b)(1) shall remain available for use by a grant recipient for a period of not fewer than 48 months.''.

SEC. 6422. GAO REVIEW OF PUBLIC TRANSPORTATION SECURITY ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the public transportation security assistance grant program under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110–53).

(b) SCOPE.—The review required under paragraph (1) shall include the following:

(1) An assessment of the type of projects funded under the public transportation security grant program referred to in such paragraph.

(2) An assessment of the manner in which such projects address threats to public transportation infrastructure.

(3) An assessment of the impact, if any, of sections 5342 through 5345 (including the amendments made by this Act) on types of projects funded under the public transportation security assistance grant program.

(4) An assessment of the management and administration of public transportation security assistance grant program funds by grantees.

(5) Recommendations to improve the manner in which public transportation security assistance grant program funds address vulnerabilities in public transportation infrastructure.

(6) Recommendations to improve the management and administration of the public transportation security assistance grant program.

(c) REPORT.—Not later than one year after the date of the enactment of this Act and again not later than five years after such date of enactment, the Comptroller General of the United

States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the review required under this section.

SEC. 6423. SENSITIVE SECURITY INFORMATION; AVIATION SECURITY.

(a) SENSITIVE SECURITY INFORMATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration (TSA) shall—

(A) ensure clear and consistent designation of ''Sensitive Security Information'', including reasonable security justifications for such designation;

(B) develop and implement a schedule to regularly review and update, as necessary, TSA Sensitive Security Information identification guidelines;

(C) develop a tracking mechanism for all Sensitive Security Information redaction and designation challenges;

(D) document justifications for changes in position regarding Sensitive Security Information redactions and designations, and make such changes accessible to TSA personnel for use with relevant stakeholders, including air carriers, airport operators, surface transportation operators, and State and local law enforcement, as necessary; and

(E) ensure that TSA personnel are adequately trained on appropriate designation policies.

(2) STAKEHOLDER OUTREACH.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration (TSA) shall conduct outreach to relevant stakeholders described in paragraph (1)(D) that regularly are granted access to Sensitive Security Information to raise awareness of the TSA's policies and guidelines governing the designation and use of Sensitive Security Information.

(b) AVIATION SECURITY.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall develop and implement guidelines with respect to domestic and last point of departure airports to—

(A) ensure the inclusion, as appropriate, of air carriers, domestic airport operators, and other transportation security stakeholders in the development and implementation of security directives and emergency amendments;

(B) document input provided by air carriers, domestic airport operators, and other transportation security stakeholders during the security directive and emergency amendment, development, and implementation processes;

(C) define a process, including timeframes, and with the inclusion of feedback from air carriers, domestic airport operators, and other transportation security stakeholders, for cancelling or incorporating security directives and emergency amendments into security programs;

(D) conduct engagement with foreign partners on the implementation of security directives and emergency amendments, as appropriate, including recognition if existing security measures at a last point of departure airport are found to provide commensurate security as intended by potential new security directives and emergency amendments; and

(E) ensure that new security directives and emergency amendments are focused on defined security outcomes.

(2) BRIEFING TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the guidelines described in paragraph (1).

(3) DECISIONS NOT SUBJECT TO JUDICIAL REVIEW.—Notwithstanding any other provision of law, any action of the Administrator of the Transportation Security Administration under paragraph (1) is not subject to judicial review.

TITLE LXV—OTHER MATTERS RELATING TO FOREIGN AFFAIRS

SEC. 6501. AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE COALITION FOR EPIDEMIC PREPAREDNESS INNOVATIONS.

(a) IN GENERAL.—The United States is authorized to participate in the Coalition for Epidemic Preparedness Innovations (referred to in this section as ''CEPI'').

(b) INVESTORS COUNCIL AND BOARD OF DIRECTORS.—

(1) INITIAL DESIGNATION.—The President shall designate an employee of the United States Agency for International Development to serve on the Investors Council and, if nominated, on the Board of Directors of CEPI, as a representative of the United States during the period beginning on the date of such designation and ending on September 30, 2022.

(2) ONGOING DESIGNATIONS.—The President may designate an employee of the relevant Federal department or agency with fiduciary responsibility for United States contributions to CEPI to serve on the Investors Council and, if nominated, on the Board of Directors of CEPI, as a representative of the United States.

(3) QUALIFICATIONS.—Any employee designated pursuant to paragraph (1) or (2) shall have demonstrated knowledge and experience in the field of development and, if designated from a Federal department or agency with primary fiduciary responsibility for United States contributions pursuant to paragraph (2), in the field of public health, epidemiology, or medicine.

(4) COORDINATION.—In carrying out the responsibilities under this section, any employee designated pursuant to paragraph (1) or (2) shall coordinate with the Secretary of Health and Human Services to promote alignment, as appropriate, between CEPI and the strategic objectives and activities of the Secretary of Health and Human Services with respect to the research, development, and procurement of medical countermeasures, consistent with titles III and XXVIII of the Public Health Service Act (42 U.S.C. 241 et seq. and 300hh et seq.).

(c) CONSULTATION.—Not later than 60 days after the date of the enactment of this Act, the employee designated pursuant to subsection (b)(1) shall consult with the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Energy and Commerce of the House of Representatives regarding—

(1) the manner and extent to which the United States plans to participate in CEPI, including through the governance of CEPI;

(2) any planned financial contributions from the United States to CEPI; and

(3) how participation in CEPI is expected to support—

(A) the applicable revision of the National Biodefense Strategy required under section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104); and

(B) any other relevant programs relating to global health security and biodefense.

SEC. 6502. REQUIRED NOTIFICATION AND REPORTS RELATED TO PEACEKEEPING OPERATIONS ACCOUNT.

(a) CONGRESSIONAL NOTIFICATION.—Not later than 15 days prior to the obligation of amounts made available to provide assistance pursuant to section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348), the Secretary of State shall submit to the appropriate congressional committees a notification, in accordance with the applicable procedures under section 634A of such Act (22 U.S.C. 2394–1), that includes, with respect to such assistance, the following:

(1) An itemized identification of each foreign country or entity the capabilities of which the assistance is intended to support.

(2) An identification of the amount, type, and purpose of assistance to be provided to each such country or entity.

(3) An assessment of the capacity of each such country or entity to effectively implement, benefit from, or use the assistance to be provided for the intended purpose identified under paragraph (2).

(4) A description of plans to encourage and monitor adherence to international human rights and humanitarian law by the foreign country or entity receiving the assistance.

(5) An identification of any implementers, including third party contractors or other such entities, and the anticipated timeline for implementing any activities to carry out the assistance.

(6) As applicable, a description of plans to sustain and account for any military or security equipment and subsistence funds provided as an element of the assistance beyond the date of completion of such activities, including the estimated cost and source of funds to support such sustainment.

(7) An assessment of how such activities promote the following:

(A) The diplomatic and national security objectives of the United States.

(B) The objectives and regional strategy of the country or entity receiving the assistance.

(C) The priorities of the United States regarding the promotion of good governance, rule of law, the protection of civilians, and human rights.

(D) The peacekeeping capabilities of partner countries of the country or entity receiving the assistance, including an explanation if such activities do not support peacekeeping.

(8) An assessment of the possible impact of such activities on local political and social dynamics, including a description of any consultations with local civil society.

(b) REPORTS ON PROGRAMS UNDER PEACEKEEPING OPERATIONS ACCOUNT.—

(1) ANNUAL REPORT.—Not later than 90 days after the enactment of this Act, and annually thereafter for 5 years, the Secretary of State shall submit to the appropriate congressional committees a report on any security assistance made available, during the three fiscal years preceding the date on which the report is submitted, to foreign countries that received assistance authorized under section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) for any of the following purposes:

(A) Building the capacity of the foreign military, border security, or law enforcement entities, of the country.

(B) Strengthening the rule of law of the country.

(C) Countering violent extremist ideology or recruitment within the country.

(2) MATTERS.—Each report under paragraph (1) shall include, with respect to each foreign country that has received assistance as specified in such paragraph, the following:

(A) An identification of the authority used to provide such assistance and a detailed description of the purpose of assistance provided.

(B) An identification of the amount of such assistance and the program under which such assistance was provided.

(C) A description of the arrangements to sustain any equipment provided to the country as an element of such assistance beyond the date of completion of the assistance, including the estimated cost and source of funds to support such sustainment.

(D) An assessment of the impact of such assistance on the peacekeeping capabilities and security situation of the country, including with respect to the levels of conflict and violence, the local, political, and social dynamics, and the human rights record, of the country.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committees on Appropriations of the Senate and of the House of Representatives.

SEC. 6503. TRANSNATIONAL REPRESSION ACCOUNTABILITY AND PREVENTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that some INTERPOL member countries have repeatedly misused INTERPOL's databases and processes, including Notice and Diffusion mechanisms, to conduct activities of an overtly political or other unlawful character and in violation of international human rights standards, including by making requests to harass or persecute political opponents, human rights defenders, or journalists.

(b) SUPPORT FOR INTERPOL INSTITUTIONAL REFORMS.—The Attorney General and the Secretary of State shall—

(1) use the voice, vote, and influence of the United States, as appropriate, within INTERPOL's General Assembly and Executive Committee to promote reforms aimed at improving the transparency of INTERPOL and ensuring its operation consistent with its Constitution, particularly articles 2 and 3, and Rules on the Processing of Data, including—

(A) supporting INTERPOL's reforms enhancing the screening process for Notices, Diffusions, and other INTERPOL communications to ensure they comply with INTERPOL's Constitution and Rules on the Processing of Data (RPD);

(B) supporting and strengthening INTERPOL's coordination with the Commission for Control of INTERPOL's Files (CCF) in cases in which INTERPOL or the CCF has determined that a member country issued a Notice, Diffusion, or other INTERPOL communication against an individual in violation of articles 2 or 3 of the INTERPOL Constitution, or the RPD, to prohibit such member country from seeking the publication or issuance of any subsequent Notices, Diffusions, or other INTERPOL communication against the same individual based on the same set of claims or facts;

(C) increasing, to the extent practicable, dedicated funding to the CCF and the Notices and Diffusions Task Force in order to further expand operations related to the review of requests for red notices and red diffusions;

(D) supporting candidates for positions within INTERPOL's structures, including the Presidency, Executive Committee, General Secretariat, and CCF who have demonstrated experience relating to and respect for the rule of law;

(E) seeking to require INTERPOL in its annual report to provide a detailed account, disaggregated by member country or entity of—

(i) the number of Notice requests, disaggregated by color, that it received;

(ii) the number of Notice requests, disaggregated by color, that it rejected;

(iii) the category of violation identified in each instance of a rejected Notice;

(iv) the number of Diffusions that it cancelled without reference to decisions by the CCF; and

(v) the sources of all INTERPOL income during the reporting period; and

(F) supporting greater transparency by the CCF in its annual report by providing a detailed account, disaggregated by country, of—

(i) the number of admissible requests for correction or deletion of data received by the CCF regarding issued Notices, Diffusions, and other INTERPOL communications; and

(ii) the category of violation alleged in each such complaint;

(2) inform the INTERPOL General Secretariat about incidents in which member countries abuse INTERPOL communications for politically motivated or other unlawful purposes so that, as appropriate, action can be taken by INTERPOL; and

(3) request to censure member countries that repeatedly abuse and misuse INTERPOL's red notice and red diffusion mechanisms, including restricting the access of those countries to INTERPOL's data and information systems.

(c) REPORT ON INTERPOL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and biannually thereafter for a period of 4 years, the Attorney General and the Secretary of State, in consultation with the heads of other relevant United States Government departments or agencies, shall submit to the appropriate committees of Congress a report containing an assessment of how INTERPOL member countries abuse INTERPOL Red Notices, Diffusions, and other INTERPOL communications for political motives and other unlawful purposes within the past three years.

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

(A) A list of countries that the Attorney General and the Secretary determine have repeatedly abused and misused the red notice and red diffusion mechanisms for political purposes.

(B) A description of the most common tactics employed by member countries in conducting such abuse, including the crimes most commonly alleged and the INTERPOL communications most commonly exploited.

(C) An assessment of the adequacy of INTERPOL mechanisms for challenging abusive requests, including the Commission for the Control of INTERPOL's Files (CCF), an assessment of the CCF's March 2017 Operating Rules, and any shortcoming the United States believes should be addressed.

(D) A description of how INTERPOL's General Secretariat identifies requests for red notice or red diffusions that are politically motivated or are otherwise in violation of INTERPOL's rules and how INTERPOL reviews and addresses cases in which a member country has abused or misused the red notice and red diffusion mechanisms for overtly political purposes.

(E) A description of any incidents in which the Department of Justice assesses that United States courts and executive departments or agencies have relied on INTERPOL communications in contravention of existing law or policy to seek the detention of individuals or render judgments concerning their immigration status or requests for asylum, with holding of removal, or convention against torture claims and any measures the Department of Justice or other executive departments or agencies took in response to these incidents.

(F) A description of how the United States monitors and responds to likely instances of abuse of INTERPOL communications by member countries that could affect the interests of the United States, including citizens and nationals of the United States, employees of the United States Government, aliens lawfully admitted for permanent residence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

(G) A description of what actions the United States takes in response to credible information it receives concerning likely abuse of INTERPOL communications targeting employees of the United States Government for activities they undertook in an official capacity.

(H) A description of United States advocacy for reform and good governance within INTERPOL.

(I) A strategy for improving interagency coordination to identify and address instances of INTERPOL abuse that affect the interests of the United States, including international respect for human rights and fundamental freedoms, citizens and nationals of the United States, employees of the United States Government, aliens lawfully admitted for permanent residence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

(3) FORM OF REPORT.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex, as appropriate. The unclassified portion of the report shall be posted on a publicly available website of the Department of State and of the Department of Justice.

(4) BRIEFING.—Not later than 30 days after the submission of each report under paragraph (1), the Department of Justice and the Department of State, in coordination with other relevant United States Government departments and agencies, shall brief the appropriate committees of Congress on the content of the reports and recent instances of INTERPOL abuse by member countries and United States efforts to identify and challenge such abuse, including efforts to promote reform and good governance within INTERPOL.

(d) PROHIBITION REGARDING BASIS FOR EXTRADITION.—No United States Government department or agency may extradite an individual based solely on an INTERPOL Red Notice or Diffusion issued by another INTERPOL member country for such individual.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(2) INTERPOL COMMUNICATIONS.—The term ''INTERPOL communications'' means any INTERPOL Notice or Diffusion or any entry into any INTERPOL database or other communications system maintained by INTERPOL.

SEC. 6504. HUMAN RIGHTS AWARENESS FOR AMERICAN ATHLETIC DELEGATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that individuals representing the United States at international athletic competitions in foreign countries should have the opportunity to be informed about human rights and security concerns in such countries and how best to safeguard their personal security and privacy.

(b) IN GENERAL.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall devise and implement a strategy for disseminating briefing materials, including information described in subsection (c), to individuals representing the United States at international athletic competitions in a covered country.

(2) TIMING AND FORM OF MATERIALS.—

(A) IN GENERAL.—The briefing materials referred to in paragraph (1) shall be offered not

later than 180 days prior to the commencement of an international athletic competition in a covered country.

(B) FORM OF DELIVERY.—Briefing materials related to the human rights record of covered countries may be delivered electronically or disseminated in person, as appropriate.

(C) SPECIAL CONSIDERATION.—Information briefing materials related to personal security risks may be offered electronically, in written format, by video teleconference, or prerecorded video.

(3) CONSULTATIONS.—In devising and implementing the strategy required under paragraph (1), the Secretary of State shall consult with the following:

(A) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations in the Senate, not later than 90 days after the date of the enactment of this Act.

(B) Leading human rights nongovernmental organizations and relevant subject-matter experts in determining the content of the briefings required under this subsection.

(C) The United States Olympic and Paralympic Committee and the national governing bodies of amateur sports that play a role in determining which individuals represent the United States in international athletic competitions, regarding the most appropriate and effective method to disseminate briefing materials.

(c) CONTENT OF BRIEFINGS.—The briefing materials required under subsection (b) shall include, with respect to a covered country hosting an international athletic competition in which individuals may represent the United States, the following:

(1) Information on the human rights concerns present in such covered country, as described in the Department of State's Annual Country Reports on Human Rights Practices.

(2) Information, as applicable, on risks such individuals may face to their personal and digital privacy and security, and recommended measures to safeguard against certain forms of foreign intelligence targeting, as appropriate.

(d) COVERED COUNTRY DEFINED.—In this section, the term ''covered country'' means, with respect to a country hosting an international athletic competition in which individuals representing the United States may participate, any of the following:

(1) Any Communist country specified in subsection (f) of section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)).

(2) Any country ranked as a Tier 3 country in the most recent Department of State's annual Trafficking in Persons Report.

(3) Any other country the Secretary of State determines presents serious human rights concerns for the purpose of informing such individuals.

(4) Any country the Secretary of State, in consultation with other cabinet officials as appropriate, determines presents a serious counterintelligence risk.

SEC. 6505. COOPERATION BETWEEN THE UNITED STATES AND UKRAINE REGARDING THE TITANIUM INDUSTRY.

(a) STATEMENT OF POLICY.—It is the policy of the United States to engage with the Government of Ukraine on cooperation in the titanium industry as a potential alternative to Chinese and Russian sources on which the United States and Europe currently depend.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that describes the feasibility of utilizing titanium sources from Ukraine as a potential alternative to Chinese and Russian sources.

(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 6506. UPDATES TO THE NATIONAL STRATEGY FOR COMBATING TERRORIST AND OTHER ILLICIT FINANCING.

The Countering Russian Influence in Europe and Eurasia Act of 2017 (22 U.S.C. 9501 et seq.) is amended—

(1) in section 261(b)(2)—

(A) by striking ''2020'' and inserting ''2024''; and

(B) by striking ''2022'' and inserting ''2026'';

(2) in section 262—

(A) in paragraph (1)—

(i) by striking ''in the documents entitled '2015 National Money Laundering Risk Assessment' and '2015 National Terrorist Financing Risk Assessment','' and inserting ''in the documents entitled '2020 National Strategy for Combating Terrorist and Other Illicit Financing' and '2022 National Strategy for Combating Terrorist and Other Illicit Financing' ''; and

(ii) by striking ''the broader counter terrorism strategy of the United States'' and inserting ''the broader counter terrorism and national security strategies of the United States'';

(B) in paragraph (6)—

(i) by striking ''PREVENTION OF ILLICIT FINANCE'' and inserting ''PREVENTION, DETECTION, AND DISRUPTION OF ILLICIT FINANCE'';

(ii) by striking ''private financial sector'' and inserting ''private sector, including financial and other relevant industries,''; and

(iii) by striking ''with regard to the prevention and detection of illicit finance'' and inserting ''with regard to the prevention, detection, and disruption of illicit finance''; and

(C) in paragraph (8), by striking ''such as so-called cryptocurrencies, other methods that are computer, telecommunications, or Internet-based, cyber crime,''.

SEC. 6507. REPORT ON NET WORTH OF SYRIAN PRESIDENT BASHAR AL-ASSAD.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the estimated net worth and known sources of income of Syrian President Bashar al-Assad and his family members (including spouse, children, siblings, and paternal and maternal cousins), including income from corrupt or illicit activities and including assets, investments, other business interests, and relevant beneficial ownership information.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary. The unclassified portion of such report shall be made available on a publicly available internet website of the Federal Government.

SEC. 6508. ANNUAL REPORT ON UNITED STATES POLICY TOWARD SOUTH SUDAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the signatories to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed on September 12, 2018, have delayed implementation, leading to continued conflict and instability in South Sudan;

(2) despite years of fighting, 2 peace agreements, punitive actions by the international community, and widespread suffering among civilian populations, the leaders of South Sudan have failed to build sustainable peace;

(3) the United Nations arms embargo on South Sudan, most recently extended by 1 year to May 31, 2022, through United Nations Security Council Resolution 2577 (2021), is necessary to stem the illicit transfer and destabilizing accumulation and misuse of small arms and light weapons in perpetuation of the conflict in South Sudan;

(4) the United States should call on other member states of the United Nations to redouble efforts to enforce the United Nations arms embargo on South Sudan; and

(5) the United States, through the United States Mission to the United Nations, should use its voice and vote in the United Nations Security Council in favor of maintaining the United Nations arms embargo on South Sudan until—

(A) the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan is fully implemented; or

(B) credible, fair, and transparent democratic elections are held in South Sudan.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for 5 years, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the heads of other Federal department and agencies as necessary, shall submit to the appropriate congressional committees a report on United States policy toward South Sudan, including the most recent approved interagency strategy developed to address political, security, and humanitarian issues prevalent in the country since it gained independence from Sudan in July 2011.

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

(A) An assessment of the situation in South Sudan, including the role of South Sudanese government officials in intercommunal violence, corruption, and obstruction of the peace process.

(B) An assessment of the status of the implementation of the 2018 R-ARCSS and the ongoing peace processes.

(C) A detailed description of United States assistance and other efforts to support peace processes in South Sudan, including an assessment of the efficacy of stakeholder engagement and United States assistance to advance peacebuilding, conflict mitigation, and other related activities.

(D) An assessment of the United Nations Mission in South Sudan capacity and progress in fulfilling its mandate over the last 3 fiscal years.

(E) A detailed description of United States funding for emergency and non-emergency humanitarian and development assistance to South Sudan, as well as support provided to improve anti-corruption and fiscal transparency efforts in South Sudan over the last 5 fiscal years.

(F) A summary of United States efforts to promote accountability for human rights abuses and an assessment of efforts by the Government of South Sudan and the African Union, respectively, to hold responsible parties accountable.

(G) Analysis of the impact of domestic and international sanctions on deterring and combating corruption, mitigating and reducing conflict, and holding those responsible for human rights abuses accountable.

(H) An assessment of the prospects for, and impediments to, holding credible general elections.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form and posted to a website of the Department of State, may include a classified annex, and shall be accompanied by a briefing as determined necessary.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for 2 years, the Secretary of the Treasury, in consultation with the Secretary of State and the heads of other Federal department and agencies as necessary, shall brief the appropriate congressional committees on United States efforts, including assistance provided by the Department of Treasury and United States law enforcement and intelligence communities, to detect and deter money laundering and counter illicit financial flows, trafficking in persons, weapons, and other illicit goods, and the financing of terrorists and armed groups. Such

briefing shall be provided in unclassified setting and may include a classified briefing as determined necessary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Banking, and the Committee on Appropriations of the Senate;

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

SEC. 6509. STRATEGY FOR ENGAGEMENT WITH SOUTHEAST ASIA AND ASEAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other Federal departments and agencies as appropriate, shall develop and submit to the appropriate congressional committees a comprehensive strategy for engagement with Southeast Asia and the Association of Southeast Asian Nations (ASEAN).

(b) MATTERS TO BE INCLUDED.—The strategy required by subsection (a) shall include the following:

(1) A statement of enduring United States interests in Southeast Asia and a description of efforts to bolster the effectiveness of ASEAN.

(2) A description of efforts to—

(A) deepen and expand Southeast Asian alliances, partnerships, and multilateral engagements, including efforts to expand broad based and inclusive economic growth, security ties, security cooperation and interoperability, economic connectivity, and expand opportunities for ASEAN to work with other like-minded partners in the region; and

(B) encourage like-minded partners outside of the Indo-Pacific region to engage with ASEAN.

(3) A summary of initiatives across the whole of the United States Government to strengthen the United States partnership with Southeast Asian nations and ASEAN, including to promote broad based and inclusive economic growth, trade, investment, energy innovation and sustainability, public-private partnerships, physical and digital infrastructure development, education, disaster management, public health and global health security, and economic, political, and public diplomacy in Southeast Asia.

(4) A summary of initiatives across the whole of the United States Government to enhance the capacity of Southeast Asian nations with respect to enforcing international law and multilateral sanctions, and initiatives to cooperate with ASEAN as an institution in these areas.

(5) A summary of initiatives across the whole of the United States Government to promote human rights and democracy, to strengthen the rule of law, civil society, and transparent governance, to combat disinformation and to protect the integrity of elections from outside influence.

(6) A summary of initiatives to promote security cooperation and security assistance within Southeast Asian nations, including—

(A) maritime security and maritime domain awareness initiatives for protecting the maritime commons and supporting international law and freedom of navigation in the South China Sea; and

(B) efforts to combat terrorism, human trafficking, piracy, and illegal fishing, and promote more open, reliable routes for sea lines of communication.

(c) DISTRIBUTION OF STRATEGY.—For the purposes of assuring allies and partners in Southeast Asia and deepening United States engagement with ASEAN, the Secretary of State shall direct each United States chief of mission to ASEAN and its member states to distribute the strategy required by subsection (a) to host governments.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 6510. SUPPORTING DEMOCRACY IN BURMA.

(a) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Foreign Affairs of the House of Representatives;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Appropriations of the House of Representatives;

(5) the Committee on Armed Services of the Senate;

(6) the Committee on Armed Services of the House of Representatives;

(7) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(8) the Committee on Financial Services of the House of Representatives.

(b) BRIEFING REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the following officials shall jointly brief the appropriate congressional committees regarding actions taken by the United States Government to further United States policy and security objectives in Burma (officially known as the ''Republic of the Union of Myanmar''):

(A) The Assistant Secretary of State for East Asian and Pacific Affairs.

(B) The Counselor of the Department of State.

(C) The Under Secretary of the Treasury for Terrorism and Financial Intelligence.

(D) The Assistant to the Administrator for the Bureau for Conflict Prevention and Stabilization.

(E) Additional officials from the Department of Defense or the Intelligence Community, as appropriate.

(2) INFORMATION REQUIRED.—The briefing required under paragraph (1) shall include—

(A) a detailed description of the specific United States policy and security objectives in Burma;

(B) information about any actions taken by the United States, either directly or in coordination with other countries—

(i) to support and legitimize the National Unity Government of the Republic of the Union of Myanmar, The Civil Disobedience Movement in Myanmar, and other entities promoting democracy in Burma, while simultaneously denying legitimacy and resources to the Myanmar's military junta;

(ii) to impose costs on Myanmar's military junta, including—

(I) an assessment of the impact of existing United States and international sanctions; and

(II) a description of potential prospects for additional sanctions;

(iii) to secure the restoration of democracy, the establishment of inclusive and representative civilian government, with a reformed military reflecting the diversity of Burma and under civilian control, and the enactment of constitutional, political, and economic reform in Burma;

(iv) to secure the unconditional release of all political prisoners in Burma;

(v) to promote genuine national reconciliation among Burma's diverse ethnic and religious groups;

(vi) to ensure accountability for atrocities, human rights violations, and crimes against humanity committed by Myanmar's military junta; and

(vii) to avert a large-scale humanitarian disaster;

(C) an update on the current status of United States assistance programs in Burma, including—

(i) humanitarian assistance for affected populations, including internally displaced persons and efforts to mitigate humanitarian and health crises in neighboring countries and among refugee populations;

(ii) democracy assistance, including support to the National Unity Government of the Republic of the Union of Myanmar and civil society groups in Burma;

(iii) economic assistance; and

(iv) global health assistance, including COVID–19 relief; and

(D) a description of the strategic interests in Burma of the People's Republic of China and the Russian Federation, including—

(i) access to natural resources and lines of communications to sea routes; and

(ii) actions taken by such countries—

(I) to support Myanmar's military junta in order to preserve or promote such interests;

(II) to undermine the sovereignty and territorial integrity of Burma; and

(III) to promote ethnic conflict within Burma.

(c) CLASSIFICATION AND FORMAT.—The briefing required under subsection (b)—

(1) shall be provided in an unclassified setting; and

(2) may be accompanied by a separate classified briefing, as appropriate.

SEC. 6511. UNITED STATES GRAND STRATEGY WITH RESPECT TO CHINA.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall commence developing a comprehensive report that articulates the strategy of the United States with respect to the People's Republic of China (in this section referred to as the ''China Strategy'') that builds on the work of such national security strategy.

(2) SUBMITTAL.—Not later than 270 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall submit to Congress the China Strategy developed under paragraph (1).

(3) FORM.—The China Strategy shall be submitted in classified form and shall include an unclassified summary.

(b) CONTENTS.—The China Strategy developed under subsection (a) shall set forth the national security strategy of the United States with respect to the People's Republic of China and shall include a comprehensive description and discussion of the following:

(1) The strategy of the People's Republic of China regarding the military, economic, and political power of China in the Indo-Pacific region and worldwide, including why the People's Republic of China has decided on such strategy and what the strategy means for the long-term interests, values, goals, and objectives of the United States.

(2) The worldwide interests, values, goals, and objectives of the United States as they relate to geostrategic and geoeconomic competition with the People's Republic of China.

(3) The foreign and economic policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States as they relate to the new era of competition with the People's Republic of China.

(4) How the United States will exercise the political, economic, military, diplomatic, and other elements of its national power to protect or advance its interests and values and achieve the goals and objectives referred to in paragraph (1).

(5) The adequacy of the capabilities of the United States Government to carry out the national security strategy of the United States within the context of new and emergent challenges to the international order posed by the

People's Republic of China, including an evaluation—

(A) of the balance among the capabilities of all elements of national power of the United States; and

(B) the balance of all United States elements of national power in comparison to equivalent elements of national power of the People's Republic of China.

(6) The assumptions and end-state or end-states of the strategy of the United States globally and in the Indo-Pacific region with respect to the People's Republic of China.

(7) Such other information as the President considers necessary to help inform Congress on matters relating to the national security strategy of the United States with respect to the People's Republic of China.

(c) ADVISORY BOARD ON UNITED STATES GRAND STRATEGY WITH RESPECT TO CHINA.—

(1) ESTABLISHMENT.—The President may establish in the executive branch an advisory board to be known as the ''Advisory Board on United States Grand Strategy with respect to China'' (in this section referred to as the ''Board'').

(2) PURPOSE.—The purpose of the Board is to convene outside experts to advise the President on development of the China Strategy.

(3) DUTIES.—

(A) REVIEW.—The Board shall review the current national security strategy of the United States with respect to the People's Republic of China, including assumptions, capabilities, strategy, and end-state or end-states.

(B) ASSESSMENT AND RECOMMENDATIONS.—The Board shall analyze the United States national security strategy with respect to the People's Republic of China, including challenging its assumptions and approach, and make recommendations to the President for the China Strategy.

(C) CLASSIFIED BRIEFING.—

(i) IN GENERAL.—Not later than 30 days after the date on which the President submits the China Strategy to Congress under subsection (a)(2), the Board shall provide the appropriate congressional committees a classified briefing on its review, assessment, and recommendations.

(ii) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subparagraph, the term ''appropriate congressional committees'' means—

(I) the congressional defense committees;

(II) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(III) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) COMPOSITION.—

(A) RECOMMENDATIONS.—Not later than 30 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President 2 candidates for membership on the Board, at least 1 of whom shall be an individual in the private sector and 1 of whom shall be an individual in academia or employed by a nonprofit research institution.

(B) MEMBERSHIP.—The Board shall be composed of 9 members appointed by the President as follows:

(i) The National Security Advisor or such other designee as the President considers appropriate, such as the Asia Coordinator from the National Security Council.

(ii) Four shall be selected from among individuals in the private sector.

(iii) Four shall be selected from among individuals in academia or employed by a nonprofit research institution.

(iv) Two members shall be selected from among individuals included in the list submitted by the majority leader of the Senate under subparagraph (A), of whom—

(I) one shall be selected from among individuals in the private sector; and

(II) one shall be selected from among individuals in academia or employed by a nonprofit research institution.

(v) Two members shall be selected from among individuals included in the list submitted by the minority leader of the Senate under subparagraph (A), of whom—

(I) one shall be selected from among individuals in the private sector; and

(II) one shall be selected from among individuals in academia or employed by a nonprofit research institution.

(vi) Two members shall be selected from among individuals included in the list submitted by the Speaker of the House of Representatives under subparagraph (A), or whom—

(I) one shall be selected from among individuals in the private sector; and

(II) one shall be selected from among individuals in academia or employed by a nonprofit research institution.

(vii) Two members shall be selected from among individuals included in the list submitted by the minority leader of the House of Representatives under subparagraph (A), of whom—

(I) one shall be selected from among individuals in the private sector; and

(II) one shall be selected from among individuals in academia or employed by a nonprofit research institution.

(C) CHAIRPERSON.—The Chairperson of the Board shall be the member of the Board appointed under subparagraph (B)(i).

(D) NONGOVERNMENTAL MEMBERSHIP; PERIOD OF APPOINTMENT; VACANCIES.—

(i) NONGOVERNMENTAL MEMBERSHIP.—Except in the case of the Chairperson of the Board, an individual appointed to the Board may not be an officer or employee of an instrumentality of government.

(ii) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Board.

(iii) VACANCIES.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENT.—Not later than 60 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall—

(A) appoint the members of the Board pursuant to paragraph (4); and

(B) submit to Congress a list of the members so appointed.

(6) EXPERTS AND CONSULTANTS.—The Board is authorized to procure temporary and intermittent services under section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay under level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(7) SECURITY CLEARANCES.—The appropriate Federal departments or agencies shall cooperate with the Board in expeditiously providing to the Board members and experts and consultants appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person may be provided with access to classified information under this Act without the appropriate security clearances.

(8) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Board and any experts and consultants consistent with all applicable statutes, regulations, and Executive orders.

(9) UNCOMPENSATED SERVICE.—A member of the Board who is not an officer or employee of the Federal Government shall serve without compensation.

(10) COOPERATION FROM GOVERNMENT.—In carrying out its duties, the Board shall receive the full and timely cooperation of the heads of relevant Federal departments and agencies in providing the Board with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(11) TERMINATION.—The Board shall terminate on the date that is 60 days after the date on which the President submits the China Strategy to Congress under subsection (a)(2).

TITLE LXVI—OTHER MATTERS

SEC. 6601. ELIGIBILITY OF CERTAIN INDIVIDUALS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS FOR INTERMENT IN NATIONAL CEMETERIES.

(a) IN GENERAL.—Section 2402(a)(10) of title 38, United States Code, is amended—

(1) by striking the period at the end and inserting ''; or''; and

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

''(B) who—

''(i) the Secretary determines served honorably with a special guerrilla unit or irregular forces operating from a base in Laos in support of the Armed Forces at any time during the period beginning on February 28, 1961, and ending on May 7, 1975; and

''(ii) at the time of the individual's death—

''(I) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

''(II) resided in the United States.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall have effect as if included in the enactment of section 251(a) of title II of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018 (division J of Public Law 115–141; 132 Stat. 824).

SEC. 6602. EXPANSION OF SCOPE OF DEPARTMENT OF VETERANS AFFAIRS OPEN BURN PIT REGISTRY TO INCLUDE OPEN BURN PITS IN EGYPT AND SYRIA.

Section 201(c)(2) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note) is amended, in the matter before subparagraph (A), by striking ''or Uzbekistan'' and inserting '', Uzbekistan, Egypt, or Syria''.

SEC. 6603. ANOMALOUS HEALTH INCIDENTS INTERAGENCY COORDINATOR.

(a) ANOMALOUS HEALTH INCIDENTS INTERAGENCY COORDINATOR.—

(1) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an appropriate senior official to be known as the Anomalous Health Incidents Interagency Coordinator (in this section referred to as the ''Interagency Coordinator'').

(2) DUTIES.—The Interagency Coordinator, working through the interagency national security process, shall, with respect to anomalous health incidents—

(A) coordinate the response of the United States Government to such incidents;

(B) coordinate among relevant Federal agencies to ensure equitable and timely access to assessment and care for affected United States Government personnel, dependents of such personnel, and other appropriate individuals;

(C) ensure adequate training and education relating to such incidents for United States Government personnel;

(D) ensure that information regarding such incidents is efficiently shared across relevant Federal agencies in a manner that provides appropriate protections for classified, sensitive, and personal information;

(E) coordinate, in consultation with the Director of the White House Office of Science and Technology Policy, the technological and research efforts of the United States Government to address suspected attacks presenting as such incidents; and

(F) develop policy options to prevent, mitigate, and deter suspected attacks presenting as such incidents.

(b) DESIGNATION OF AGENCY COORDINATION LEADS.—

(1) DESIGNATION; RESPONSIBILITIES.—The head of each relevant agency shall designate an official appointed by the President, by and with the advice and consent of the Senate, or other appropriate senior official, who shall—

(A) serve as the Anomalous Health Incident Agency Coordination Lead (in this section referred to as the ''Agency Coordination Lead'') for the relevant agency concerned;

(B) report directly to the head of such relevant agency regarding activities carried out under this section;

(C) perform functions specific to such relevant agency and related to anomalous health incidents, consistent with the directives of the Interagency Coordinator and the interagency national security process;

(D) represent such relevant agency in meetings convened by the Interagency Coordinator; and

(E) participate in interagency briefings to Congress regarding the response of the United States Government to anomalous health incidents, including briefings required under subsection (c).

(2) DELEGATION PROHIBITED.—An Agency Coordination Lead may not delegate any of the responsibilities specified in paragraph (1).

(c) BRIEFINGS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter for the following two years, the Agency Coordination Leads shall jointly provide to the appropriate congressional committees a briefing on progress made in carrying out the duties under subsection (b)(2).

(2) ELEMENTS.—Each briefing required under paragraph (1) shall include—

(A) an update on the investigation into anomalous health incidents affecting United States Government personnel and dependents of such personnel, including technical causation and suspected perpetrators;

(B) an update on new or persistent anomalous health incidents;

(C) a description of threat prevention and mitigation efforts with respect to anomalous health incidents, to include personnel training;

(D) an identification of any changes to operational posture as a result of anomalous health threats;

(E) an update on diagnosis and treatment efforts for individuals affected by anomalous health incidents, including patient numbers and wait times to access care;

(F) a description of efforts to improve and encourage reporting of anomalous health incidents;

(G) a detailed description of the roles and responsibilities of the Agency Coordination Leads;

(H) information regarding additional authorities or resources needed to support the interagency response to anomalous health incidents; and

(I) such other matters as the Interagency Coordinator or the Agency Coordination Leads may consider appropriate.

(3) UNCLASSIFIED BRIEFING SUMMARY.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter for the following two years, the Agency Coordination Leads shall provide to the appropriate congressional committees a coordinated written summary of the briefings provided under paragraph (1).

(B) FORM.—The summary under subparagraph (A) shall be submitted in an unclassified form to the extent practicable, consistent with the protection of intelligence sources and methods.

(d) SECURE REPORTING MECHANISMS.—Not later than 90 days after the date of the enactment of this section, the Interagency Coordinator shall ensure that the head of each relevant agency—

(1) develops a process to provide a secure mechanism for personnel of the relevant agency concerned, the dependents of such personnel, and other appropriate individuals, to self-report any suspected exposure that could be an anomalous health incident;

(2) shares all relevant data reported through such mechanism in a timely manner with the Office of the Director of National Intelligence and other relevant agencies, through existing processes coordinated by the Interagency Coordinator; and

(3) in developing the mechanism pursuant to paragraph (1), prioritizes secure information collection and handling processes to protect classified, sensitive, and personal information.

(e) WORKFORCE GUIDANCE.—

(1) DEVELOPMENT AND DISSEMINATION.—The President shall direct the heads of the relevant agencies to develop and disseminate to employees of such relevant agencies who are determined to be at risk of exposure to anomalous health incidents updated workforce guidance that describes, at a minimum—

(A) the threat posed by anomalous health incidents;

(B) known defensive techniques with respect to anomalous health incidents; and

(C) processes to self-report any suspected exposure that could be an anomalous health incident.

(2) DEADLINE.—The workforce guidance specified under paragraph (1) shall be developed and disseminated pursuant to such paragraph by not later than 60 days after the date of the enactment of this Act.

(f) RULE OF CONSTRUCTION.—Nothing in this section, including the designation of the Interagency Coordinator pursuant to subsection (a)(1), shall be construed to limit the authority of any Federal agency to independently perform the authorized functions of such agency.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $5,000,000 for fiscal year 2022, to be used to—

(1) increase capacity and staffing for the Health Incident Response Task Force of the Department of State;

(2) support the development and implementation of efforts by the Department of State to prevent and mitigate anomalous health incidents affecting the workforce of the Department;

(3) investigate and characterize the cause of anomalous health incidents, including investigations of causation and attribution;

(4) collect and analyze data related to anomalous health incidents;

(5) coordinate with other relevant agencies and the National Security Council regarding anomalous health incidents; and

(6) support other activities to understand, prevent, deter, and respond to suspected attacks presenting as anomalous health incidents, at the discretion of the Secretary of State.

(h) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committees on Armed Services, Foreign Relations, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations, and the Select Committee on Intelligence, of the Senate; and

(B) the Committees on Armed Services, Foreign Affairs, Homeland Security, the Judiciary, and Appropriations, and the Permanent Select Committee on Intelligence, of the House of Representatives.

(2) The term ''relevant Federal agencies'' means—

(A) the Department of Defense;

(B) the Department of State;

(C) the Office of the Director of National Intelligence;

(D) the Central Intelligence Agency;

(E) the Department of Justice;

(F) the Department of Homeland Security; and

(G) such other Federal departments or agencies as may be designated by the Interagency Coordinator.

SEC. 6604. CHIEF HUMAN CAPITAL OFFICERS COUNCIL ANNUAL REPORT.

Subsection (d) of section 1303 of the Homeland Security Act of 2002 (Public Law 107–296; 5 U.S.C. 1401 note) is amended to read as follows:

''(d) ANNUAL REPORTS.—

''(1) IN GENERAL.—Each year, the Chief Human Capital Officers Council shall submit to Congress a report that includes the following:

''(A) A description of the activities of the Council.

''(B) A description of employment barriers that prevent the agencies of its members from hiring qualified applicants, including those for digital talent positions, and recommendations for addressing the barriers that would allow such agencies to more effectively hire qualified applicants.

''(2) PUBLIC AVAILABILITY.—Not later than 30 days after the date on which the Council submits a report under paragraph (1), the Director of the Office of Personnel Management shall make the report publicly available on the website of the Office of Personnel Management.''.

SEC. 6605. NATIONAL GLOBAL WAR ON TERRORISM MEMORIAL.

(a) SITE.—Notwithstanding section 8908(c) of title 40, United States Code, the National Global War on Terrorism Memorial authorized by section 2(a) of the Global War on Terrorism War Memorial Act (40 U.S.C. 8903 note; Public Law 115–51; 131 Stat. 1003) (referred to in this section as the ''Memorial'') shall be located within the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) APPLICABILITY OF COMMEMORATIVE WORKS ACT.—Except as provided in subsection (a), chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act''), shall apply to the Memorial.

SEC. 6606. ESTABLISHMENT OF SUBCOMMITTEE ON THE ECONOMIC AND SECURITY IMPLICATIONS OF QUANTUM INFORMATION SCIENCE.

(a) ESTABLISHMENT.—Title I of the National Quantum Initiative Act (15 U.S.C. 8811 et seq.) is amended—

(1) by redesignating section 105 as section 106; and

(2) by inserting after section 104 the following new section:

''SEC. 105. SUBCOMMITTEE ON THE ECONOMIC AND SECURITY IMPLICATIONS OF QUANTUM INFORMATION SCIENCE.

''(a) ESTABLISHMENT.—The President shall establish, through the National Science and Technology Council, the Subcommittee on the Economic and Security Implications of Quantum Information Science.

''(b) MEMBERSHIP.—The Subcommittee shall include a representative of—

''(1) the Department of Energy;

''(2) the Department of Defense;

''(3) the Department of Commerce;

''(4) the Department of Homeland Security;

''(5) the Office of the Director of National Intelligence;

''(6) the Office of Management and Budget;

''(7) the Office of Science and Technology Policy;

''(8) the Department of Justice;

''(9) the National Science Foundation;

''(10) the National Institute of Standards and Technology; and

''(11) such other Federal department or agency as the President considers appropriate.

''(c) RESPONSIBILITIES.—The Subcommittee shall—

''(1) in coordination with the Director of the Office and Management and Budget, the Director of the National Quantum Coordination Office, and the Subcommittee on Quantum Information Science, track investments of the Federal Government in quantum information science research and development;

''(2) review and assess any economic or security implications of such investments;

''(3) review and assess any counterintelligence risks or other foreign threats to such investments;

''(4) recommend goals and priorities for the Federal Government and make recommendations to Federal departments and agencies and the Director of the National Quantum Coordination Office to address any counterintelligence risks or other foreign threats identified as a result of an assessment under paragraph (3);

''(5) assess the export of technology associated with quantum information science and recommend to the Secretary of Commerce and the Secretary of State export controls necessary to protect the economic and security interests of the United States as a result of such assessment;

''(6) recommend to Federal departments and agencies investment strategies in quantum information science that advance the economic and security interest of the United States;

''(7) recommend to the Director of National Intelligence and the Secretary of Energy appropriate protections to address counterintelligence risks or other foreign threats identified as a result of the assessment under paragraph (3); and

''(8) in coordination with the Subcommittee on Quantum Information Science, ensure the approach of the United States to investments of the Federal Government in quantum information science research and development reflects a balance between scientific progress and the potential economic and security implications of such progress.

''(d) TECHNICAL AND ADMINISTRATIVE SUPPORT.—

''(1) IN GENERAL.—The Secretary of Energy, the Director of National Intelligence, and the Director of the National Quantum Coordination Office may provide to the Subcommittee personnel, equipment, facilities, and such other technical and administrative support as may be necessary for the Subcommittee to carry out the responsibilities of the Subcommittee under this section.

''(2) SUPPORT RELATED TO CLASSIFIED INFORMATION.—The Director of the Office of Science and Technology Policy and the Director of National Intelligence shall provide to the Subcommittee technical and administrative support related to the responsibilities of the Subcommittee that involve classified information, including support related to sensitive compartmented information facilities and the storage of classified information.''.

(b) SUNSET FOR SUBCOMMITTEE.—

(1) INCLUSION IN SUNSET PROVISION.—Such title is further amended in section 106, as redesignated by subsection (a), by striking ''103, and 104'' and inserting ''103, 104, and 105''.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the National Quantum Initiative Act (15 U.S.C. 8801 et seq.).

(c) CONFORMING AMENDMENTS.—The National Quantum Initiative Act (15 U.S.C. 8801 et seq.) is further amended—

(1) in section 2, by striking paragraph (7) and inserting the following new paragraphs:

''(7) SUBCOMMITTEE ON ECONOMIC AND SECURITY IMPLICATIONS.—The term 'Subcommittee on Economic and Security Implications' means the Subcommittee on the Economic and Security Implications of Quantum Information Science established under section 105(a).

''(8) SUBCOMMITTEE ON QUANTUM INFORMATION SCIENCE.—The term 'Subcommittee on Quantum Information Science' means the Subcommittee on Quantum Information Science of the National Science and Technology Council established under section 103(a).'';

(2) in section 102(b)(1)—

(A) in subparagraph (A), by striking ''; and'' and inserting ''on Quantum Information Science;'';

(B) in subparagraph (B), by inserting ''and'' after the semicolon; and

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

''(C) the Subcommittee on Economic and Security Implications;''; and

(3) in section 104(d)(1), by striking '' and the Subcommittee'' and inserting '', the Subcommittee on Quantum Information Science, and the Subcommittee on Economic and Security Implications''.

(d) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 105 and inserting the following new items:

''105. Subcommittee on the Economic and Security Implications of Quantum Information Science.

''106. Sunset.''.

SEC. 6607. STUDY AND REPORT ON THE REDISTRIBUTION OF COVID–19 VACCINE DOSES THAT WOULD OTHERWISE EXPIRE TO FOREIGN COUNTRIES AND ECONOMIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall conduct a study to identify and analyze the logistical prerequisites for the collection of unused and unexpired doses of the COVID–19 vaccine in the United States and for the distribution of such doses to foreign countries and economies.

(2) MATTERS STUDIED.—The matters studied by the Secretary of Health and Human Services under paragraph (1) shall include—

(A) options for the collection of unused and unexpired doses of the COVID–19 vaccine from entities in the United States;

(B) methods for the collection and shipment of such doses to foreign countries and economies;

(C) methods for ensuring the appropriate storage and handling of such doses during and following the distribution and delivery of the doses to such countries and economies;

(D) the capacity and capability of foreign countries and economies receiving such doses to distribute and administer the doses while assuring their safety and quality;

(E) the minimum supply of doses of the COVID–19 vaccine necessary to be retained within the United States; and

(F) other Federal agencies with which the heads of the relevant agencies should coordinate to accomplish the tasks described in subparagraphs (A) through (E) and the degree of coordination necessary between such agencies.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the other heads of the relevant agencies, shall submit to the appropriate congressional committees a report on the results of the study conducted under subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Health, Education, Labor, and Pensions, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives.

(2) RELEVANT AGENCIES.—The term ''relevant agencies'' means—

(A) the Department of Health and Human Services;

(B) the Department of State; and

(C) the United States Agency for International Development.

SEC. 6608. CATAWBA INDIAN NATION LANDS.

(a) APPLICATION OF CURRENT LAW.—

(1) LANDS IN SOUTH CAROLINA.—Section 14 of the Catawba Indian Tribe of South Carolina Claims Settlement Act of 1993 (Public Law 103–116) shall only apply to gaming conducted by the Catawba Indian Nation on lands located in South Carolina.

(2) LANDS IN STATES OTHER THAN SOUTH CAROLINA.—Gaming conducted by the Catawba Indian Nation on lands located in States other than South Carolina shall be subject to the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and sections 1166 through 1168 of title 18, United States Code.

(b) REAFFIRMATION OF STATUS AND ACTIONS.—

(1) RATIFICATION OF TRUST STATUS.—The action taken by the Secretary of the Interior on July 10, 2020, to place approximately 17 acres of land located in Cleveland County, North Carolina, into trust for the benefit of the Catawba Indian Nation is hereby ratified and confirmed as if that action had been taken under a Federal law specifically authorizing or directing that action.

(2) ADMINISTRATION.—The land placed into trust for the benefit of the Catawba Indian Nation by the Secretary on July 10, 2020, shall—

(A) be a part of the Catawba Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for an Indian Tribe; and

(B) be deemed to have been acquired and taken into trust as part of the restoration of lands for an Indian tribe that is restored to Federal recognition pursuant to section 20(b)(1)(B)(iii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(iii)).

(3) RULES OF CONSTRUCTION.—Nothing in this section shall—

(A) enlarge, impair, or otherwise affect any right or claim of the Catawba Indian Nation to any land or interest in land in existence before the date of the enactment of this Act;

(B) affect any water right of the Catawba Indian Nation in existence before the date of the enactment of this Act;

(C) terminate or limit any access in any way to any right-of-way or right-of-use issued, granted, or permitted before the date of the enactment of this Act; or

(D) alter or diminish the right of the Catawba Indian Nation to seek to have additional land taken into trust by the United States for the benefit of the Catawba Indian Nation.

SEC. 6609. PROPERTY DISPOSITION FOR AFFORDABLE HOUSING.

Section 5334(h)(1) of title 49, United States Code, is amended to read as follows:

''(1) IN GENERAL.—If a recipient of assistance under this chapter decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which such asset was acquired, the Secretary may authorize the recipient to transfer such asset to—

''(A) a local governmental authority to be used for a public purpose with no further obligation to the Government if the Secretary decides—

''(i) the asset will remain in public use for at least 5 years after the date the asset is transferred;

''(ii) there is no purpose eligible for assistance under this chapter for which the asset should be used;

''(iii) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

''(iv) through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land; or

''(B) a local governmental authority, nonprofit organization, or other third party entity to be used for the purpose of transit-oriented development with no further obligation to the Government if the Secretary decides—

''(i) the asset is a necessary component of a proposed transit-oriented development project;

''(ii) the transit-oriented development project will increase transit ridership;

''(iii) at least 40 percent of the housing units offered in the transit-oriented development, including housing units owned by nongovernmental entities, are legally binding affordability restricted to tenants with incomes at or below 60 percent of the area median income and owners with incomes at or below 60 percent the area median income, which shall include at least 20 percent of such housing units offered restricted to tenants with incomes at or below 30 percent of the area median income and owners with incomes at or below 30 percent the area median income;

''(iv) the asset will remain in use as described in this section for at least 30 years after the date the asset is transferred; and

''(v) with respect to a transfer to a third party entity—

''(I) a local government authority or nonprofit organization is unable to receive the property;

''(II) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

''(III) the third party has demonstrated a satisfactory history of construction or operating an affordable housing development.''.

SEC. 6610. 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; and

(B) 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:

''(10) 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 ASSISTANCE.—

(1) 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)(10) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(10)) 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)''.

(2) 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)(10) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(10)) 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));''.

(3) 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)''.

(4) EXCEPTIONS 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.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 60 minutes, equally divided and controlled by the chair and ranking minority member on the Committee on Armed Services or their respective designees.

The gentleman from Washington (Mr. SMITH) and the gentleman from Alabama (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. SMITH.)

GENERAL LEAVE

Mr. SMITH of Washington. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on S. 1605.

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

There was no objection.

Mr. SMITH of Washington. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, first of all, I want to thank all the people involved in this

process. Certainly, the staff of the Armed Services Committee, our bipartisan staff, worked incredibly hard over the course of this year to put the bill together, first to get it through our committee process, off the floor and then in the negotiation process that has led to this final bill.

I think it is an incredibly important process because it includes so many people. Throughout the House, throughout the Senate, Members who have concerns in a wide range of policy areas have the opportunity in this bill to have those concerns heard and to try to address them through legislation.

When you add it all up, of all the different proposals that have come at us in the House and the Senate negotiating process, you are well north of a thousand different ideas that have been sent our way, and the staff sift through all of that, working with Members and their staffs as well, to try to come up with the best solutions.

This is an unbelievably important process because it is representative democracy. It is the way our system is supposed to work, and this bill truly reflects that. It is a bipartisan, bicameral product that took into account every single opinion that it could, and I think we have produced an outstanding product.

The number one thing that I want to make sure that people are aware of is how important the Armed Services Committee's job of exercising oversight of the Department of Defense is and how important our job of making sure that the men and women who serve our country have everything they need to carry out the missions that we ask them to do. That is what our committee does. A whole lot of other issues get involved, but at its core, that is what we are focused on. In this bill there are hundreds of provisions to help make sure that gets done and gets done well.

One of the major challenges our military faces right now is dealing with the rapid pace of technology. It is getting the Pentagon to better and more quickly adapt the innovative technologies that we need to meet our national security threats, and those threats are very real, as we are learning right now in real time, with what is going on between Russia and Ukraine, as we learn every day as we deal with an expansionist China, as we try to deal with Iran and North Korea and transnational terrorist groups. Those threats are real. Technology and innovation are crucial to meeting those threats, but we are moving too slowly at this point.

There was a commission on artificial intelligence run by Eric Schmidt and Bob Work that put a whole series of recommendations together. JIM LANGEVIN's subcommittee worked on that. A number of proposals are in this bill to help them do a better job of handling that issue.

We had a task force last year on supply chain concerns, which we have heard so much about. A number of key provisions from that task force are in this bill. That is what we do.

Now, there are a lot of other issues, and it seems like when we get down to the end, we are always talking about the things we disagree about, which makes a certain amount of sense because, you know, you get through the stuff you can agree on, then you get down to the tougher stuff, and then you get down to the really tough stuff.

But when we get down to that really tough stuff, I really hope that people don't lose track of how important this piece of legislation is with the day in and day out work we do to support the national security and national defense of this country and to support the people who we ask to perform those tasks.

This is an outstanding bill that needs to get passed.

Now, it also happens that it is one of the few bills that consistently passes every year. Well, actually, it is the only bill that consistently gets passed every year, so we have a lot of issues from outside committees.

I forget how many hundreds of proposals we had, but at the end of the day, the hundred-plus proposals that were in this bill we got 40 percent of them included in the final product, and we are happy to do that because it helps advance important issues in a wide variety of other areas. We can't carry them all because you have got to get bipartisan, bicameral agreement. So those of you who didn't get what you wanted out of this, please look at what is in the bill and how important it is.

And the single most important thing in this bill, in my view, is we finally reformed our Uniform Code of Military Justice for how it deals with sexual assault. A stain on the military to this day is the fact that we have not adequately dealt with and protected the servicemembers who have faced sexual crimes in the military.

This is the most transformational change that we have done on that issue. We take all sex crimes away from the commander, and we create a Special Victims Prosecutor who will have the expertise, the commitment, and the focus to adequately decide what crimes should be charged and to prosecute those crimes effectively.

Now, a lot of people have worked on this. Nobody has done more than JACKIE SPEIER. Jackie is responsible for getting this done and getting it to this point. Of all those people who worked on it, there were a lot of differences of opinion about how exactly to do it. And I know some folks think it should have been done slightly differently here, slightly differently there. This is the agreement that we can get done and get passed, and it is transformational in what it does.

It is also, I believe, crucial to dealing with one of the other major issues that we face in the military, and that is diversity.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Washington. Madam Speaker, I yield myself an additional 1 minute.

The diversity problem that we have with recruitment, promotion, and how is the UCMJ carried out with regard to people of color. This bill will give us the opportunity to set up a whole set of crimes that are under a new authority to take a shot at fixing that problem.

Now, I know some would like to add more crimes to that, and we had that debate. This is what we came up with, and it is huge. It is the biggest change we have had in a long time. It is worthy of our support. The entire bill is worthy of our support.

The last thing I want to say is, I want to specifically thank Mr. ROGERS of Alabama, the ranking member on this committee. The bipartisan, bicameral work that we do would not be possible without leadership on both sides. I could not ask for a better partner. His staff has been outstanding, as well as we have worked to get this product.

I highly recommend this bill. Madam Speaker, I urge everyone to vote in favor of this bill, and I reserve the balance of my time.

Mr. ROGERS of Alabama. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of the Fiscal Year 2022 National Defense Authorization Act. And I want to start off by saying Chairman SMITH has been a real leader on this effort. He has had obstacle after obstacle thrown in his way for months and has continued to be a real advocate for the legislation, but also trying to make sure we get in a good place. And I couldn't ask for a better partner to lead this committee with.

The bill before us has strong bipartisan, bicameral support.

Over the last year, we have seen the best of our soldiers, sailors, marines, airmen, and guardians. They have performed in the toughest environments with the greatest level of skill and professionalism. Many gave their lives so others would have a chance at a better life.

Without a doubt, our military is the greatest force for good the world has ever seen. Providing the authorities and resources our servicemembers need to defend our Nation and defeat adversaries is the greatest responsibility we have here in Congress.

We accomplish that responsibility with the bill before us today. It provides an additional $25 billion over the President's request, reversing irresponsible cuts to procurement and readiness.

This bill ensures our warfighters are the best equipped and trained in the world. It puts our servicemembers first, providing a 2.7 percent pay raise and expanding benefits to their families.

It puts American workers first with historic investments in our industrial base.

It also begins divesting in legacy systems that will not help us deter future

threats. Instead, it invests in new technologies like artificial intelligence, hypersonics, and quantum computing that will help us stay ahead of our adversaries. That is important because Russia and China are rapidly modernizing their militaries.

China is outpacing us with advancements in emerging technologies and weapons systems. In recent years, we have seen China use its military to push out its borders, threaten our allies, and gain footholds on new continents.

This bill is laser focused on preparing our military to prevail in a conflict with China. It makes critical investments in new systems capable of surviving in contested environments. It includes provisions that will remove China from our defense supply chain. And it reaffirms our support to allies in the region, especially Taiwan.

In Eastern Europe, Russia is on the march again. Putin is threatening NATO allies and amassing an invasion force on the Ukrainian border.

This bill makes historic investments in the European Defense Initiative and provides $300 million for Ukraine, $75 million of which is lethal aid.

Threats from near-peer rivals like China and Russia are not the only ones we face. Terrorists continue to plot to destroy our way of life, so we must continue to take the fight to them. With strong investments in new capabilities and readiness, this bill enables our warfighters to do just that.

Finally, I think we were all horrified by the disastrous withdrawal from Afghanistan. This bill includes important provisions to provide accountability and ensure that we honor the 2,500 Americans who gave their lives in Afghanistan to keep our Nation safe.

Again, Madam Speaker, this is a carefully drafted bipartisan, bicameral agreement. I urge all Members to support our servicemembers and their families by voting in favor of this bill. I reserve the balance of my time.

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Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI), the distinguished chairman of the Subcommittee on Readiness.

Mr. GARAMENDI. Madam Speaker, the FY22 National Defense Authorization Act is a bipartisan project of enormous work both by members and staff. As always, I start by thanking Chairman SMITH and Ranking Member ROGERS and the House Committee on Armed Services' staff that worked long hours and many, many nights putting this year's NDAA together.

I also thank the Subcommittee on Readiness Ranking Member LAMBORN, for his partnership on the subcommittee, as well as all the members of the subcommittee who contributed to the base bill or submitted amendments in the process.

In addition, I thank the committee's staff for their many hours of work in preparing this mark or this legislation. In particular, the staff of the Subcommittee on Readiness: Jeanine Womble, Ian Bennitt, Melanie Harris, David Sienicki, Jay Vallario, Wendell White, Whitney Verrett, and Naajidah Khan.

I am particularly proud of the many priority issues for the Subcommittee on Readiness that are reflected in this final bill.

Of note, this bill represents a continuation of the work to address the vulnerabilities of installations, as well as energy resiliency and response to climate change. We also are prioritizing efforts to address the contested logistics involving near-peer competitors.

This bill strengthens the operation energy program by requiring the Department of Defense to create a working group to enhance integration of military department energy initiatives into operational planning and platform development to combat the many challenges associated with contested and congested logistics.

It also represents a step forward in our work to ensure the safety of our military and civilian personnel is a top priority for the Department. The FY22 NDAA establishes the Joint Safety Council and requires the Department of Defense to develop a plan.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Washington. Madam Speaker, I yield the gentleman an additional 15 seconds.

Mr. GARAMENDI. The bill also takes important steps to improve the quality of family life dealing with housing and child development centers. Notably, $517 million in this bill for PFAS in an effort to increase transparency and provide information. Finally, the bill takes key steps to control the cost of expensive programs.

Mr. ROGERS of Alabama. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), who is not only the ranking member on Strategic Forces Subcommittee, but has spent years leading the effort for us to get to meaningful ways to deal with sexual assault in the military, which this bill does.

Mr. TURNER. Madam Speaker, I thank the ranking member for yielding.

Madam Speaker, I rise in support of the Fiscal Year 2022 National Defense Authorization Act. I thank Chairman SMITH, Ranking Member ROGERS, and, of course, chairman of the Strategic Forces Subcommittee, JIM COOPER, for once again delivering a National Defense Authorization Act in a bipartisan manner.

This is, as the chairman was saying, the one time a year that we all come together, and that is counter to the narrative you see in Washington, that this truly is a bipartisan product. I thank the committee staff for continuing that culture.

Madam Speaker, DOD leaders have made it clear that we must do more to deter adversaries. I am confident that this bill will do that in countering both Russia and China. As the ranking member of the Strategic Forces Subcommittee, I am particularly proud of the progress this bill makes on the issues of nuclear modernization missile defense in space.

Specifically, the bill fully funds our triad modernization program, to include the Ground Based Strategic Deterrent, the Long-Range Standoff Weapon, the B83 gravity bomb life extension, and the two-site solution for plutonium pit production in Los Alamos and the Savannah River Site.

The bill prohibits the retirement or reconversion of the W76–2 low-yield warhead; requires the integration of the LRSO air-launched cruise missile with the B–21 bomber; and creates a floor of 400 U.S. ICBMs.

On missile defense, it fully funds the Next Generation Interceptor and supports ensuring our homeland missile defense outpaces the North Korean ICBM threat. It also funds Guam and additional THAAD interceptors.

On Space, we continue to push for declassification of programs that will help us counter China and Russia.

Madam Speaker, I thank the ranking member for his comments and the chairman for the work in this bill that is done to try to deter and prevent sexual assault.

Madam Speaker, this NDAA bolsters our national security. It improves the lives of our servicemembers, and will help us counter the threats of China and Russia.

Mr. SMITH of Washington. Madam Speaker, I yield 2½ minutes to the gentleman from Connecticut (Mr. COURTNEY), chairman of the Seapower and Projection Forces Subcommittee.

Mr. COURTNEY. Madam Speaker, I rise in strong support of the 2022 National Defense Authorization Act, which is before us this evening.

As chair of the Seapower and Projection Forces Subcommittee, this bill is proof that our panel upheld its duty under Article 1, Section 8 ''to provide and maintain a Navy.''

Our bill authorizes 13 new ships, continuing our tradition to independently scrub the budget and augment our Navy fleet responsibly. Within that total, we authorize three destroyers and two additional Fast Transport ships to support the rapid deployment of equipment and personnel.

The agreement also reflects our panel's ongoing efforts to recapitalize our aging sealift. The bill fully authorizes the new sealift Tanker Security Program, an initiative our panel started last year to meet gaps in our at-sea refueling capabilities.

It also authorizes the fifth National Security Multi-Mission Vessel, another initiative our subcommittee led to boost maritime training and sealift capacity. Later this week, the historic Philly Shipyard will lay keel for the first in a series of NSMVs, which is tangible proof that our Nation can rebuild its decrepit sealift fleet with our

domestic shipbuilding industrial base. To that end, this agreement rejects a request to further our reliance on used foreign-built sealift ships.

Madam Speaker, of particular note, is the mark on undersea capabilities, which at the end of the day is the most effective path to deter the pacing threat of China. For proof of this, look no further than AUKUS, the recent security agreement between the U.S., U.K., and Australia, whose centerpiece is building a new fleet of Aussie nuclear-powered submarines. This NDAA funds two per year *Virginia*-class subs and full production of the *Columbia* program. It also includes House provisions of $200 million for a new facility, $130 million for supplier development, and $20 million for workforce development. Altogether, this will increase production capacity to help both our allies and our Navy to maintain dominance in the undersea domain.

Madam Speaker, I thank Ranking Member ROB WITTMAN and all the members on the subcommittee for their great bipartisan work building the NDAA this year, as well as Chairman SMITH and Ranking Member ROGERS.

I also thank Phil McNaughton, Dave Sienicki, and Kelly Goggin for their great staff work, and Lieutenant Commander Matt Harmon, my Navy fellow, who is sadly leaving us soon. His really solid contribution as a SWO really was instrumental in terms of the work that our subcommittee was able to produce.

Mr. ROGERS of Alabama. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Madam Speaker, I thank Mr. ROGERS for yielding.

Madam Speaker, our national security is in jeopardy. Russia literally has over 100,000 troops sitting on Ukraine's doorstep. Iran continues to threaten the viability of Israel and other regional nations, and China is preparing to bully the ASEAN nations into submission and declare their regional hegemony, not just in Hong Kong but the entire region.

Just this year, China surpassed the United States in battle force ships and is rapidly approaching parity in our combat aircraft.

Do we have the courage to stand up to these regional tyrants; do we oppose an Iranian regime who threatens to destabilize neighboring countries while they seek nuclear capabilities; or even do we seek to appease a North Korea who continues to threaten South Korea and even the United States with their nuclear expansion?

Our Nation sits at the precipice of a national security inflection point. I know which path our Nation should select and I am emboldened to ensure our Nation is prepared to choose, at a time of our choosing, what will be in the best interest of our Nation. A strong national defense is necessary to preserve our democratic ideals and the nations who seek to live free from subjugation and oppression.

Madam Speaker, that is why I am particularly pleased that we have rejected a multitude of national security objectives proposed by the Biden administration. This bill authorizes a 20 percent increase in ship construction, partially rejects an ill-advised ''divest to invest'' strategy, and blocks a multitude of poison pills that were haphazardly tacked on to this bill.

I thank Ranking Member ROGERS and his leadership during the top-line debate this year. We are adopting his authorization vision today, a vision that ensures real growth for defense. I also particularly thank Chairman SMITH and Chairman COURTNEY for their approach to national security and their desire to reach a bipartisan consensus, doing what is in the best interest of our Nation.

Madam Speaker, I say to my friends that this is a good bill, worthy of support. It sends a strong message to our democratic partners and allies that the United States stands with countries that oppose regional hegemony. We need to pass the National Defense Authorization Act to ensure our national security.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), chair of the Subcommittee on Cyber, Innovative Technologies, and Information Systems.

Mr. LANGEVIN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today in strong support of the National Defense Authorization Act. I begin by congratulating and thanking Chairman SMITH and Ranking Member ROGERS, as well as my counterparts on the CITI Subcommittee, Ranking Member BANKS and former Ranking Member STEFANIK for their bipartisan collaboration in helping to craft a national defense bill for the 61st consecutive year.

Thanks to the work of my subcommittee, this legislation includes a significant increase in early-stage research. Our research enterprise has always ensured our technology superiority. It is how we won the space race. Today, as the battlefield expands into cyberspace and outer space, we find ourselves facing a more aggressive Russia and China. I am proud that Congress has unlocked funds for hypersonics defense, directed energy, quantum computing, machine learning, and biotechnology so that we never send our war fighters into a fair fight.

Madam Speaker, I am most proud that this bill includes many recommendations from the National Security Commission on Artificial Intelligence, including funds to accelerate the deployment of new technology to the war fighter. I am also proud that in our first year as a subcommittee, the Subcommittee on Cyber, Innovative Technologies, and Information Systems, we have made significant investments in our cybersecurity forces, set a course for improved cybersecurity governance within the Department, and continue to strengthen the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency.

The NDAA also fully funds key national security platforms, the *Virginia*-class and *Columbia*-class submarine programs. I thank the Rhode Islanders who build our Nation's submarines and make our country safer. Finally, this bill funds installation resilience projects to address the ongoing threat from climate change.

These achievements would not have been possible without the work of my subcommittee staff and personal staff.

I thank Michael Hermann, Josh Stiefel, Troy Nienberg, Payson Ruhl, Caroline Goodson, and Juliann Hitt, and former staffers Bess Dopkeen and Caroline Kehrli.

Madam Speaker, I urge all of my colleagues to support this bipartisan commitment to national security.

Mr. ROGERS of Alabama. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. JACKSON), an outstanding freshman member of our committee.

Mr. JACKSON. Madam Speaker, I rise in support of a critical piece of legislation that comes before Congress each year, the National Defense Authorization Act. First, I thank Ranking Member ROGERS and his staff for their outstanding leadership in this effort.

This bill modernizes our force, gives a well-deserved raise to our servicemembers, and provides them with the equipment they need to compete with China, Russia, and Iran.

For the 13th District of Texas, this bill will protect the nuclear triad, it will modernize the Pantex Plant in Amarillo, and it will support training done at Sheppard Air Force Base in Wichita Falls. It also included provisions that I authored to put servicemembers first and ensure the safety of all of our soldiers, sailors, airmen, marines, and guardians.

This NDAA also pushes back on the unconstitutional vaccine mandate, and it holds the Biden administration accountable for its failed Afghanistan withdrawal.

Just as important, there are some notable provisions that are not included. This bill does not contain harmful provisions that threaten the Second Amendment and it does not require our daughters to register for the draft.

Bottom line: This bill is a win for the military, it is a win for the Texas 13th Congressional District, and it is a win for this country.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. NORCROSS), chair of the Tactical Air and Land Force Subcommittee.

Mr. NORCROSS. Madam Speaker, I thank Chairman SMITH and Ranking Member ROGERS for their leadership in bringing this bill to the floor. This is our opportunity to pass the Defense Authorization Act for the 61st straight year. That is important.

Madam Speaker, this bill continues the Tactical Air and Land Forces Subcommittee's long tradition of bipartisan work to make America's Armed Forces continue to be the best in the world.

I commend the hard work by our members, certainly our staff, and everyone else in this rather unusual, complicated, and demanding year.

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I especially want to thank Ranking Member HARTZLER for her leadership and commitment to this bill. Our bipartisan cooperation in the House, once again, paid dividends in delivering a defense bill that meets the modernization and readiness needs of our Nation's air and land forces.

Madam Speaker, this bill carefully manages our military resources while increasing our congressional oversight of DOD's large, complex, and expensive programs. Certainly, this is something that demands our attention and it certainly has.

This billing includes significant compromises, many of which I personally do not agree with. This is a good bill, and it furthers America's national security needs.

Madam Speaker, I urge everyone to support this bill.

Mr. ROGERS of Alabama. Madam Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. Madam Speaker, I thank the gentleman from Alabama for his leadership.

Madam Speaker, I rise today in support of the 2022 NDAA. This process began months ago. A bill was introduced, Members offered amendments, debated accordingly, and reached bicameral consensus.

However, as Members arrived in Washington this afternoon, they realized they only had about 8 hours to review and vote on a 2,100-page document to secure our national defense—a surprising and frustrating process that has become all too familiar with House Democrats and the majority.

While I will always support our men and women in uniform, I am concerned that not all these men and women, specifically those who serve in the Army as explosive ordnance disposal technicians, as I once did, are adequately equipped to defend our Nation by this year's version of NDAA. I will continue to work hard to achieve this purpose going forward.

I am voting in favor of the legislation because of the critical funding it provides for our national defense, pay raises for our servicemen and –women, provisions to hold the Biden administration accountable on its irresponsible withdraw from Afghanistan, and serious steps to assess the involvement of the Chinese Communist Party in the origins of COVID–19 as well as their unacceptable and increasingly aggressive behavior around the world.

I sincerely hope that next year we have more time to absorb the final provisions of the NDAA to make sure that all of our troops feel confident they have the full support of Congress.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. GALLEGO), the chair of the Intelligence and Special Operations Subcommittee.

Mr. GALLEGO. Madam Speaker, I rise today in support of S. 1605, the National Defense Authorization Act for Fiscal Year 2022.

I am proud that we in the House and Senate have completed our work on this defense bill and reached bipartisan consensus in support of our national security and our men and women in uniform.

This year's bill contains multiple provisions to address strategic challenges presented by China and Russia, to strengthen our ability to operate in the grey zone of conflict, and to deepen relationships with key allies and partners.

As chair of the Intelligence and Special Operations Subcommittee, I am proud of the provisions of this bill that represent critical reforms to the defense intelligence enterprise, Special Operations Forces, and our ability to counter weapons of mass destruction.

Our bill creates more agility across the defense intelligence enterprise by expanding information sharing with allies and partners and breaking down barriers to information sharing. This enhances our warfighters' and combatant commanders' ability to counter China and Russia in the information environment.

The bill authorizes investments in emergent technologies for intelligence systems, including increasing funding for Project Maven, military information support operations, and the continued use of Small Business Innovation Research to develop AI-enabled data storage system solutions.

Our bill authorizes a $105 million increase to the Cooperative Threat Reduction Program, which will enhance our efforts to detect and fight emergent chemical and biological threats and develop medical countermeasures such as vaccines and therapeutics.

It also establishes an office and organizational structure and provides authorities to address unidentified aerial phenomena.

Finally, the bill strengthens alliances and partnerships with key countries in the Indo-Pacific, like South Korea and Taiwan, and in Europe. I am particularly proud that for the first time this bill recognizes the Baltic Security Initiative, which will provide robust support to Estonia, Latvia, and Lithuania, and further strengthen deterrence in the region at a time of heightened tensions.

I want to thank my subcommittee ranking member, TRENT KELLY, for his contribution. I also want to thank the staff, Shannon Green, Jessica Carroll, Zachary Taylor, and Patrick Nevins, as well as my MLA, Michelle, for their tireless efforts.

Madam Speaker, in addition to meeting the most pressing security challenges we face as a Nation today, this bill supports our servicemembers with a 2.7 percent pay raise, implements landmark UCMJ reforms, and combats extremism in the military.

It is a good bill and I urge my colleagues to support it.

Mr. ROGERS of Alabama. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GALLAGHER), the ranking member of the Military Personnel Subcommittee.

Mr. GALLAGHER. Madam Speaker, I stand before you today in strong support of the National Defense Authorization Act for Fiscal Year 2022.

This year's NDAA includes a top-line budget that restores funding for shipbuilding, procurement, missile defense, and a number of other priorities that will help ensure the national defense of our great Nation.

The NDAA continues to support and improve the lives of those who sacrifice for our country on a daily basis by authorizing a military basic pay raise of 2.7 percent. The bill reinforces the committee's longstanding commitment to the military family by requiring DOD to increase parental leave, expand the in-home childcare pilot program, it improves support available to military families with special needs children, and provides comprehensive reform of DOD's family violence prevention and response program.

It also requires the Department to standardize the definition of professional military education across the joint force. It requires DOD to report to Congress on the number of military personnel infected with COVID–19 at the 2019 World Military Games in Wuhan, China. It increases funding for COVID–19 vaccine research, while providing $35 million for research and treatment of Havana syndrome.

Madam Speaker, this is an outstanding NDAA. I want to thank the chairman and ranking member for their tireless efforts in working together to preserve the bipartisan spirit of this committee. I also want to thank the chairwoman of the Military Personnel Subcommittee that I work with, Ms. SPEIER.

Madam Speaker, this is a bill we can all be proud of.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SPEIER), the chair of the Military Personnel Subcommittee.

Ms. SPEIER. Madam Speaker, I thank our outstanding chairman.

Madam Speaker, this helmet has been on my shelf in my office for 9 years. It has the signatures of 58 military servicemembers who have been sexually assaulted. It was a daily reminder to me that we had so much work to do.

The clarion call of them, and so many others, hundreds of thousands of other servicemembers who have been sexually assaulted in the military has

finally been heard. We cannot erase their anguish, their pain, their abuse, their scarring, but we can, through this NDAA, change it for future servicemembers.

Make no mistake, Madam Speaker, this is a seismic reform of the military justice system as it relates to sexual assault, as it relates to murder, as it relates to kidnapping. It is, in fact, creating a separate, distinct office which will be populated by those who are professional lawyers skilled in sexual assault, and investigators who will do the investigations. They will make the decisions as to whether or not these cases move forward.

Beyond that, we make a crime of sexual harassment. We don't go far enough because, unfortunately, it is still in the chain of command. Mind you, 100,000 servicemembers are sexually harassed every year. Sexual harassment begets sexual assault. We have more work to do there.

Beyond that, in this particular measure we have a 2.7 percent increase for our servicemembers. We also provide up to 12 weeks of parental leave. Our version had a required opportunity for 12 weeks, but that was changed, and, hopefully, we will move on that in the future. We are improving childcare centers that are failing.

We have required an independent review commission to look at suicides within the military.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SMITH of Washington. Madam Speaker, I yield an additional 30 seconds to the gentlewoman from California.

Ms. SPEIER. Madam Speaker, we have now required racial and gender data collection for NJP. We also are providing better access to mental health.

In the end, when servicemembers serve so do their families. This bill delivers on our commitment to them and to the military families. It also honors the memory of Specialist Guillen and others like her who have been killed, as well as the tens of thousands of survivors living with the scars of sexual assault.

Madam Speaker, I thank Josh Connolly, my chief of staff; Brian Collins; Chuck Jackson, my fellow. I also thank the committee staff, Ilka Regino, Hannah Kaufman, Dave Giachetti, Ranking Member MIKE GALLAGHER, and a special thanks to Chairman ADAM SMITH, who has worked so closely with me in making sure we got to this point.

Mr. ROGERS of Alabama. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. GARCÍA).

Mr. GARCÍA of California. Madam Speaker, I want to commend both sides of the aisle for a rather strong National Defense Authorization Act and commend the gentleman from Alabama (Mr. ROGERS) for his revisions.

Madam Speaker, it is a good top-line NDAA, it makes the strategic and tactical level investments necessary to catch up and keep pace with China. A lot of this technology that we are investing in is developed, built, and tested in my district, the 25th Congressional District.

This removes red flag provisions. It allows for those who don't want to get vaccinated to be separated from the service with an honorable discharge.

Clearly, I support this bill and it is an excellent NDAA. I do think we need to do better when it comes to our troops' base pay. Some may tout the 2.7 percent pay increase. I see it as anemic, frankly, and it is actually aggravating the pay gap between military servicemembers and their civilian counterparts.

With record inflation, our troops, especially the junior enlisted, continue to be hammered financially. If we want to deter threats and win wars in the modern battlefield, which we have to, we need to attract and retain more talent.

If we want to end things like conscription, and we should, we need to better incentivize our enlisted ranks to join and stay in. I urge support.

Mr. SMITH of Washington. Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Alabama. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. FALLON).

Mr. FALLON. Madam Speaker, I want to take a minute to thank Ranking Member ROGERS for his tremendous leadership.

Madam Speaker, I rise today in strong support of the 2022 National Defense Authorization Act. Not only does this bill authorize the necessary investments to maintain our global competitiveness in the face of increasing Chinese and Russian aggression, but it takes critical steps to protect our men and women in uniform.

In particular, this bill authorizes almost $200 million in lifesaving technology to prevent Humvee rollovers. I am honored to represent Red River Army Depot where a significant portion of this work will be done.

The investment will save the American taxpayers $12.8 billion compared to the Army's original plan, and it will save countless lives.

Madam Speaker, I thank the ranking member and all of our colleagues on the Armed Services Committee for their work on this, and I urge final passage of this bill.

Mr. SMITH of Washington. Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Alabama. Madam Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. CAMMACK).

Mrs. CAMMACK. Madam Speaker, I thank the ranking member of the Armed Services Committee and all of my colleagues for bringing us to this point here today.

Madam Speaker, I rise in support of the National Defense Authorization Act for Fiscal Year 2022. I want to sincerely thank every single member who worked in a productive, constructive, and helpful manner to get us to this finish line.

Funding our military, taking care of our troops, and providing for the common defense is, in fact, our duty. Promises made, promises kept. We did what we said we were going to do. No dishonorable discharges for servicemembers who refuse the vaccine, and it is retroactive. No unconstitutional red flag laws. We killed and buried the dangerous office of domestic extremism.

This bill counters China, gets them out of our supply chain, and holds this administration accountable on Afghanistan. This bill is a win for our military, our communities, our national guard, for our country.

It is time to stop talking about getting Americans out of Afghanistan. It is time to stop talking about securing the border. It is time to stop talking about holding China accountable. It is time for action. This bill does all that and more.

Madam Speaker, I urge my colleagues to vote ''yes.''

Mr. SMITH of Washington. Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Alabama. Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Madam Speaker, I rise in support of S. 1605, the Fiscal Year 2022 National Defense Authorization Act. I commend our chairman and ranking member for negotiating a strong bipartisan bill, which provides our troops with the resources they need to accomplish the missions they are given.

I thank my partner and chairman on the Readiness Subcommittee, JOHN GARAMENDI, for his leadership and hard work in crafting legislation that we can all support. I thank my committee staff, Ian Bennitt, Dave Sienicki, Whitney Verett, and Kyle Noyes, and my Space Force Fellow—first time in congressional history—Chris Brown, for all of their exemplary professionalism.

□ 2045

This legislation could not come at a more opportune time. As we speak, Russia is amassing troops on the border of Ukraine, and China continues to rapidly modernize their strategic capabilities, including hypersonic drive vehicles, with their eyes on Taiwan.

This legislation is not perfect, but what it does do is ramp up procurement of vital weapons systems, support our combatant commands, restore spending to essential readiness accounts, and continue modernizing our strategic capabilities in the space and nuclear domains.

Importantly, it also provides some protections, partly through my amendment, for those troops who do not take the COVID–19 vaccine and requires DOD to consider natural immunity as part of their exemption policy. We also removed troubling red-flag language and the requirement for women to register for Selective Service.

Madam Speaker, this is a good bill. I am happy to support this legislation, and I urge my colleagues to vote ''yes.''

Mr. SMITH of Washington. Madam Speaker, I am prepared to close at this point if the gentleman is.

Mr. ROGERS of Alabama. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I want to again thank Chairman SMITH, Chairman REED, Ranking Member INHOFE, and all the members of HASC and SASC for their tremendous work this year. I also want to thank our committee staff on both sides of the aisle, as well as staff from leadership, legislative counsel, and CBO, for their hard work and dedication. Enormous numbers of hours were put into this endeavor over the course of this year, and I can't overstate how much I appreciate the staff work.

Finally, Madam Speaker, today is the day we honor the brave 3,500 American servicemembers killed or wounded in Pearl Harbor. On that day and again on September 11, our Nation came together and vowed to defend our homeland and protect our freedom from all enemies. Each year, Congress comes together in an effort to fulfill that vow by passing the National Defense Authorization Act.

Madam Speaker, I urge all Members to do that again this year and pass the NDAA, and I yield back the balance of my time.

Mr. SMITH of Washington. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I want to begin at an odd place. I don't want to discourage people from voting for this bill, but on the vaccine mandate issue, I want to make very clear that I heard a lot of things that were supposed to be done in this bill; none of that was done in the bill. We don't have anything in the bill which tells the military what they can or cannot do in terms of punishing people for refusing to meet the vaccine mandate, as a starting point. We certainly don't have anything in the bill that says natural immunity can count.

We do have language in the bill that says that the military should take a look at how the vaccine mandate could be—sorry. It is not in the bill; it is in bill language, which is a different thing. It says you can look at how the vaccine mandate is affecting recruitment and retention, and that is fine.

But all that other stuff, Madam Speaker, for those of you who are listening and thinking I may have lost my mind, I have not. We did not support that and did not do that.

That minor point aside, this is an outstanding piece of legislation that is truly bipartisan. There are a lot of small, little things here and there. But, again, the big picture is everything we do in this bill and everything that you heard, Madam Speaker, from primarily the chairs and ranking members of our subcommittee, an exhaustive list of all the provisions that are so important in making sure that we meet our obligations on national security, defense, and supporting the men and women who serve. It is a ton of work to figure out those policies, and it has never been, in my view, more important during my time in Congress.

As we have heard, we have these threats that are out there. They are real and as complex as they have ever been. Then also, we have the rapid pace of technology and innovation that is changing what is necessary to provide adequate deterrence and to provide adequate defense on a minute-to-minute basis.

The most crucial thing in our ability to meet our national security objectives is: How quickly are we going to innovate? How quickly are we going to adapt?

We are not innovating and adapting quickly enough right now, and there are a whole bunch of provisions in this bill to help push the Pentagon in the correct direction, to help make sure we give them the help they need or, in some cases, the push they need to adopt the technology that is going to move us in a better direction.

We also have a lot in this bill to help improve competition and to deal with some of the very painful cost overruns that we have seen on programs like the KC–46 tanker, programs like the F–35, and a whole series of other issues.

We introduce competition, and we introduce ways to make sure that we take advantage of technology because every time I see a cost overrun—and the Speaker is uniquely positioned to understand this. Again, we have these terrible cost overruns we hear about, and we always hear: Oh, well, it is a software problem.

Well, yes, it is like a multibillion-dollar software problem. So why don't we fix those software problems and save us a lot of money?

This bill pushes us more in the direction of getting after those problems than any bill that I have worked on. It is an incredibly important piece of legislation that moves us forward in a positive direction.

Yes, we are also able to carry a few issues that were not in our jurisdiction. In fact, Madam Speaker, with the permission of everyone, the chair of the Foreign Affairs Committee has arrived and was going to speak.

Madam Speaker, if I could yield to him just 1 minute or 2 to talk about the Committee on Foreign Affairs because the committee reauthorized a provision that is contained in this bill as well. I want to make sure the distinguished chairman of the Foreign Affairs Committee has at least a couple of minutes.

Madam Speaker, I yield 2 minutes of my remaining time to the gentleman from New York (Mr. MEEKS) to talk about the Foreign Affairs provision, and then I will close when he is done.

Mr. MEEKS. Madam Speaker, I want to thank the distinguished chair of the House Armed Services Committee for all of his hard work in putting together, as he was just closing, what I think is a bill that is one of the best—a lot of hard work that he has done. I thank the ranking member also.

Madam Speaker, I rise today to speak in favor of passing this measure here before us today.

Every year for the past six decades, Congress has passed a Defense authorization bill. This is an important bipartisan tradition, and I commend, as I said, Chairman SMITH for his admirable work carrying out this legacy.

Unfortunately, Congress has been asleep at the wheel when it comes to our State Department. We have not passed a comprehensive State Department authorization in nearly two decades. Congress has been attuned to defense for decades, but we have consistently left diplomacy out to dry.

I am glad that tonight we will be ending this trend by passing out both a Defense authorization bill and a bipartisan State authorization bill contained therein. We need a State Department for the century ahead, not decades past, and my State authorization bill will now put us on that track.

Now, no bill is perfect. Unfortunately, I am disappointed that there are some provisions that were not included in this NDAA. Saudi Arabia's abuse against dissidents and civil society has continued since the brutal murder of Jamal Khashoggi, yet two bipartisan House provisions that addressed some of these human rights violations were dropped in the final package. Other amendments that would have ended needless civilian casualties resulting from the brutal war in Yemen were also removed by Senate Republicans, though we had a bipartisan agreement in this House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Washington. Madam Speaker, I yield an additional 30 seconds to the gentleman from New York.

Mr. MEEKS. Finally, Madam Speaker, provisions promoting diversity and other management reforms at the State Department were also left out.

These are just a few examples of where the bill falls a little short. Despite the efforts of many of our members of the Foreign Affairs Committee, and my own as chair, we were unable to secure the requisite support from Senate Republicans to advance important provisions in this final bill.

Nevertheless, Madam Speaker, there are other important provisions contained in this NDAA, including State authorization, and I urge my colleagues to vote in the affirmative.

Mr. SMITH of Washington. Madam Speaker, I want to start by thanking the staff for the outstanding job that they do. As I have always said, Members have constituents coming at us on a variety of different issues. We come up with ideas and say we ought to do this. And from that, that idea actually has to be written down and has to get approval. It is the staff that does all

that tireless work to make sure that we get the final product that is in front of us. I really, really want to thank the staff.

I want to emphasize the fact that our staff on the Armed Services Committee is a bipartisan staff. It is the only committee in Congress that does that. Whether we are in charge or the Republicans are in charge, the staff is bipartisan, and I think that is incredibly important in getting the work done in the way that we do, working together to produce this product. This is a product every single Member of this body can be proud of, and it is a product I think every single Member of this body should vote for.

Madam Speaker, I urge passage, and I yield back the balance of my time.

Mr. MCHENRY. Madam Speaker, I rise in support of S. 1605, the National Defense Authorization Act (NDAA) for fiscal year 2022.

Debt Bondage is a terrible crime, and many victims find themselves trapped in a perpetual cycle of forced labor and coerced debt because of it. Helping these survivors regain their livelihood is a nonpartisan issue.

Earlier this year, the Financial Services Committee held a hearing on the financing of human trafficking. We heard from powerful witnesses, including Reverend Doctor Marian Hatcher, who is a trafficking survivor. It was her story, which inspired my original bill H.R. 2332, the Debt Bondage Repair Act.

Dr. Hatcher, like too many in this country, fell victim to human traffickers. Thankfully, she was able to escape a terrible situation and restore her life. However, she struggled to reestablish herself because of her credit score, which was negatively affected by loans she was forced to obtain her traffickers.

Madam Speaker, this is how these criminals trap an individual into a cycle of victimization. Traffickers will take out loans, open businesses, and destroy their victim's credit, which forces them to remain a victim until they pay off the debt. Too often, these victims are never able to get out.

Section 6102 in the final text has the potential to help thousands of victims every year by ensuring that a consumer reporting agency may not furnish a credit report with adverse information from a severe form of trafficking. While this does not erase the terrible crimes committed against them, it will help survivors to regain their financial freedom and begin to rebuild their lives.

I will conclude by thanking Chairwoman WATERS for passing my bill H.R. 2332 on suspension earlier this Congress, and for including my provision in the House NDAA base text. Additionally, I would like to thank the numerous trafficking advocacy groups and the Consumer Data Industry Association for their work on H.R. 2332.

I urge my colleagues to support the conference agreement.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 838, the previous question is ordered on the bill, as amended.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Washington. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

DR. LORNA BREEN HEALTH CARE PROVIDER PROTECTION ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on passage of the bill (S. 610) to address behavioral health and well-being among health care professionals, 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 passage of the bill.

The vote was taken by electronic device, and there were—yeas 222, nays 212, not voting 0, as follows:

[Roll No. 404]

YEAS—222

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kinzinger
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Pelosi
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—212

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Fortenberry
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Hagedorn
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Nunes
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reed
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Walorski
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Young
Zeldin

□ 2132

Mr. GOOD of Virginia changed his vote from ''yea'' to ''nay.''

Mr. BLUMENAUER, Mrs. WATSON COLEMAN, and Ms. CLARKE of New York changed their vote from ''nay'' to yea.''

So 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 8, 117TH CONGRESS

Baird (Walorski)
Bass (Brownley)
Crist (Wasserman Schultz)
DeFazio (Brown (MD))
Demings (Soto)
Fulcher (Johnson (OH))
Green (TX) (Escobar)
Grijalva (Stanton)
Hagedorn (Carl)
Hartzler (Lamborn)
Kahele (Jacobs (CA))
Kind (Connolly)
Lawrence (Stevens)
Lawson (FL) (Evans)
Lesko (Miller (WV))
Meng (Kuster)
Moore (UT) (Carl)
Payne (Pallone)
Posey (Cammack)
Rice (NY) (Murphy (FL))
Rush (Quigley)
Sires (Pallone)
Torres (CA) (Correa)
Trone (Beyer)
Underwood (Casten)
Vargas (Correa)
Wilson (FL) (Hayes)

NATIONAL PULSE MEMORIAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on passage of the bill (S. 1605) to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, 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 passage of the bill.

The vote was taken by electronic device, and there were—yeas 363, nays 70, not voting 0, as follows:

[Roll No. 405]

YEAS—363

Adams
Aderholt
Aguilar
Allen
Allred
Amodei
Armstrong
Arrington
Axne
Babin
Bacon
Baird
Balderson
Banks
Barr
Barragán
Bass
Beatty
Bentz
Bera
Bergman
Beyer
Bice (OK)
Bilirakis
Bishop (GA)
Blunt Rochester
Boebert
Bost
Bourdeaux
Boyle, Brendan F.
Brady
Brooks
Brown (OH)
Brownley
Buchanan
Bucshon
Budd
Burchett
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Carter (LA)
Carter (TX)
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Casten
Castor (FL)
Castro (TX)
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Cicilline
Cleaver
Cloud
Clyburn
Clyde
Cole
Comer
Cooper
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Courtney
Craig
Crawford
Crenshaw
Crist
Crow
Cuellar
Curtis
Davids (KS)
Davidson
Davis, Rodney
Dean
DeLauro
DelBene
Delgado
Demings
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Donalds
Duncan
Dunn
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Emmer
Escobar
Eshoo
Espaillat
Estes
Evans
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Fletcher
Fortenberry
Foster
Foxx
Frankel, Lois
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Gallego
Garamendi
Garbarino
Garcia (CA)
Garcia (TX)
Gibbs
Gimenez
Golden
Gonzales, Tony
Gonzalez (OH)
Gonzalez, Vicente
Gooden (TX)
Gottheimer
Granger
Graves (LA)
Graves (MO)
Green (TN)
Grijalva
Grothman
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Guthrie
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Harder (CA)
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Herrera Beutler
Higgins (LA)
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Hoyer
Hudson
Huizenga
Issa
Jackson
Jackson Lee
Jacobs (NY)
Jeffries
Johnson (LA)
Johnson (OH)
Johnson (SD)
Johnson (TX)
Jordan
Joyce (OH)
Joyce (PA)
Kahele
Kaptur
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Kim (CA)
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Kirkpatrick
Krishnamoorthi
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Mace
Malliotakis
Maloney, Sean
Mann
Manning
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Matsui
McBath
McCarthy
McCaul
McClain
McClintock
McCollum
McEachin
McHenry
McKinley
McNerney
Meeks
Meijer
Meuser
Mfume
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Morelle
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Newhouse
Newman
Norcross
Nunes
O'Halleran
Obernolte
Owens
Palazzo
Palmer
Panetta
Pappas
Pascrell
Pence
Perlmutter
Perry
Peters
Pfluger
Phillips
Pingree
Price (NC)
Quigley
Reed
Reschenthaler
Rice (NY)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Ross
Rouzer
Roybal-Allard
Ruiz
Ruppersberger
Rush
Rutherford
Ryan
Salazar
Sánchez
Sarbanes
Scalise
Scanlon
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, Austin
Scott, David
Sessions
Sewell
Sherman
Sherrill
Simpson
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Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
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Strickland
Suozzi
Swalwell
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiffany
Timmons
Titus
Tonko
Torres (CA)
Trahan
Trone
Turner
Underwood
Upton
Valadao
Van Drew
Van Duyne
Vargas
Veasey
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Wasserman Schultz
Waters
Weber (TX)
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Wilson (FL)
Wilson (SC)
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Zeldin

NAYS—70

Auchincloss
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Brown (MD)
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Davis, Danny K.
DeFazio
DeGette
Doggett
Doyle, Michael F.
García (IL)
Gohmert
Gomez
Good (VA)
Gosar
Green, Al (TX)
Greene (GA)
Griffith
Hice (GA)
Huffman
Jacobs (CA)
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Johnson (GA)
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Lee (CA)
Lesko
Levin (MI)
Lowenthal
Malinowski
Maloney, Carolyn B.
Massie
McGovern
Meng
Miller (IL)
Moore (WI)
Nadler
Neguse
Norman
Ocasio-Cortez
Omar
Pallone
Payne
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Porter
Posey
Pressley
Raskin
Rice (SC)
Rosendale
Roy
Schakowsky
Schweikert
Takano
Tlaib
Torres (NY)
Velázquez
Watson Coleman
Welch
Williams (GA)

□ 2151

Mr. GOHMERT changed his vote from ''yea'' to ''nay.''

So 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 8, 117TH CONGRESS

Baird (Walorski)
Bass (Brownley)
Crist (Wasserman Schultz)
DeFazio (Brown (MD))
Demings (Soto)
Fulcher (Johnson (OH))
Green (TX) (Escobar)
Grijalva (Stanton)
Hagedorn (Carl)
Kahele (Jacobs (CA))
Kind (Connolly)
Lawrence (Stevens)
Lawson (FL) (Evans)
Lesko (Miller (WV))
Meng (Kuster)
Moore (UT) (Carl)
Payne (Pallone)
Posey (Cammack)
Rice (NY) (Murphy (FL))
Rush (Quigley)
Sires (Pallone)
Torres (CA) (Correa)
Trone (Beyer)
Underwood (Casten)
Vargas (Correa)
Wilson (FL) (Hayes)

DIRECTING THE SECRETARY OF THE SENATE TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL S. 1605

Mr. SMITH of Washington. Madam Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Ms. DAVIDS of Kansas). Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 64

Resolved by the House of Representatives (the Senate concurring), that in the enrollment of the bill S. 1605, the Secretary of the Senate shall make the following correction: Amend the long title so as to read: ''An Act to authorize appropriations for fiscal year 2022 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.''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE PROFOUND SORROW OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE ROBERT JOSEPH DOLE

Mr. ESTES. Madam Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 839

Resolved, That the House has heard with profound sorrow of the death of the Honorable Robert Joseph Dole, a Senator from the State of Kansas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ENROLLED BILL SIGNED

Cheryl L. Johnson, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker on Friday, December 3, 3021:

H.R. 6119. An Act making further continuing appropriations for the fiscal year ending September 30, 2022, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 11(b) of House Resolution 188, the House stands adjourned until 10 a.m. tomorrow as a further mark of respect to the memory of the late Honorable Robert Joseph Dole.

Thereupon (at 9 o'clock and 57 minutes p.m.), under its previous order and pursuant to H. Res. 839, the House adjourned until tomorrow, Wednesday, December 8, 2021, at 10 a.m., as a further mark of respect to the memory of the late Honorable Robert Joseph Dole.

AMENDED NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

U.S. CONGRESS,
OFFICE OF CONGRESSIONAL
WORKPLACE RIGHTS,
Washington, DC, December 7, 2021.

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

DEAR MADAM SPEAKER: Section 304(b)(3) of the Congressional Accountability Act (CAA), 2 U.S.C. §1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors of the Office of Congressional Workplace Rights (Board) has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), ''the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations 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 on which both Houses are in session following such transmittal.''

The Board has adopted the regulations in the Amended Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval which accompany this transmittal letter. The Board requests that the accompanying Amended Notice be published in the House version of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal. The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

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 2nd Street, S.E., Washington, DC 20540; 202–724–9250.

Sincerely,

BARBARA CHILDS WALLACE,
Chair of the Board of Directors,
Office of Congressional Workplace Rights

Attachment.

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

AMENDED NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

Modifications to the rights and protections under the Family and Medical Leave Act of 1993 (FMLA), Amended Notice of Adoption of Regulations, as required by 2 U.S.C. 1384, Congressional Accountability Act of 1995, as amended (CAA).

Background:

Section 304(b)(3) of the Congressional Accountability Act (CAA), 2 U.S.C. §1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors of the Office of Congressional Workplace Rights (Board) has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), ''the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations 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 on which both Houses are in session following such transmittal.''

Section 202 of the CAA (2 U.S.C. 1302 et seq.), applies the rights and protections of sections 101 through 105 of the FMLA to covered employees in the legislative branch. On June 22, 2016, the Board adopted and submitted for publication in the *Congressional Record* amendments to its substantive regulations regarding the FMLA. 162 Cong. Rec. H4128–H4168, S4475–S4516 (daily ed. June 22, 2016). As set forth in the Board's accompanying *Notice of Adoption of Regulations and Transmittal for Congressional Approval*, the 2016 amendments provide needed clarity on certain aspects of the FMLA. Congress has not yet acted on the Board's request for approval of these amendments.

The purpose of this *Amended Notice of Adoption of Regulations and Transmittal for Congressional Approval* is to announce adoption of additional modifications to the existing legislative branch FMLA substantive regulations. Specifically, 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 additional 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 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 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 Board formally issued the FMLA regulations on April 19, 1996.

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 John C. Stennis Center for Public Service Training and Development; (12) the China Review Commission; (13) the Congressional Executive China Commission; (14) the Helsinki Commission; or (14) the United States Commission on International Religious Freedom. *See* 2 U.S.C. 1301(a).

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 during the leave year 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 is 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?

In addition to providing for PPL, effective December 20, 2019, FEPLA also 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 additional 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 further modification of its substantive FMLA regulations in order to effectively implement FEPLA's rights and protections to Federal 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 adopted substantive regulations?

The Board follows the procedures as enumerated above and as required by statute. This Amended Notice of Adopted Rulemaking is step (3) of the outline set forth above. The Board has reviewed and responded to the comments received under step (2) of the outline above, and it has made changes where necessary to ensure that the adopted regulations fully implement section 202 of the CAA, and reflect the practices and policies particular to the legislative branch. (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 did not seek additional comments on those adopted amendments.)

Are there substantive differences in the adopted 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 adopted, there will be one text applicable to all employing offices and covered employees. See 2 U.S.C. 1331(e)(2).

Are these adopted 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 adopted 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 adopted 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).

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 adopted 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 Amended Notice of Adoption of Regulations, the Board proposes that virtually identical regulations be adopted for the Senate, the House of Representatives, and certain congressional instrumentalities. Accordingly:

(1) *Senate.* The amended regulations adopted in this Notice shall apply to entities within the Senate, as recommended by the

OCWR's Deputy Executive Director for the Senate.

(2) *House of Representatives.* The amended regulations adopted in this Notice shall apply to entities within the House of Representatives, as recommended by the OCWR's Deputy Executive Director for the House of Representatives.

(3) *Certain congressional instrumentalities.* The amended regulations adopted in this Notice 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; the Helsinki Commission; and the United States Commission on International Religious Freedom; as recommended by the OCWR's Executive Director.

Section-by-Section Discussion of Adopted Changes to the FMLA Regulations

As noted above, Congress has not yet acted on the Board's request for approval of its amendments to its substantive FMLA regulations that the Board adopted on June 22, 2016. The section-by-section discussion of those amendments appears at 162 Cong. Rec. H4128–H4168, S4475–S4516 (daily ed. June 22, 2016).

The following is a section-by-section discussion of the additional adopted amendments related to FEPLA. The Board's adopted amendments to its substantive FMLA regulations provide more detail regarding the implementation of the statutory provisions summarized above. In order to implement FEPLA, the Board amends subparts A–C of part 825 of its substantive regulations (Family and Medical Leave) 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. The Board also amends subpart D 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. (Although the Board had also proposed to amend part 825 to add a new subpart E, for the reasons discussed below, the Board has determined not to do so.) Below we provide a section-by-section explanation of the adopted changes in subparts A–D.

Where a change has been made to a regulatory section, that section is discussed below. However, as the DOL has significantly reorganized its FMLA regulations, which the Board's adopted regulations mirror, many of the sections are moved into other areas of the subpart. The Board as a result will use the adopted section and numbers to provide explanation and analysis of changes. In addition, even if a section is not discussed, there may be minor editorial changes or corrections that do not warrant discussion, such as the substitution of the Office's current name, the ''Office of Congressional Workplace Rights'' for its former name, the ''Office of Compliance.''

Note: The use of the terms ''Type A,'' ''Type B,'' ''Type C,'' etc., in this Notice corresponds to the subsections of the FMLA provision describing these types of FMLA leave. Thus, ''Type A'' FMLA leave refers to leave ''[b]ecause of the birth of a son or daughter of the employee and in order to care for such son or daughter.'' *See* 29 U.S.C. 2612(a)(1)(A). ''Type B'' FMLA leave refers to leave ''[b]ecause of the placement of a son or daughter with the employee for adoption or foster care.'' *See* 29 U.S.C. 2612(a)(1)(B). ''Type C'' FMLA leave refers to leave ''[i]n order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.'' *See* 29 U.S.C. 2612(a)(1)(C). ''Type D'' FMLA leave refers to leave ''[b]ecause of a serious health condition that makes the employee unable to perform the functions of the position of such employee.'' *See* 29 U.S.C. 2612(a)(1)(D). ''Type E'' FMLA leave refers to leave ''[b]ecause of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.'' *See* 29 U.S.C. 2612(a)(1)(E).

Some commenters suggested that the Board modify the regulations to resolve potential ambiguities in the DOL regulation. However, the Board has long held that it will not opine on interpretive ambiguities in the regulations outside of the adjudicatory context of individual cases. The Board's rulemaking authority under the CAA is restricted to circumstances where there is ''good cause'' to depart from the Secretary of Labor's substantive regulations. Further, the Board's adjudicatory function would be undermined if it prejudged ambiguous or disputed interpretive matters. Therefore, the Board does not find ''good cause'' to modify a regulation where the request is based on an ostensible need for clarification.

Section-by-Section Discussion and Board Consideration of Comments

Part 825—Family and Medical Leave

825.1 Purpose and Scope.

The Board finds good cause to amend 825.1 to add 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 employees in the legislative branch. The paragraphs in 825.1 that follow paragraph (c) have been redesignated as paragraphs (d) and (e).

One commenter expressed concerns that the term ''Federal *civilian* employees in the legislative branch'' in proposed paragraph (c) could be read to improperly exclude sworn employees (or police officers) from the scope of the new regulations. The new paragraph (c) omits this term, and instead uses the terms ''Federal employees in the legislative branch'' and ''covered employees.''

Subpart A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT

825.100 The Family and Medical Leave Act.

The Board finds good cause 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 825.208(k), which provides that paid parental leave applies to covered employees in the legislative branch without regard to such limitations.

One commenter suggested amending paragraph (d) of 825.100 to apprise employees that FMLA leave may be denied, and the employee designated as Absent Without Leave, for failing to comply with the notification requirements outlined in 825.301(b). The Board finds that 825.100(d) is consistent with the DOL's regulation, and that good cause has not been shown to modify the DOL's regulation.

825.102 Definitions.

The Board finds good cause to amend 825.102 to add the following definition of *Birth: ''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.''*

One commenter suggested that the definition of *Birth* in 825.102 should be revised to ensure that employees who intend to deliver a live child and through complications in the birthing process have a birth that results in a deceased child receive the same entitlements during the physical recovery process from the birth as those employees whose birthing process results in the birth of a living child. The Board declines to make the suggested change, as its proposed definition encompasses the circumstances that the commenter describes.

One commenter stated that the proposed definition of *Birth* should be stricken from the regulation in its entirety on the ground that good cause does not exist for modifying the applicable DOL regulation at 29 CFR 825.120(a)(1) or (2) by adding a definition of *Birth* which the commenter believed to be in conflict with the existing FMLA regulations. It states that nothing in the FEPLA nor anything unique to the congressional workplace justifies varying from or adding a definition that conflicts with that regulation.

The Board disagrees. First, as stated above, the Secretary's regulations do not define the term *Birth*. Thus, the Board's definition of *Birth* presents no conflict with the Secretary's regulations. Second, the paid leave benefit under FEPLA for Type A leave provides good cause for adding such a definition. That is, the definition provides the specificity necessary in the Board's regulations to implement the new paid leave provisions of FEPLA in the legislative branch in connection with births and placements. By contrast, the paid leave benefit under FEPLA does not apply to employers and employees covered by the Secretary's FMLA title I regulations. Thus, there is no apparent need for clear distinctions between leave for births, placements, serious health conditions, or other qualifying exigencies in the applicable DOL regulations at 29 CFR 825.120 and 29 CFR 825.121, because the benefit, *i.e.*, 12 weeks of unpaid leave, is the same for any of these reasons.

The commenter also suggests striking the second sentence of the Board's definition of *Birth* on the ground that FEPLA does not permit substitution of paid leave for anticipated births. For the reasons set forth below concerning proposed 825.208, we disagree.

The Board finds good cause to amend the definition of *Covered Employee* in 825.102. 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; the Helsinki Commission, and the United States Commission on International Religious Freedom.

The Board finds good cause to amend the definition of *Eligible Employee* in 825.102. 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.

A commenter recommended that the *Employee of the House of Representatives* definition in 825.102 should be revised to conform with language updates made through amendments and reforms to the CAA. The 2018 CAA Reform Act changed the language in the definition of House employees to reference pay that is disbursed by the Office of the Chief Administrative Officer, rather than the Office of the Clerk. Similarly, although the term ''clerk-hire allowance'' was used in original CAA text in the 1990's, the appropriate reference is now the ''Members' Representational Allowance.'' The Board finds good cause to make the suggested changes.

The Board finds good cause to amend the definition of *Employing Office* in 825.102. The amended definition of *Employing Office* includes any employee of the Library of Congress; the Stennis Center for Public Service; the China Review Commission; the Congressional Executive China Commission; the Helsinki Commission, and the United States Commission on International Religious Freedom.

The Board finds good cause to amend the definition of *Family and Medical Leave* in 825.102. The revised definition includes new language addressing leave to care for covered servicemembers. One commenter suggested further revising the definition to clarify that it means an employee's entitlement of ''up to'' 12 workweeks (or 26 workweeks in the case of leave under 825.127) of unpaid leave. The Board agrees and has made the suggested change.

A commenter suggested that the definition of *Intermittent Leave* in 825.102 should be revised to include paid leave that is now available under the FMLA FEPLA provisions for reasons of birth or placement of a child for foster care or adoption. The Board finds good cause to make the suggested revision.

The Board had proposed to amend 825.102 to add a new definition of *Placement* that clarified that it refers to a *new* placement. Two commenters stated that the proposed definition was inconsistent with the DOL's regulations at 29 CFR 825.121, which does not limit placements to ''new'' placements. The Board has determined that no good cause has been shown to modify the DOL regulation, and the Board will not include a new definition of *Placement* in its adopted regulations.

One commenter suggested that the definitions of *Son or Daughter*, *Son or Daughter of a Covered Servicemember*, and *Son or Daughter on Covered Active Duty or Call to Covered Active Duty Status* in 825.102 (and 825.126(a)(5)) should be defined to account for circumstances where a child is gender neutral or gender undetermined. The commenter suggests adding a provision to clarify that these definitions include a covered servicemember's biological, adopted, foster child, stepchild, legal ward, and child(ren) for whom the covered servicemember stood in loco parentis, who are of any age, and who identify as transgender, gender neutral, gender non-conforming, or non-binary. The Board has determined that no good cause has been shown to modify the DOL regulation. It notes, however, that both DOL and the Board interpret these terms to include any child.

825.104 Covered employing offices.

The Board finds good cause 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; the Helsinki Commission; and the United States Commission on International Religious Freedom.

825.110 Eligible employee, general rule.

825.111 Eligible employee, birth or placement.

The Board finds good cause 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. One commenter suggested deleting the cross-references in 825.111 to subparagraphs (a)(1) or (a)(2) of 825.112. The Board agrees and has revised 825.111 accordingly. The Board has determined not to further revise 825.111 to delete the citation: ''*See also* 825.120–21.''

825.112 Qualifying reasons for leave, general rule.

The Board finds good cause 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.

One commenter stated that the citation in subparagraph (a)(1) of 825.112 should be changed to 825.120(a)(1)–(6) in order to exclude citation to the Board's proposed subparagraph (a)(7) of 825.120. As stated below, the Board has determined not to include the proposed subparagraph (a)(7) of 825.120. Therefore, the Board declines to make this revision.

825.120 Leave for pregnancy or birth.

The Board finds good cause 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 also finds good cause 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.

One commenter noted that subparagraph (a)(3) indicates that spouses who are employed by the same employing office ''*may* be limited to a combined total of 12 weeks of leave,'' which seemingly grants employing offices the discretion to determine whether spouses are entitled to 12 weeks of individual or combined FEPLA leave for births or placements. The commenter states that the final rule should plainly indicate whether this is the intent of the provision or identify the instances when spouses would otherwise be limited to a combined 12 weeks of FEPLA leave. The Board has determined that no good cause has been shown to modify the DOL regulation, which uses the term ''may.'' *See* 29 CFR 825.120(a)(3).

The Board had proposed to add a new subparagraph (a)(7) to 825.120, to state 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. Several commenters stated that the new subparagraph (7) should not be included in the final rule, on the ground that no good cause exists for modifying the relevant DOL regulations to add this subparagraph. The Board has determined not to address this issue in the regulations and therefore will not include the proposed subparagraph (a)(7) in 825.120.

825.121 Leave for adoption or foster care.

The Board finds good cause 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.

One commenter stated that the Board should amend subparagraph (a)(3) of 825.121, which concerns spouses who are eligible for FMLA leave and are employed by the same covered employing office, to clarify whether employing offices have discretion to grant the entire 12-week entitlement to both employee spouses; and to identify the circumstances when FEPLA leave must be separated or combined for those eligible employees. The Board's regulation is based on the DOL's regulation, and the Board finds no good cause to further modify that regulation.

One commenter stated that the first sentence of paragraph (b) of 825.121 should be amended to substitute ''the employee's'' for ''the,'' so that the sentence would read: ''An eligible employee may use intermittent or reduced schedule leave after the placement of the employee's healthy child for adoption or foster care only if the employing office agrees.'' The Board has determined that no good cause has been shown to modify the DOL regulation.

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.

One commenter stated that the Board omitted from the proposed rule the following language from 825.208(f) of its existing FMLA regulation: ''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.'' The commenter states that this language should be included as part of 825.200. For the reasons set forth in the Board's June 22, 2016 Notice of Adopted Rulemaking, this language was relocated to paragraph (e) of 825.110. The Board agrees with the commenter, however, that because this language concerns the amount of FMLA leave available to an employee, it is more appropriately be included in 825.200. Accordingly, the Board has relocated this language to paragraph (j) of 825.200.

825.207 Substitution of paid leave, generally.

825.208 Substitution of paid leave—special rule for paid parental leave.

The Board finds good cause 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. Although the proposed 825.208 provided that paid parental leave may be substituted for unpaid FMLA leave based on a birth or placement event as provided in a new proposed subpart E, the Board has determined not to include a subpart E. Rather, as discussed below, relevant provisions of proposed subpart E have been relocated to 825.208, and the paragraphs of 825.208 have been redesignated accordingly.

Paragraph (a) of 825.208 (previously proposed as subparagraph 825.500(b)(3) of subpart E), clarifies that the PPL provisions of the FMLA apply to births or placements occurring on or after October 1, 2020.

Paragraph (b) of 825.208 (previously proposed as paragraph (a) of 825.208) addresses the purpose of the new 825.208. Paragraph (c) of 825.208 (previously proposed as paragraph (b) of 825.208) addresses the possibility of substituting PPL or paid annual, vacation, personal, family, medical, or sick leave for unpaid FMLA leave in connection with a birth or placement.

One commenter suggests that 825.208(b)(1) should be revised to add ''or'' to account for alternative circumstances, such as when the birth of a child does not result in the care of a newborn child. The Board has determined that the suggested change is unnecessary.

One commenter states that because paragraphs (b) and (c) of 825.208 cross-reference the entire section 825.120 (''Leave for pregnancy or birth''), those paragraphs impermissibly expand the entitlement to PPL and the right to demand to substitute paid leave for unpaid leave beyond what Congress provided in the FEPLA. Specifically, the commenter contends that only birth-related events described in subparagraphs (a)(1) and (2) of section 825.120 (covering birth and bonding time) constitute Type A FMLA leave, but that other birth-related events described in 825.120, such as prenatal care and incapacity due to pregnancy, can only constitute Type C or D leave. By referencing 825.120 in its entirety, the commenter concludes, the substitution provisions of 825.208(b) and (c) would impermissibly expand FEPLA to allow substitution for birth-related Type C or D leave. The commenter recommends that paragraphs (b) and (c) should cross-reference 29 U.S.C. 2612(1)(A) or (B) rather than cross-referencing 825.120.

The Board disagrees. First, it is well-established that circumstances may qualify for FMLA leave under more than one FMLA leave type, such as when an employee or the employee's child has a serious health condition requiring continuing medical treatment after the birth of the child. Therefore, the fact that leave for prenatal care and incapacity due to pregnancy could constitute Type C or D leave does not bar an employee from substituting paid leave under FEPLA on the ground that it is also in connection with Type A leave. 2 USC 1312(d)(2).

Second, acceptance of the commenter's position would lead to the incongruous result that paid leave in connection with the placement of a child for adoption or foster care may be substituted for unpaid FMLA leave taken prior to the actual placement, but paid leave in connection with the birth of a child may not be substituted for unpaid FMLA leave taken prior to the actual birth. As stated above, the CAA, as amended by the FEPLA, provides that ''[a] covered employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of section 102(a)(1) of the [FMLA] any paid leave which is available to such employee for that purpose.'' Subparagraph (A) concerns leave without pay ''[b]ecause of the birth of a son or daughter of the employee and in order to care for such son or daughter;'' and subparagraph (B) concerns leave without pay ''[b]ecause of the placement of a son or daughter with the employee for adoption or foster care.'' 2 USC 1312(d). Regarding placements, the Secretary's regulations at 29 CFR 825.121, which the Board has adopted, expressly provide that ''[e]mployees 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,'' such as ''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.'' 29 CFR 825.121(a)(1) (emphasis added). Such leave before the placement could *only* constitute leave ''[b]ecause of the placement'' covered by subparagraph (B) of FMLA section 102(a)(1), *i.e.*, it could not constitute unpaid leave because of a birth, serious health condition, or other qualifying exigency under FMLA sections (A), (C), (D) or (E).

Under FEPLA, ''[a] covered employee may elect to substitute for any leave without pay under subparagraph . . . (B) . . . any paid leave which is available to such employee for that purpose.'' The paid leave that is available to a covered employee for that purpose is up to 12 weeks ''of paid parental leave *in connection with* the . . . placement involved,'' and ''[a]ny additional paid annual, vacation, personal, family, medical, or sick leave provided by the employing office to such employee.'' 2 USC 1312(d)(2) (emphasis added). Accordingly, under FEPLA, covered employees may elect to substitute paid leave for any FMLA leave without pay taken before the actual placement of a child for adoption or foster care if an absence from work is required for the placement to proceed.

Similarly, regarding births, the Secretary's regulations at 29 CFR 825.120 provide that unpaid FMLA leave because of the birth of a child may be used prior to the actual birth. Congress could not have intended that an employee may substitute paid leave under FEPLA for a physical examination in connection with an anticipated placement but not in connection with an anticipated birth. Under FEPLA, ''[a] covered employee may elect to substitute for any leave without pay under subparagraph . . . (A) . . . any paid leave which is available to such employee for that purpose.'' As with placements, the paid leave that is available to a covered employee for that purpose is up to 12 weeks ''of paid parental leave *in connection with* the . . . birth involved,'' and ''[a]ny additional paid annual, vacation, personal, family, medical, or sick leave provided by the employing office to such employee.'' 2 USC 1312(d)(2) (emphasis added). Accordingly, the Board's regulations provide that under FEPLA, covered employees may elect to substitute paid leave for any FMLA leave without pay taken before, and in connection with, the birth of a child.

The Board stresses that the Board's regulations do not impermissibly expand or increase the 12 weeks of PPL granted to covered employees under FEPLA; rather, they merely define the circumstances upon which those 12 weeks of PPL benefits may be used. Therefore, if a covered employee substitutes PPL leave in connection with, but prior to the actual birth or placement, less (or no) PPL leave may be available for the employee to substitute after the birth or placement occurs.

One commenter noted that subparagraph (c)(2) refers to ''annual, vacation, personal, family, medical, or sick leave,'' but in subparagraph (e)(4) there is a reference to ''annual leave or sick leave.'' The commenter recommends making this language consistent throughout the regulations. The Board agrees, and has determined that it would be most consistent with the purposes and provisions of FEPLA to use the term ''annual, vacation, personal, family, medical, or sick leave.''

Paragraph (d) of 825.208 (previously proposed as subparagraph 825.502(b)(2) of subpart E), concerns covered employees' FEPLA leave entitlement. Several commenters suggested that paragraph (d) be revised to further clarify the availability of PPL in cases where there are multiple uses of FMLA leave during a 12-month period. Given the fact-specific nature of such situations, the Board has revised paragraph (d) to set forth the following general principle, to be applied to resolve particular cases as they arise: ''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 within a single 12-month period. The specific amount of paid parental leave available will depend on when the employee uses various types of unpaid FMLA leave relative to any 12-month period established under 825.200(b).''

Paragraph (e) of 825.208 (previously proposed as 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 (e)(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.

One commenter expressed concern that subparagraph (e)(4) of section 825.208 could be misinterpreted to have a meaning that conflicts with sections 825.300 and 825.301 and is inconsistent with a DOL interpretation letter from 2019, which states, ''Once an eligible employee communicates a need to take leave for an FMLA-qualifying reason, neither the employee nor the employer may decline FMLA protection for that leave.'' The commenter notes that sections 825.300 and 825.301 require employing offices to identify and designate as FMLA leave any employee request for leave that qualifies for FMLA protection, even if the employee does not explicitly ''invoke'' the FMLA. For example, if an employee were to request to use sick leave immediately following childbirth, ''without invoking family and medical leave,'' subparagraph (e)(4) would permit the employing office to grant or deny the sick leave request and not designate the leave as Type A or D FMLA leave as required by sections 825.300 and 825.301—even though the employing office has sufficient information to know that the employee is requesting leave that qualifies for both Types of FMLA leave. Accordingly, the commenter states that subparagraph (e)(4) of section 825.208 must be revised

to remove the conflict with sections 825.300 and 825.301. The Board agrees and has modified subparagraph (e)(4) accordingly.

Paragraph (f) of 825.208 (previously proposed as 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 (f)(2) through (f)(3) set forth limited exceptions. Paragraph (f)(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.

Several commenters expressed concern that the retroactive designations described in subparagraphs (f)(2)–(4) could conflict with the statute governing the compensation and adjustment of compensation of certain congressional employees. We understand the concern but disagree with one commenter's conclusion that these subparagraphs must therefore be stricken. Rather, we have revised the general rule at subparagraph (f)(1) to provide that retroactive substitution under subparagraphs (f)(2)–(4) is permissible, provided such retroactive substitution does not violate any applicable law or regulation.

Paragraph (g) of 825.208 (previously proposed as paragraph 825.503 of subpart E) concerns pay during leave. It 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.

One commenter recommended that paragraph (g) should not include the second subparagraph of the proposed rule, which concerned premium pay provisions that are inapplicable to congressional employees. The Board agrees and has made the suggested deletion.

Paragraph (h) of 825.208 (previously proposed as subparagraph 825.502(d) of subpart E) concerns treatment of unused leave. It 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.

One commenter suggested that paragraph (h) should be revised to clarify that the forfeiture of unused paid parental leave does not impact an employee's ability to use unpaid FMLA leave for other qualifying reasons, to the extent that the employee is eligible for such leave in accordance with 825.110, 825.112, and 825.200. The Board agrees and has made the recommended clarification.

Paragraph (i) of 825.208 (previously proposed as subparagraph 825.500(c) of subpart E) clarifies that an employing office is responsible for the proper administration of 825.208, including the responsibility of informing employees of their entitlements and obligations. The proposed rule provided that ''[t]he head of'' an employing office was responsible. The Board agrees with two commenters who suggested omitting this phrase on the ground that leave and compensation responsibilities are typically delegated by the head of an employing office to a designee. The final rule has been so revised.

Paragraph (j) of 825.208 (previously proposed as subparagraph 825.500(b)(2) of subpart E) 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.

Paragraph (k) of 825.208 (previously proposed as subparagraph 825.504(a) of subpart E) addresses the applicability of certain FEPLA provisions concerning the obligation to return to work. Subparagraph (k)(1) of 825.208 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. Subparagraph (k)(2) (previously proposed as subparagraph 825.504(b) of subpart E) 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.

One commenter suggested omitting subparagraph (k)(1) on the ground that the statutory limitations referred to in this subparagraph only apply to executive branch employees and are not included in the FEPLA provisions that apply to congressional employees. The Board declines to adopt commenter's suggestion, as the final regulation concerns the FEPLA amendment to the CAA at 2 USC 1312(d)(4)(C).

Paragraph (l) of 825.208 (previously proposed as paragraph 825.505 of subpart E) 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. Subparagraph (1) 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.

We disagree with one commenter's suggestion that this provision should be deleted. However, as with paragraph (f), the Board has revised subparagraph (l)(1) to provide that retroactive substitution under subparagraphs (f)(2)–(4) is permissible provided such retroactive substitution does not violate any applicable law or regulation.

Subparagraph (2) of 825.208(l) 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.

One commenter suggests that subparagraph (l)(2) should be revised to substitute ''learns''' for ''determines.'' The Board agrees and has made the suggested modification. Further, the commenter suggests that subparagraph (l)(2) should be revised to include an option for the employee to rebut the presumption that paid parental leave was desired during the period of incapacitation. For example, the employee might elect to use another form of leave in order to preserve the period of paid parental leave for a later time during the 12-month period. The Board agrees and has revised subparagraph (l)(2) accordingly. The additional language that allows an employee to rebut the presumption of a PPL request upon his/her return to duty mirrors language in subparagraph (l)(1).

Paragraph (m) of 825.208 (previously proposed as paragraph 825.506 of subpart E) 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. Subparagraph (1) 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. Subparagraph (2) of 825.208(m) 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, the provisions of 825.208 shall be independently administered for each birth or placement event.

The Board has opted not to include examples in 825.208; rather, as stated above, the Board will not opine on interpretive ambiguities in the regulations outside of the adjudicatory context of individual cases. Further, the Board's adjudicatory function would be undermined if it prejudged ambiguous or disputed interpretive matters in its substantive regulations.

825.213 Employing office recovery of benefit costs.

The Board finds good cause 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 finds good cause 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 finds good cause 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.

One commenter stated that paragraph (e) of section 825.300 has no basis in applicable law and should be stricken. As the Board stated in 2016 in response to a similar comment: The CAA incorporates the ''rights and protections established by section 101 through 105'' of the FMLA and incorporates remedies ''as would be appropriate if awarded under'' section 107(a)(1) of the FMLA. See 2 U.S.C. 1312(a)(1), (b). The Board agrees that Section 109 of the FMLA is not incorporated in the CAA, and that no legal authority exists for a regulation that incorporates requirements and penalties based on section 109 of the FMLA. However, the Board does not agree with the commenter's assertion that the remedies for section 825.300(e) derive

from Section 109 of the FMLA, and finds that no good cause has been shown to modify the DOL regulation.

825.301 Designation of FMLA leave.

One commenter suggested that 825.301, which concerns designation of FMLA leave, should explain that once an employing office properly designates the absence as FMLA leave, the employee cannot overturn the designation. The Board does not find good cause to amend 825.301.

SUBPART D—ADMINISTRATIVE PROCESS

825.400 Administrative process, general rules.

The Board has amended 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 had proposed to amend part 825 of its substantive FMLA regulations to add a new subpart E. In its final adopted rule, the Board has determined not to add a new subpart E. Rather, the provisions of proposed subpart E concerning substitution of paid leave under FEPLA have been consolidated with 825.208, discussed above.

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 finds good cause 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 OF THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS 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.

(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 02020, Public Law 116–92, December 20, 2019) (FEPLA). FEPLA amended the FMLA to allow most 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 covered 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 825.208(k), 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. *See also* 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; (14) the Helsinki Commission; or (15) the United States Commission on International Religious Freedom.

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 825.112 [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 Chief Administrative Officer 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 Members' Representational 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 United States Commission on International Religious Freedom, 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 of up 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, birth, or placement, 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.

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, the United States Commission on International Religious Freedom, 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.

825.111 Eligible employee, birth or placement.

For purposes of leave under subsections (A) or (B) of section 102(a)(1) of the FMLA, 29 USC 2612(a)(1)(A) or (B):

(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. 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.

(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:

(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 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.

(a) *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).

(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.

(3) 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: in connection with the birth of a son or daughter of the employee and in order to care for such son or daughter; in connection with 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.

(j) 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.

825.201 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 (⅕) 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 (½) 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 (⅓) 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 (⅙) 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 applies to births or placements occurring on or after October 1, 2020.

(b) This section provides the basis for determining the periods of unpaid leave for which paid parental leave or accrued paid leave may be substituted in connection with:

(1) The birth of a son or daughter, and to care for the newborn child (*See* 825.120); or

(2) 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);

(c) *Leave connected to birth or placement.* For unpaid leave described in paragraph (b) of this section, an employee may elect to substitute—

(1) Up to 12 workweeks of paid parental leave 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.

(d) *Leave entitlement.* 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 within a single 12-month period. The specific amount of paid parental leave available will depend on when the employee uses various types of unpaid FMLA leave relative to any 12-month period established under 825.200(b).

(e) *Employee entitlement to substitute.* (1) An employee is entitled to substitute paid leave for leave without pay as provided in paragraph (c) of this section.

(2) An employing office may not require that an employee first use all or any portion of the leave described in subparagraph (c)(2) of this section before being allowed to use the leave described in subparagraph (c)(1) of this section.

(3) An employing office may not require an employee to substitute paid leave for leave without pay as described in subparagraph (c)(2) of this section.

(4) An employee may request to use annual, vacation, personal, family, medical, or sick leave for the reasons described in paragraph (b) of this section 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. If the employing office grants the leave request, it must designate whether any leave granted is FMLA leave, in accordance with sections 825.300 and 825.301.

(f) *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 (f)(2) and (f)(3) of this section, and provided such retroactive substitution does not violate any applicable law or regulation.

(2) An employee may retroactively substitute paid leave for leave without pay as permitted in paragraph (c) of this section, 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.

(g) *Pay during leave.* 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.

(h) *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. The forfeiture of any unused balance of paid parental leave does not impact an employee's ability to use unpaid FMLA leave for other qualifying reasons, if eligible pursuant to 825.110, 825.112 and 825.200.

(i) *Employing office responsibilities.* An employing office that has employees covered by this subpart is responsible for the proper administration of 825.208, including the responsibility of informing employees of their entitlements and obligations.

(j) *Library of Congress.* 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.

(k) *Work obligation.* Paid parental leave under this subpart shall apply without regard to:

(1) 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

(2) 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).

(l) *Cases of employee incapacitation.* (1) If an employing office determines that an otherwise eligible employee who could have made an election for a past leave period to substitute paid parental leave (as provided in paragraph (c) of this section) 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 paragraph (c) of this section on a retroactive basis, provided such retroactive substitution does not violate any applicable law or regulation. 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.

(2) If an employing office learns 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. An employee may, within 5 workdays of the employee's return to duty status, request to substitute other leave for the paid parental leave.

(m) *Cases of multiple children born or placed in the same time period.* (1) 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 paragraph (d) of this section.

(2) 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.

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 multiemployer 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 825.208(k), 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 claim, 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(b). 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, 825.208(k)).

(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(b).

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.* Subject to 825.208, 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(b). 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(e).

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).

1825.307 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. 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 that apply to the administrative process 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, as incorporated by the CAA, 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 hearing officer or the Board because the violation was in good faith and the employing office had reasonable grounds for believing the employer had not violated the CAA. When appropriate, the employee may also obtain appropriate equitable relief, such as employment, reinstatement and promotion. When the employing office is found in violation, the employee may recover a reasonable attorney's fee, reasonable expert witness fees, and other costs as would be appropriate if awarded under section 2000e–5(k) of title 42.

(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.

825.401–825.404 [Reserved]

SUBPART E—[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.

SUBPART H—[Reserved]

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

EC–2848. A letter from the Secretary, Department of Health and Human Services, transmitting he Department's Fiscal Year 2018 Report to Congress on Community Services Block Grant Discretionary Activities — Community Economic Development and Rural Community Development Programs; to the Committee on Education and Labor.

EC–2849. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Report to Congress on ''The Thirteenth Review of the Backlog of Postmarketing Requirements and Postmarketing Commitments'', pursuant to 21 U.S.C. 355(k)(5)(B); June 25, 1938, ch. 675, Sec. 505(k)(5)(B) (as added by Public Law 110-85, Sec. 921); (121 Stat. 962); to the Committee on Energy and Commerce.

EC–2850. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters [Docket No.: FAA-2021-0106; Project Identifier AD-2020-00708-R; Amendment 39-21735; AD 2021-19-17] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2851. A letter from the Associate Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; North Carolina: Mecklenburg Ambient Air Quality Standards [EPA-R04-OAR-2020-0707; FRL-9059-02-R4] received November 15, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

EC–2852. A letter from the Associate Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methylorubrum populi Strain NLS0089; Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2020-0481; FRL-8918-01-OCSPP] received November 15, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

EC–2853. A letter from the Associate Director, Regulatory Management Division, Environmental Protection Agency, transmitting

the Agency's final rule — Significant New Use Rules on Certain Chemical Substances (20-10.B) [EPA-HQ-OPPT-2020-0497; FRL-8215-01-OCSPP] (RIN: 2070-AB27) received November 15, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

EC–2854. A letter from the Associate Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Pyriproxyfen; Pesticide Tolerances [EPA-HQ-OPP-2020-0512; FRL-8668-01-OCSPP] received November 15, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

EC–2855. A letter from the Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, telomer with N-(1,1-dimethylethyl)-2-propenamide, sodium 2-methyl-2-[(1-oxo-2-propen-1-yl)amino]-1-propanesulfonate (1:1) and sodium sulfite (1:1), Sodium Salt; Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2021-0192; FRL-8652-01-OCSPP] received November 15, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

EC–2856. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to serious human rights abuse and corruption that was declared in Executive Order 13818 of December 20, 2017, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

EC–2857. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

EC–2858. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Yemen that was declared in Executive Order 13611 of May 16, 2012, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

EC–2859. A letter from the Secretary, Department of Health and Human Services, transmitting a report on ''Strategies to improve patient safety'', pursuant to 42 U.S.C. 299b-22(j)(2); Public Law 109-41, Sec. 2(a); (119 Stat. 431); to the Committee on Energy and Commerce.

EC–2860. A letter from the Director, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation: Consolidation and Substantial Bundling [FAC 2022-01; FAR Case 2019-003; Item II; Docket No.: 2019-0029; Sequence No.: 1] (RIN: 9000-AN86) received November 15, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Reform.

EC–2861. A letter from the Secretary of the Board of Governors, U.S. Postal Service, transmitting an amendment to the Board's report on postal officers and employees who received total compensation in calendar year 2020 in the amount authorized by 39 U.S.C. 3686(c), pursuant to 39 U.S.C. 3686(c); Public Law 109-435, Sec. 506; (120 Stat. 3236); to the Committee on Oversight and Reform.

EC–2862. A letter from the Chief, Branch of Conservation, Permits and Regulation, Divisio of Migratory Bird Management, Department of the Interior, transmitting the Department's Major final rule — Migratory Bird Hunting; 2021-2022 Seasons for Certain Migratory Game Birds [Docket No.: FWS-HQ-MB-2020-0032; FF09M22000-212-FXMB1231099BPP0] (RIN: 1018-BE34) received October 5, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

EC–2863. A letter from the Chief, Branch of Conservation, Permits, and Regulation, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's Major final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2021-22 Season [Docket No.: FWS-HQ-MB-2020-0032; FF09M220002012;2012;FXMB1231099BPP0] (RIN: 1018-BE34) received November 23, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

EC–2864. A letter from the Chief Counsel, Economic Development Administration, Department of Commerce, transmitting the Department's final rule — Permitting Additional Eligible Tribal Entities [Docket No.: 210916-0191] (RIN: 0610-AA82) received November 15, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2865. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment Class D and Class E Airspace; Ardmore, OK [Docket No.: FAA-2021-0674; Airspace Docket No.: 21-ASW-14] (RIN: 2120-AA66) received November 30, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2866. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited) Helicopters [Docket No.: FAA-2021-0575; Project Identifier MCAI-2020-00545-R; Amendment 39-21749; AD 2021-20-11] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2867. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Leonardo S.p.a. Helicopters [Docket No.: FAA-2021-0612; Project Identifier MCAI-2021-00650-R; Amendment 39-21755; AD 2021-20-17] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2868. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Leonardo S.p.a. Helicopters [Docket No.: FAA-2021-0608; Project Identifier 2019-SW-119-AD; Amendment 39-21750; AD 2021-20-12] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2869. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Leonardo S.p.a. Helicopters [Docket No.: FAA-2021-0579; Project Identifier MCAI-2020-00267-R; Amendment 39-21748; AD 2021-20-10] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2870. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Leonardo S.p.a. Helicopters [Docket No.: FAA-2021-0578; Project Identifier 2018-SW-084-AD; Amendment 39-21741; AD 2021-20-03] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2871. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule- Airworthiness Directives; Leonardo S.p.a. Helicopters [Docket No.: FAA-2021-0565; Project Identifier 2018-SW-111-AD; Amendment 39-21743; AD 2021-20-05] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2872. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Limited Airplanes [Docket No.: FAA-2021-0576; Project Identifier 2019-CE-008-AD; Amendment 39-21758; AD 2021-20-20] (RIN: 2120-AA64) received Novemebr 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2873. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2021-0350; Project Identifier MCAI-2020-01633-T; Amendment 39-21746; AD 2021-20-08] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2874. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2021-0261; Project Identifier MCAI-2020-01502-T; Amendment 39-21753; AD 2021-20-15] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2875. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Aviation Airplanes [Docket No.: FAA-2021-0569; Project Identifier MCAI-2020-01692-T; Amendment 39-21752; AD 2021-20-14] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2876. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc., Airplanes [Docket No.: FAA-2021-0462; Project Identifier MCAI-2020-01714-T; Amendment 39-21751; AD 2021-20-

13] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2877. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes [Docket No.: FAA-2021-0312; Project Identifier MCAI-2020-01376-T; Amendment 39-21729; AD 2021-19-11] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2878. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes [Docket No.: FAA-2021-0260; Project Identifier MCAI-2020-01255-T; Amendment 39-21745; AD 2021-20-07] (RIN: 2120-AA64] received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2879. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2021-0563; Project Identifier MCAI-2021-00282-T; Amendment 39-21742; AD 2021-20-04] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2880. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AERO Sp. z o.o. Airplanes [Docket No.: FAA-2021-0782; Project Identifier MCAI-2021-00915-A; Amendment 39-21732; AD 2021-19-14] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2881. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes [Docket No.: FAA-2021-0309; Project Identifier MCAI-2020-00918-T; Amendment 39-21730; AD 2021-19-12] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2882. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2021-0789; Project Identifier MCAI-2020-01607-T; Amendment 39-21736; AD 2021-19-18] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2883. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR-GIE Avions de Transport Régional Airplanes [Docket No.: FAA-2021-0548; Project Identifier MCAI-2021-00046-T; Amendment 39-21731; AD 2021-19-13] (RIN: 2120-AA64) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2884. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Galesburg, IL [Docket No.: FAA-2021-0554; Airspace Docket No.: 21-AGL-26] (RIN: 2120-AA66) received November 18, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–2885. A letter from the Director, Legal Processing Division, Internal Revenue Service, transmitting the Service's final rule — Recapture of Excess Employment Tax Credits Under the American Relief Plan Act of 2021 [TD 9953] (RIN: 1545-BQ09) received November 30, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

EC–2886. A letter from the Acting Branch Chief, Legal Processing Division, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Automatic method change procedures for method changes with Sec. 1.451-3 and/or Sec. 1.451-8 (TD 9941) (Rev. Proc. 2021-34) received November 30, 2021, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

EC–2887. A letter from the Secretary, Department of Health and Human Services, transmitting the Review of Medicare's Program for Oversight of Accrediting Organizations and the Clinical Laboratory Improvement Validation Program, FY 2020, pursuant to 42 U.S.C. 1383f(a); Aug. 14, 1935, ch. 531, title XVIII, Sec. 1875 (as amended by Public Law 104-193, Sec. 231); (110 Stat. 2197); jointly to the Committees on Energy and Commerce and Ways and Means.

EC–2888. A letter from the Chair of the Board of Directors, Office of Congressional Workplace Rights, transmitting an Amended Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval, pursuant to 2 U.S.C. 1384(b)(3); Public Law 104-1, Sec. 304; (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. DAVID SCOTT of Georgia: Committee on Agriculture. H.R. 5608. A bill to support research and state management efforts on chronic wasting disease (Rept. 171–202). Referred to the Committee of the Whole House on the state of the Union.

Mr. DAVID SCOTT of Georgia: Committee on Agriculture. H.R. 5609. A bill to amend the Agricultural Marketing Act of 1946, to establish a cattle contract library, and for other purposes (Rept. 117–203). Referred to the Committee of the Whole House on the state of the Union.

Mr. DAVID SCOTT of Georgia: Committee on Agriculture. H.R. 4489. A bill to amend the Act of June 20, 1958, to require that certain amounts collected by the United States with respect to lands under the administration of the Forest Service be invested into interest bearing obligations, and for other purposes (Rept. 117–204). Referred to the Committee of the Whole House on the state of the Union.

Ms. SCANLON: Committee on Rules. House Resolution 838. Resolution providing for consideration of the bill (H.R. 5314) to protect our democracy by preventing abuses of presidential power, restoring checks and balances and accountability and transparency in government, and defending elections against foreign interference, and for other purposes; providing for consideration of the bill (S. 1605) to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes; and providing for consideration of the bill (S. 610) to address behavioral health and well-being among health care professionals (Rept. 117–205). Referred to the House Calendar.

Ms. WATERS: Committee on Financial Services. H.R. 4616. A bill to deem certain references to LIBOR as referring to a replacement benchmark rate upon the occurrence of certain events affecting LIBOR, and for other purposes; with an amendment (Rept. 117–206 Pt. 1). 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 following action was taken by the Speaker:

H.R. 4616. The Committees on Ways and Means and Education and Labor discharged from further consideration. 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 Ms. SCHRIER (for herself and Mr. HORSFORD):

H.R. 6143. A bill to provide for certain Medicare program extensions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Budget, 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. SMITH of Missouri (for himself, Mr. BRADY, Mrs. RODGERS of Washington, Mr. BURGESS, Mr. WENSTRUP, Mr. BUCSHON, Mr. CARTER of Georgia, Mr. HARRIS, Mr. VAN DREW, Mr. MURPHY of North Carolina, and Mr. JOYCE of Pennsylvania):

H.R. 6144. A bill to delay and offset the sequester to occur in January 2022 under the Statutory Pay-As-You-Go Act of 2010, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Energy and Commerce, the Judiciary, Agriculture, and Oversight and Reform, 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. MANN:

H.R. 6145. A bill to require the appropriate Federal banking agencies to develop a Community Bank Leverage Ratio that is between 8 percent 8.5 percent for calendar years 2022, 2023, and 2024, and for other purposes; to the Committee on Financial Services.

By Mr. BURGESS:

H.R. 6146. A bill to amend the Internal Revenue Code of 1986 to establish business tax

credits for producing electricity from stranded natural gas and for certain infrastructure relating to stranded gas; to the Committee on Ways and Means.

By Mrs. BUSTOS (for herself, Mrs. HINSON, Mr. KIND, and Ms. CRAIG):

H.R. 6147. A bill to amend the Food Security Act of 1985 to reestablish the Driftless Area Landscape Conservation Initiative, and for other purposes; to the Committee on Agriculture.

By Mr. CARL (for himself, Mr. ROGERS of Alabama, Mr. BROOKS, Mr. WITTMAN, and Mr. GRAVES of Louisiana):

H.R. 6148. A bill to provide for the establishment of the Alabama Underwater Forest National Marine Sanctuary, and for other purposes; to the Committee on Natural Resources.

By Mr. CARTWRIGHT (for himself and Mr. MCKINLEY):

H.R. 6149. A bill to amend the Public Health Service Act to develop and test an expanded and advanced role for direct-care workers who provide long-term services and supports to older adults and people with disabilities in efforts to coordinate care and improve the efficiency of service delivery, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CICILLINE (for himself, Mr. FITZPATRICK, and Mr. MOULTON):

H.R. 6150. A bill to amend the Controlled Substances Act to require the Attorney General to make procurement quotas for opioid analgesics publicly available, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. CUELLAR (for himself and Mr. GRAVES of Louisiana):

H.R. 6151. A bill to amend title 49, United States Code, to prohibit staged collisions with commercial motor vehicles, and for other purposes; to the Committee on the Judiciary.

By Mr. RODNEY DAVIS of Illinois (for himself, Mr. O'HALLERAN, Mr. BUCSHON, Ms. KUSTER, Mr. JOHNSON of Ohio, Ms. SCHRIER, Mr. MCKINLEY, Ms. CRAIG, Mr. STAUBER, Ms. SPANBERGER, Mrs. HINSON, Mr. MOORE of Utah, Mr. COSTA, Mr. CRAWFORD, Mr. BACON, Ms. SALAZAR, Mr. FEENSTRA, Mr. GARBARINO, Ms. MACE, Mr. WEBSTER of Florida, Mrs. MILLER-MEEKS, Mr. SMITH of Nebraska, Mr. SUOZZI, Mr. MOOLENAAR, Mr. BOST, Mr. ROUZER, Mr. ALLRED, Mrs. FISCHBACH, and Mr. AUSTIN SCOTT of Georgia):

H.R. 6152. A bill to direct the Secretary of Commerce to conduct a study on the feasibility of manufacturing in the United States products for critical infrastructure sectors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DESJARLAIS (for himself, Mr. TIFFANY, Mr. TAYLOR, Mr. BABIN, Mrs. HARSHBARGER, and Mr. JACKSON):

H.R. 6153. A bill to provide that the final rule of the Department of Homeland Security entitled ''Inadmissibility on Public Charge Grounds'' shall have the full force and effect of law, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ of Ohio (for himself and Mrs. LURIA):

H.R. 6154. A bill to exclude costs of reviewing applications for advanced nuclear reactor licenses from the activities for which the Nuclear Regulatory Commission assesses fees, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOODEN of Texas (for himself, Mr. TIFFANY, Mr. POSEY, Mr. PERRY, Mr. MCKINLEY, Mr. BABIN, Mrs. MILLER of Illinois, Mr. GOSAR, Mrs. BOEBERT, Mr. HICE of Georgia, Mr. MOORE of Alabama, and Mr. DUNCAN):

H.R. 6155. A bill to prohibit United States contributions to the United Nations International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and for other purposes; to the Committee on Foreign Affairs.

By Mr. JACKSON (for himself, Mr. WENSTRUP, and Mr. CROW):

H.R. 6156. A bill to express the sense of Congress on interoperability with Taiwan; to the Committee on Foreign Affairs.

By Mr. KINZINGER:

H.R. 6157. A bill to require the Secretary of State to implement a strategy to reduce reliance on concentrated supply chains for critical goods, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, 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 Mrs. LURIA (for herself and Mr. CHABOT):

H.R. 6158. A bill to require a study on the challenges posed by the emergence of militia fleets in the South China Sea, and for other purposes; to the Committee on Armed Services.

By Ms. MALLIOTAKIS (for herself, Ms. STEFANIK, Mr. ZELDIN, Mr. GARBARINO, Mr. KATKO, Mr. JACOBS of New York, Mr. REED, and Ms. TENNEY):

H.R. 6159. A bill to prohibit Federal funds for any State, local, Tribal, or private entity that operates or controls an injection center in violation of section 416 of the Controlled Substances Act (21 U.S.C. 856; commonly referred to as the ''Crack House Statute''); to the Committee on Oversight and Reform.

By Ms. MATSUI (for herself, Mr. THOMPSON of California, Mr. MULLIN, and Mr. KELLY of Pennsylvania):

H.R. 6160. A bill to amend titles XVIII and XIX of the Social Security Act and title XXVII of the Public Health Service Act to provide for coverage of certain drugs used in the treatment or management of a rare disease or condition, 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 Mrs. MILLER of West Virginia (for herself, Mrs. MURPHY of Florida, Mr. HERN, and Ms. SEWELL):

H.R. 6161. A bill to amend the Internal Revenue Code of 1986 to temporarily reinstate the employee retention credit for employers subject to closure due to COVID–19; to the Committee on Ways and Means.

By Mr. MOORE of Utah:

H.R. 6162. A bill to modify Department of Defense printed circuit board acquisition restrictions, and for other purposes; to the Committee on Armed Services.

By Mr. NEGUSE:

H.R. 6163. A bill to require the Secretary of Agriculture to direct a study on soil health of Federal lands, and for other purposes; to the Committee on Agriculture.

By Mr. NEGUSE:

H.R. 6164. A bill to require the Federal Trade Commission to conduct a study on scams that target travelers during the COVID–19 pandemic, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEGUSE:

H.R. 6165. A bill to require the Secretary of Veterans Affairs to take certain actions to improve the processing by the Department of Veterans Affairs of claims for disability compensation for post-traumatic stress disorder, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 6166. A bill to amend title 49, United States Code, to treat the District of Columbia as a State for purposes of certain grant programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. PINGREE (for herself and Mr. NEWHOUSE):

H.R. 6167. A bill to establish requirements for quality and discard dates that are, at the option of food labelers, included in food packaging, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, 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. SCHAKOWSKY (for herself, Ms. BARRAGÁN, Mr. ESPAILLAT, Ms. TLAIB, Ms. NORTON, Ms. LEE of California, Mr. GARCÍA of Illinois, Mr. HUFFMAN, Mr. BOWMAN, Mr. JONES, Mr. LOWENTHAL, Ms. BUSH, Ms. OCASIO-CORTEZ, Ms. NEWMAN, Mrs. NAPOLITANO, Mr. NADLER, Mr. RASKIN, Ms. LOFGREN, Ms. PRESSLEY, Mrs. CAROLYN B. MALONEY of New York, Mr. TORRES of New York, and Mr. SOTO):

H.R. 6168. A bill to amend the Clean Air Act to prohibit the emission of any greenhouse gas in any quantity from any new electric utility steam generating unit, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and 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 Ms. SLOTKIN (for herself and Mr. GALLAGHER):

H.R. 6169. A bill to direct the Secretary of Defense to establish a framework relating to risks to the defense supply chain, and for other purposes; to the Committee on Armed Services.

By Mr. VAN DREW:

H.R. 6170. A bill to prohibit any entity from imposing a mandate that individuals be vaccinated against COVID–19, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. WALORSKI (for herself and Mrs. MURPHY of Florida):

H.R. 6171. A bill to modify the competitive need limitation provisions under the Generalized System of Preferences program; to the Committee on Ways and Means.

By Mr. ESTES (for himself, Mr. MANN, and Mr. LATURNER):

H. Con. Res. 63. Concurrent resolution permitting the remains of the late Honorable Robert Joseph Dole, formerly a Senator and a Representative from the State of Kansas, to lie in honor in the rotunda of the Capitol, and for other purposes; to the Committee on House Administration.

By Mr. SMITH of Washington:

H. Con. Res. 64. Concurrent resolution directing the Secretary of the Senate to make a correction in the enrollment of the bill S. 1605; considered and agreed to.

By Mr. ESTES:

H. Res. 839. A resolution expressing the profound sorrow of the House of Representatives on the death of the Honorable Robert Joseph Dole; considered and agreed to.

By Mr. ADERHOLT (for himself, Mr. CARL, Mr. ROGERS of Alabama, Mr. MOORE of Alabama, Ms. SEWELL, and Mr. PALMER):

H. Res. 840. A resolution recognizing the 100th anniversary of the Alabama Farmers Federation and celebrating the long history of the Alabama Farmers Federation serving as the voice for Alabama agriculture and forestry; to the Committee on Agriculture.

By Ms. MALLIOTAKIS (for herself, Mr. GOTTHEIMER, Mr. CRENSHAW, Mr. MEUSER, Mr. COLE, Mr. JACKSON, Mr. ISSA, Mr. WILSON of South Carolina, and Mrs. RODGERS of Washington):

H. Res. 841. A resolution recognizing Bahrain on the 50th anniversary of its independence; to the Committee on Foreign Affairs.

By Ms. SPEIER (for herself, Ms. LOIS FRANKEL of Florida, Ms. BASS, Ms. JACOBS of California, Mr. MALINOWSKI, Mr. CASTRO of Texas, Ms. TITUS, Mr. QUIGLEY, Ms. OCASIO-CORTEZ, Mr. COHEN, Mrs. CAROLYN B. MALONEY of New York, Mr. CARSON, Mr. MCGOVERN, Ms. SHERRILL, Mr. GOMEZ, Mr. EVANS, Ms. MOORE of Wisconsin, Ms. BONAMICI, Mr. GARAMENDI, Mr. JOHNSON of Georgia, Mr. WELCH, Mr. ALLRED, Ms. TLAIB, Ms. SCHAKOWSKY, Ms. MENG, Mr. BOWMAN, Ms. GARCIA of Texas, Ms. JACKSON LEE, Mr. CICILLINE, Mr. TORRES of New York, Ms. WILSON of Florida, Mrs. LAWRENCE, Ms. JAYAPAL, Ms. PINGREE, Ms. BROWNLEY, Mr. LEVIN of Michigan, Mr. SHERMAN, Ms. ESHOO, Mr. PHILLIPS, Mr. CORREA, Ms. HOULAHAN, Ms. WILLIAMS of Georgia, Ms. SÁNCHEZ, Mr. GREEN of Texas, Ms. ROYBAL-ALLARD, and Ms. ESCOBAR):

H. Res. 842. A resolution condemning the sexual and gender-based violence against women and girls in Ethiopia and emphasizing the urgent demand for humanitarian responses to meet their needs; to the Committee on Foreign Affairs.

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 Ms. SCHRIER:

H.R. 6143.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mr. SMITH of Missouri:

H.R. 6144.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1

Article I, Section 8, clause 18

By Mr. MANN:

H.R. 6145.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the U.S. Constitution, Clause 3 grants Congress the power to regulate commerce.

By Mr. BURGESS:

H.R. 6146.

Congress has the power to enact this legislation pursuant to the following:

The attached legislation falls under Congress' enumerated Constitutional authority to impose taxes pursuant to Article I, Section 8, Clause 1

By Mrs. BUSTOS:

H.R. 6147.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. CARL:

H.R. 6148.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. CARTWRIGHT:

H.R. 6149.

Congress has the power to enact this legislation pursuant to the following:

Article I; Section 8; Clause 1 of the Constitution states The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. CICILLINE:

H.R. 6150.

Congress has the power to enact this legislation pursuant to the following:

Article 1

By Mr. CUELLAR:

H.R. 6151.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. RODNEY DAVIS of Illinois:

H.R. 6152.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution

By Mr. DesJARLAIS:

H.R. 6153.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. GONZALEZ of Ohio:

H.R. 6154.

Congress has the power to enact this legislation pursuant to the following:

To make all Laws which shall be necessary arid proper for carcying into Execution the foregoing Powers, and all other Powers vested by the Constitution in th Government ofthe United States, or in any Department of Officer thereof

By Mr. GOODEN of Texas:

H.R. 6155.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority on which this bill rests is the power of Congress to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common Defense and general welfare of the United States, as enumerated in Article I, Section 8, Clause 1. Thus, Congress has the authority not only to increase taxes, but also, to reduce taxes to promote the general welfare of the United States of America and her citizens. Additionally, Congress has the Constitutional authority to regulate commerce among the States and with Indian Tribes, as enumerated in Article I, Section 8, Clause 3.

By Mr. JACKSON:

H.R. 6156.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the United States Constitution

By Mr. KINZINGER:

H.R. 6157.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

By Mrs. LURIA:

H.R. 6158.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article 1 Section 8, Necessary and Proper Clause

By Ms. MALLIOTAKIS:

H.R. 6159.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, orin any Department or Officer thereof.

By Ms. MATSUI:

H.R. 6160.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution

By Mrs. MILLER of West Virginia:

H.R. 6161.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MOORE of Utah:

H.R. 6162.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 12

Article I, Section 8, Clause 14

By Mr. NEGUSE:

H.R. 6163.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. NEGUSE:

H.R. 6164.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. NEGUSE:

H.R. 6165.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. NORTON:

H.R. 6166.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution.

By Ms. PINGREE:

H.R. 6167.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. SCHAKOWSKY:

H.R. 6168.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 3 and 18.

The Congress shall have Power . . .

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof

By Ms. SLOTKIN:

H.R. 6169.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises. shall be uniform throughout the United States.

By Mr. VAN DREW:

H.R. 6170.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

By Mrs. WALORSKI:

H.R. 6171.

Congress has the power to enact this legislation pursuant to the following:

United States Constitution Article 1 Section 8

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 19: Mr. WITTMAN.
H.R. 38: Mrs. MILLER-MEEKS.
H.R. 91: Mr. CLYBURN.
H.R. 92: Mr. CLYBURN.
H.R. 95: Mr. GIBBS.
H.R. 151: Mr. THOMPSON of California, Ms. BOURDEAUX, and Mr. MRVAN.
H.R. 203: Mr. GOODEN of Texas.
H.R. 259: Mr. TRONE.
H.R. 263: Mr. THOMPSON of California, Ms. MALLIOTAKIS, and Mr. MRVAN.
H.R. 333: Mr. MURPHY of North Carolina and Mr. VICENTE GONZALEZ of Texas.
H.R. 392: Mr. KILDEE.
H.R. 415: Mr. PFLUGER.
H.R. 475: Mrs. CAROLYN B. MALONEY of New York, Ms. GARCIA of Texas, Mr. SWALWELL, and Mr. WELCH.
H.R. 556: Mr. HARDER of California.
H.R. 563: Mr. DONALDS.
H.R. 616: Ms. ADAMS.
H.R. 623: Mr. DONALDS.
H.R. 669: Mrs. CAROLYN B. MALONEY of New York.
H.R. 684: Mr. DONALDS.
H.R. 748: Ms. JOHNSON of Texas.
H.R. 821: Mr. SCHWEIKERT.
H.R. 825: Mr. MCGOVERN.
H.R. 911: Mr. KILDEE.
H.R. 962: Mr. KILDEE and Ms. MALLIOTAKIS.
H.R. 1012: Mr. CURTIS and Ms. MACE.
H.R. 1019: Mr. CLEAVER.
H.R. 1057: Mrs. STEEL.
H.R. 1155: Mr. CÁRDENAS, Mr. JOHNSON of Ohio, Mr. GOOD of Virginia, Ms. SÁNCHEZ, and Mr. STEUBE.
H.R. 1179: Mr. WEBSTER of Florida.
H.R. 1185: Mrs. HAYES.
H.R. 1193: Ms. LETLOW.
H.R. 1217: Mr. ROY, Mr. POSEY, Mr. AMODEI, Mrs. LESKO, Mrs. BICE of Oklahoma, and Mrs. HARTZLER.
H.R. 1282: Mr. HORSFORD, Ms. NEWMAN, Ms. CLARKE of New York, and Mr. CLEAVER.
H.R. 1283: Mrs. LESKO.
H.R. 1304: Mr. CRAWFORD.
H.R. 1340: Ms. OMAR.
H.R. 1361: Mr. GOTTHEIMER, Mr. UPTON, and Mr. OBERNOLTE.
H.R. 1378: Mr. COSTA.
H.R. 1456: Mr. HIMES.
H.R. 1551: Ms. CRAIG.
H.R. 1577: Mr. SOTO, Mr. THOMPSON of Pennsylvania, Ms. CRAIG, and Mr. MCEACHIN.
H.R. 1592: Mr. GOTTHEIMER.
H.R. 1667: Mr. NADLER, Mr. SMITH of Washington, Mr. MCGOVERN, Mr. WELCH, Mr. KEATING, Mr. ESPAILLAT, Mrs. HAYES, Mr. GARBARINO, Mr. KIM of New Jersey, Ms. SÁNCHEZ, Mr. COURTNEY, Mr. MCNERNEY, Ms. WILLIAMS of Georgia, and Mr. RYAN.
H.R. 1670: Mr. PAPPAS.
H.R. 1696: Mr. LAMB.
H.R. 1911: Mr. DESAULNIER.
H.R. 1956: Mr. PRICE of North Carolina.
H.R. 1994: Mr. CROW.
H.R. 2026: Mrs. NAPOLITANO.
H.R. 2035: Ms. CHU.
H.R. 2050: Mr. MCGOVERN and Mrs. TRAHAN.
H.R. 2090: Mrs. LESKO.
H.R. 2125: Ms. BOURDEAUX.
H.R. 2168: Mrs. HARTZLER.
H.R. 2187: Mr. COOPER.
H.R. 2192: Mr. LAMALFA.
H.R. 2249: Ms. LEGER FERNANDEZ, Mr. MCKINLEY, and Ms. ROYBAL-ALLARD.
H.R. 2255: Mr. VARGAS, Ms. SCHRIER, Ms. PINGREE, Mr. KIM of New Jersey, Mr. SOTO, Mr. COSTA, Ms. DEAN, Mr. BERA, Mr. QUIGLEY, Mr. GRAVES of Missouri, and Mr. PANETTA.
H.R. 2268: Mr. GOTTHEIMER.
H.R. 2307: Ms. MANNING.
H.R. 2337: Mr. CASTEN.
H.R. 2339: Mr. DESAULNIER and Mr. AGUILAR.
H.R. 2350: Mr. JOYCE of Pennsylvania.
H.R. 2366: Mrs. DINGELL and Mr. PANETTA.
H.R. 2377: Ms. STEVENS.
H.R. 2436: Mr. RUSH and Mr. GREEN of Tennessee.
H.R. 2489: Mr. SHERMAN, Ms. CLARKE of New York, and Mr. NEGUSE.
H.R. 2499: Mrs. WAGNER.
H.R. 2517: Mr. MALINOWSKI, Mr. PANETTA, Ms. STANSBURY, and Mr. PASCRELL.
H.R. 2558: Ms. HERRELL.
H.R. 2565: Mr. KATKO, Mr. MALINOWSKI, Ms. TITUS, and Ms. MALLIOTAKIS.
H.R. 2575: Mr. PHILLIPS.
H.R. 2616: Ms. BONAMICI and Ms. STRICKLAND.
H.R. 2654: Mr. SCHWEIKERT and Ms. STANSBURY.
H.R. 2675: Mr. CARTER of Georgia.
H.R. 2729: Ms. MACE.
H.R. 2748: Ms. SEWELL, Mr. RASKIN, Mr. LOWENTHAL, Mr. BEYER, and Ms. VELÁZQUEZ.
H.R. 2805: Ms. CHU, Mr. SMITH of Washington, and Mr. POCAN.
H.R. 2820: Mr. GIMENEZ.
H.R. 2840: Mr. MRVAN.
H.R. 2848: Mr. NEGUSE, Mr. DEFAZIO, and Mr. BLUMENAUER.
H.R. 2857: Ms. OCASIO-CORTEZ and Ms. MACE.
H.R. 2886: Mr. NEGUSE.
H.R. 2978: Mr. BUCHANAN.
H.R. 3042: Mr. CORREA.
H.R. 3065: Ms. WEXTON.
H.R. 3089: Mr. SMUCKER.
H.R. 3096: Mr. OBERNOLTE.
H.R. 3115: Mr. CASTEN.
H.R. 3140: Mr. GIBBS.
H.R. 3165: Mrs. DINGELL, Mr. CRIST, and Ms. JACOBS of California.
H.R. 3173: Mr. GIMENEZ, Mr. GALLAGHER, Mr. CRAWFORD, Mr. GRAVES of Missouri, Mr. CRENSHAW, and Ms. PRESSLEY.
H.R. 3269: Mr. PANETTA.
H.R. 3320: Ms. WILLIAMS of Georgia.
H.R. 3337: Ms. STRICKLAND.
H.R. 3342: Mr. TRONE.
H.R. 3352: Ms. STANSBURY and Ms. TLAIB.
H.R. 3353: Mr. POCAN, Mr. SIRES, and Mr. THOMPSON of Mississippi.
H.R. 3359: Ms. JACKSON LEE and Mr. CORREA.
H.R. 3382: Ms. DELBENE.
H.R. 3384: Mr. PRICE of North Carolina and Mr. THOMPSON of California.
H.R. 3400: Mrs. LESKO.
H.R. 3440: Mr. BRENDAN F. BOYLE of Pennsylvania.
H.R. 3455: Mr. C. SCOTT FRANKLIN of Florida and Mr. DIAZ-BALART.
H.R. 3488: Ms. ROYBAL-ALLARD, Mr. MCNERNEY, Ms. SÁNCHEZ, Ms. BONAMICI, Mr. POCAN, Mr. LEVIN of California, Ms. WASSERMAN SCHULTZ, Mrs. CAROLYN B. MALONEY of New York, Mrs. NAPOLITANO, and Mr. SHERMAN.
H.R. 3522: Mr. RUSH, Ms. BLUNT ROCHESTER, Mr. BLUMENAUER, Mr. CASTEN, Mr. GALLEGO, Mr. DAVID SCOTT of Georgia, Mrs. TRAHAN, Mr. GARCÍA of Illinois, Mr. MEEKS, Mr. MFUME, Ms. CLARKE of New York, Mr. DANNY K. DAVIS of Illinois, Mr. AGUILAR, Mr. MCEACHIN, and Mr. HORSFORD.
H.R. 3541: Ms. CRAIG, Mr. HIGGINS of Louisiana, Mr. VARGAS, and Ms. FOXX.
H.R. 3548: Ms. DELBENE, Mr. CASTEN, Mr. PHILLIPS, Mr. RUSH, Mr. MCNERNEY, and Mr. THOMPSON of California.
H.R. 3577: Mr. KEATING, Ms. ESCOBAR, Mr. KATKO, Mr. AUSTIN SCOTT of Georgia, Mr. DELGADO, Ms. LOIS FRANKEL of Florida, and Ms. ROYBAL-ALLARD.
H.R. 3586: Mr. LAWSON of Florida, Mrs. NAPOLITANO, and Mr. SWALWELL.
H.R. 3595: Mr. PANETTA.
H.R. 3602: Mr. FORTENBERRY.
H.R. 3626: Ms. CRAIG.
H.R. 3630: Mr. GRAVES of Louisiana, Ms. BASS, and Mr. LAMALFA.
H.R. 3644: Mrs. LESKO.
H.R. 3689: Ms. MANNING.
H.R. 3714: Mr. DONALDS.
H.R. 3728: Ms. STEFANIK.
H.R. 3800: Mr. GARAMENDI.
H.R. 3826: Ms. PORTER.
H.R. 3876: Ms. DEGETTE.
H.R. 3897: Mr. LONG, Mr. RESCHENTHALER, and Mr. GIBBS.
H.R. 3988: Ms. PRESSLEY, Mrs. NAPOLITANO, Ms. BLUNT ROCHESTER, and Mr. SMITH of New Jersey.
H.R. 4003: Mrs. CAROLYN B. MALONEY of New York.
H.R. 4096: Mr. DONALDS.
H.R. 4108: Mr. LIEU.
H.R. 4110: Mr. NEGUSE and Mr. CRIST.
H.R. 4158: Mr. LAWSON of Florida.
H.R. 4176: Mr. POCAN, Mr. GARAMENDI, Mr. AGUILAR, and Mr. PANETTA.
H.R. 4184: Mrs. MURPHY of Florida.
H.R. 4186: Ms. BUSH.
H.R. 4198: Mr. CROW.
H.R. 4287: Mr. BANKS and Mr. GARBARINO.
H.R. 4292: Mr. FITZPATRICK.
H.R. 4328: Mr. VEASEY and Mr. CASTRO of Texas.
H.R. 4385: Mr. TRONE.
H.R. 4402: Mr. CRIST, Mr. COSTA, Mr. LIEU, and Ms. BONAMICI.
H.R. 4407: Ms. HOULAHAN.
H.R. 4429: Ms. LEE of California.
H.R. 4436: Mr. KIM of New Jersey, Mr. BILIRAKIS, Ms. KUSTER, Ms. SCANLON, Mr. JONES, Mr. CLEAVER, Mr. AMODEI, Mr. PAYNE, Mrs. WATSON COLEMAN, and Ms. CASTOR of Florida.
H.R. 4441: Mr. ELLZEY.
H.R. 4546: Ms. MALLIOTAKIS and Mr. COHEN.
H.R. 4565: Mr. PANETTA and Mr. GOTTHEIMER.
H.R. 4597: Ms. SPANBERGER.
H.R. 4601: Mr. SCHNEIDER, Mr. PETERS, Mr. TONKO, Mr. PERLMUTTER, Mr. Fitzpatrick, and Mr. GARBARINO.
H.R. 4609: Mr. FITZPATRICK, Ms. MOORE of Wisconsin, and Mr. FOSTER.
H.R. 4677: Mr. SUOZZI and Mr. SMITH of New Jersey.
H.R. 4716: Ms. MENG, Mr. NEGUSE, and Mr. HUFFMAN.
H.R. 4755: Ms. WILD.
H.R. 4785: Mr. DELGADO, Mr. PHILLIPS, and Mr. CASE.
H.R. 4848: Mr. MCGOVERN.
H.R. 4859: Mr. O'HALLERAN.
H.R. 4878: Mr. HORSFORD and Mr. TONKO.
H.R. 4892: Mr. JONES, Ms. BASS, and Mr. QUIGLEY.
H.R. 4943: Ms. STANSBURY, Mrs. HAYES, and Ms. SÁNCHEZ.
H.R. 4944: Ms. STANSBURY, Ms. MOORE of Wisconsin, Mrs. HAYES, and Ms. SÁNCHEZ.
H.R. 4946: Mr. C. SCOTT FRANKLIN of Florida, Mr. GAETZ, Mr. WEBSTER of Florida, Mr. MAST, and Mr. DIAZ-BALART.
H.R. 4996: Mr. BACON, Mr. AGUILAR, Mr. QUIGLEY, Ms. STEVENS, Mr. LAMALFA,

Mr. NADLER, Ms. MATSUI, Mr. PAPPAS, Ms. SÁNCHEZ, Mr. SMUCKER, Mr. KIM of New Jersey, Mr. BERGMAN, Ms. DAVIDS of Kansas, Mr. DESAULNIER, Ms. BLUNT ROCHESTER, and Ms. DEGETTE.

H.R. 5013: Mr. CUELLAR.

H.R. 5016: Mr. CROW.

H.R. 5033: Mr. JOHNSON of Ohio.

H.R. 5070: Ms. HERRELL.

H.R. 5079: Mrs. LESKO.

H.R. 5106: Mr. DONALDS.

H.R. 5119: Ms. MCCOLLUM.

H.R. 5141: Mr. AGUILAR and Mrs. HINSON.

H.R. 5150: Mrs. HARTZLER, Ms. CHENEY, and Mr. CROW.

H.R. 5162: Mrs. MILLER-MEEKS and Mr. RESCHENTHALER.

H.R. 5218: Mr. HARDER of California.

H.R. 5224: Mr. GARBARINO and Mr. CRAWFORD.

H.R. 5232: Mr. WOMACK.

H.R. 5314: Ms. SCHRIER, Ms. STEVENS, Mr. CÁRDENAS, Mr. CARTER of Louisiana, and Mr. DAVID SCOTT of Georgia.

H.R. 5348: Mr. HUFFMAN.

H.R. 5352: Mr. GOTTHEIMER and Mr. OBERNOLTE.

H.R. 5360: Ms. VAN DUYNE.

H.R. 5370: Mr. BLUMENAUER, Ms. CRAIG, Ms. NEWMAN, and Mr. PAYNE.

H.R. 5384: Mrs. WATSON COLEMAN.

H.R. 5430: Mr. HUFFMAN.

H.R. 5445: Mr. FEENSTRA.

H.R. 5464: Mr. DONALDS.

H.R. 5468: Mr. MCCLINTOCK, Mr. LOWENTHAL, and Mr. PANETTA.

H.R. 5482: Mr. NEGUSE.

H.R. 5487: Mrs. AXNE, Mr. GOTTHEIMER, and Ms. WILLIAMS of Georgia.

H.R. 5499: Mr. DONALDS.

H.R. 5502: Mrs. MILLER-MEEKS.

H.R. 5504: Ms. NEWMAN.

H.R. 5521: Mr. MFUME and Mr. PAPPAS.

H.R. 5530: Mr. SWALWELL and Mrs. HAYES.

H.R. 5543: Ms. CRAIG and Mr. MURPHY of North Carolina.

H.R. 5545: Ms. WILLIAMS of Georgia, Ms. BLUNT ROCHESTER, Mr. BAIRD, and Mrs. LEE of Nevada.

H.R. 5567: Ms. STANSBURY.

H.R. 5575: Ms. BOURDEAUX.

H.R. 5577: Mr. MEIJER and Mr. CLOUD.

H.R. 5592: Mr. DONALDS.

H.R. 5608: Ms. ROSS, Mr. CASTEN, Mr. SMITH of Missouri, and Mrs. AXNE.

H.R. 5611: Mr. KILDEE and Mr. KILMER.

H.R. 5645: Mr. GOTTHEIMER.

H.R. 5648: Mr. LIEU.

H.R. 5651: Mr. POCAN.

H.R. 5655: Mr. OWENS, Mrs. BICE of Oklahoma, and Mr. JOYCE of Ohio.

H.R. 5684: Mr. MCKINLEY, Ms. SCANLON, Ms. DAVIDS of Kansas, and Mr. Cárdenas.

H.R. 5703: Mr. GARBARINO and Mr. MOOLENAAR.

H.R. 5718: Ms. PRESSLEY and Mr. BOWMAN.

H.R. 5723: Mr. SCHNEIDER.

H.R. 5724: Ms. STANSBURY.

H.R. 5730: Mr. POCAN.

H.R. 5735: Mr. SCHRADER and Ms. BONAMICI.

H.R. 5746: Mr. LOWENTHAL.

H.R. 5754: Mr. GOTTHEIMER and Ms. STEVENS.

H.R. 5755: Mr. GOTTHEIMER, Ms. STEVENS, Mr. KILDEE, and Mr. WALBERG.

H.R. 5768: Mrs. HAYES and Mr. CUELLAR.

H.R. 5776: Mr. CASTEN.

H.R. 5777: Mr. GIBBS.

H.R. 5801: Mr. TRONE.

H.R. 5809: Mr. LEVIN of California, Mrs. TORRES of California, and Mr. HARDER of California.

H.R. 5828: Mr. CONNOLLY, Ms. BARRAGÁN, Mr. CRIST, Mr. ESPAILLAT, Mr. RUSH, Mr. MOULTON, and Ms. DAVIDS of Kansas.

H.R. 5834: Mr. CLOUD and Mrs. MILLER of West Virginia.

H.R. 5841: Mr. DELGADO and Mr. GOTTHEIMER.

H.R. 5846: Mr. DONALDS.

H.R. 5853: Mr. LIEU and Mr. VARGAS.

H.R. 5854: Mr. ROSE, Mr. DESJARLAIS, Mr. FEENSTRA, and Mr. SMITH of Nebraska.

H.R. 5892: Mr. MOOLENAAR, Mr. BURGESS, Mrs. MILLER-MEEKS, Mr. CHABOT, Mr. LAMALFA, Mr. WILSON of South Carolina, Mr. FEENSTRA, and Mrs. HARSHBARGER.

H.R. 5927: Ms. SPANBERGER.

H.R. 5935: Mr. DONALDS.

H.R. 5949: Mr. LIEU, Ms. ESHOO, Mr. KHANNA, Mr. CÁRDENAS, Mr. SWALWELL, Mr. PETERS, Mr. DESAULNIER, and Mr. RUIZ.

H.R. 5963: Mr. BACON, Mr. MEEKS, Mr. COOPER, and Mr. NEGUSE.

H.R. 5981: Mr. SMITH of New Jersey, Mr. LATURNER, and Mr. SMITH of Nebraska.

H.R. 5986: Mr. AGUILAR.

H.R. 5994: Ms. MCCOLLUM and Ms. KAPTUR.

H.R. 6000: Mr. CASE, Mr. MCCAUL, Mr. SOTO, Mr. HILL, Ms. ROSS, Mr. LARSON of Connecticut, Mr. QUIGLEY, and Mr. LAMB.

H.R. 6002: Mrs. HAYES.

H.R. 6004: Mr. SMITH of Missouri, Mr. GREEN of Tennessee, and Mr. GRIFFITH.

H.R. 6005: Mr. MCEACHIN and Ms. BUSH.

H.R. 6009: Mr. BIGGS.

H.R. 6014: Mr. CARSON and Mr. GARAMENDI.

H.R. 6015: Mr. CROW.

H.R. 6016: Mr. DAVIDSON, Mr. POSEY, Mr. GOHMERT, Mrs. HARTZLER, Mr. MEIJER, Mr. TIMMONS, Mr. BACON, and Mr. LATTA.

H.R. 6020: Mr. MOONEY, Mr. PANETTA, Mr. COLE, Mr. BACON, Ms. CRAIG, Mr.BOST, and Mr. GRIFFITH.

H.R. 6054: Mr. MEEKS.

H.R. 6056: Mr. BURGESS, Mr. HILL, Ms. CHENEY, Mr. EMMER, Mr. WILSON of South Carolina, and Mr. CALVERT.

H.R. 6059: Mr. FITZPATRICK.

H.R. 6069: Mr. GREEN of Tennessee.

H.R. 6089: Mrs. WALORSKI, Mr. MAST, Mr. SCHNEIDER, Ms. MANNING, Ms. TITUS, Mr. BURCHETT, Mrs. MILLER-MEEKS, Mr. HIMES, Mr. SUOZZI, Mr. VARGAS, Mr. CHABOT, Ms. TENNEY, Mr. MCKINLEY, Mr. TIMMONS, Mr. KELLER, Mrs. KIM of California, and Mr. VALADAO.

H.R. 6095: Mr. EVANS, Mr. JONES, Mr. MCGOVERN, Ms. TITUS, and Mr. TRONE.

H.R. 6100: Mr. NEGUSE, Mr. BLUMENAUER, Ms. DEAN, and Mr. POSEY.

H.R. 6107: Ms. SCANLON and Mr. JONES.

H.R. 6111: Ms. SCHAKOWSKY, Mr. MCGOVERN, Ms. MCCOLLUM, Ms. CHU, Ms. SÁNCHEZ, Ms. WATERS, and Mrs. HAYES.

H.R. 6114: Mr. WENSTRUP, Mr. FERGUSON, and Mrs. MURPHY of Florida.

H.R. 6122: Mr. VAN DREW and Mrs. MCCLAIN.

H.R. 6123: Mrs. HINSON, Mr. HARRIS, Ms. TENNEY, and Mrs. HARTZLER.

H.R. 6133: Mr. CLOUD and Mrs. HARSHBARGER.

H.R. 6134: Mr. CÁRDENAS and Ms. PINGREE.

H.R. 6138: Mr. CASTEN.

H.J. Res. 48: Ms. JACKSON LEE.

H.J. Res. 53: Mr. TRONE, Ms. STRICKLAND, Ms. MOORE of Wisconsin, Ms. WILSON of Florida, Mr. BUTTERFIELD, Mr. NEGUSE, Mr. BISHOP of Georgia, Mr. PAYNE, and Ms. JACKSON LEE.

H.J. Res. 58: Mr. DONALDS and Mrs. CAMMACK.

H.J. Res. 63: Mr. DEFAZIO, Ms. LEE of California, Ms. OCASIO-CORTEZ, Ms. PRESSLEY, and Mr. BOWMAN.

H.J. Res. 65: Mr. UPTON, Mr. TONY GONZALES of Texas, Mrs. KIM of California, Mr. VALADAO, Mr. CURTIS, and Ms. HERRERA BEUTLER.

H. Res. 114: Mr. BISHOP of Georgia.

H. Res. 214: Mr. FITZPATRICK and Mrs. MILLER-MEEKS.

H. Res. 283: Mr. DONALDS.

H. Res. 317: Ms. WEXTON.

H. Res. 338: Mr. NADLER.

H. Res. 345: Mr. DONALDS.

H. Res. 352: Mr. DONALDS.

H. Res. 376: Ms. MANNING.

H. Res. 550: Mr. KRISHNAMOORTHI.

H. Res. 565: Mr. ESPAILLAT and Mr. RASKIN.

H. Res. 586: Mr. DESAULNIER.

H. Res. 681: Mr. CICILLINE.

H. Res. 751: Mr. POCAN.

H. Res. 805: Mr. WALTZ.

H. Res. 812: Mr. MULLIN, Mr. GARAMENDI, Mrs. MILLER-MEEKS, and Miss RICE of New York.

H. Res. 813: Mr. GARCÍA of Illinois, Mr. CARBAJAL, Mr. SCHNEIDER, and Ms. WATERS.

H. Res. 831: Mr. PRICE of North Carolina, Mr. AUSTIN SCOTT of Georgia, Ms. TITUS, Ms. SÁNCHEZ, Mr. BUCHANAN, Mr. VELA, Mr. LIEU, Ms. BASS, Mr. GARAMENDI, Ms. KAPTUR, Mr. PHILLIPS, Mr. WILSON of South Carolina, Ms. WEXTON, Mr. KIND, Miss GONZÁLEZ-COLÓN, Ms. ROYBAL-ALLARD, Mr. COHEN, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. LARSEN of Washington, Mr. SCHNEIDER, Mr. WOMACK, Mr. LYNCH, Mr. DEUTCH, Mr. GUTHRIE, Mr. BERA, Mr. COSTA, Mr. MALINOWSKI, Mr. CICILLINE, Ms. WILD, Ms. MANNING, and Mr. ALLRED.

H. Res. 833: Mr. FITZPATRICK, Ms. KAPTUR, Ms. ROSS, and Mr. KEATING.

H. Res. 834: Ms. PLASKETT, Ms. SALAZAR, and Ms. ESHOO.

H. Res. 837: Ms. MACE, Mr. GIMENEZ, Mr. WALBERG, Ms. SPEIER, Mr. PAPPAS, and Ms. LEE of California.

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PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, FIRST SESSION

Vol. 167 WASHINGTON, TUESDAY, DECEMBER 7, 2021 *No. 211*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, You are robed with honor and majesty. Today, guide our lawmakers in their work, enabling them to be Your messengers of unity and hope. Lord, make them productive servants who live lives that honor You. Remind them that no good is permanently lost.

Lord, give them the wisdom to speak words that lead to life. Guide them away from crooked roads where they might slip and fall, as You strengthen them to seize opportunities that bring peace, hope, and freedom.

And Lord, we continue to praise You for the life and legacy of former Senator Robert Dole.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 7, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. WARNOCK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read nomination of Jessica Rosenworcel, of Connecticut, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2020. (Reappointment)

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

DEBT CEILING

Mr. SCHUMER. Mr. President, I want to begin today with a short update on the debt ceiling. Over the past few days, we have made good progress on this issue, and I am optimistic that we will be able to prevent the awful prospect of the U.S. defaulting on its sovereign debt for the first time ever. Nobody wants to see the United States default on its debts.

As Secretary Yellen has warned, a default could eviscerate everything we have done to recover from the COVID crisis. We don't want to see that and I don't believe we will see that and I continue to thank all of my colleagues for cooperating in good faith to preserve the full faith and credit of the United States.

NOMINATION OF JESSICA ROSENWORCEL

Mr. President, on Jessica Rosenworcel, the Senate will vote to confirm a remarkable, highly experienced, and historic nominee: Jessica Rosenworcel to be the Chair of the FCC, the Federal Communications Commission. Ms. Rosenworcel has served as a Commissioner at the FCC for nearly a decade, the past 10 months as Acting Chair.

I believe she will receive great bipartisan support as she becomes the first woman ever confirmed by this Chamber to lead the FCC. Ms. Rosenworcel is exactly the right person for the job in 2021. She has set herself apart as one of the Nation's leading champions for more affordable and accessible internet.

After the FCC repealed net neutrality during the Trump administration, the best thing the Senate can do is confirm someone with a proven record of standing on the side of American consumers.

Ms. Rosenworcel will also step in as Chair at a time when the FCC is carrying out the important task of expanding broadband to millions of Americans who have long been left behind. Ms. Rosenworcel is keenly aware of the immense damage that the digital divide has caused our country. It has shut out rural, urban, and low-income Americans, including far too many women and people of color for whom basic internet access remains unavailable or unaffordable, even as it is a necessity in the 21st century.

Ms. Rosenworcel has long focused on these issues, and I am confident that,

under her leadership, the FCC will make immense progress in addressing these challenges.

Americans don't want to see their internet bills go up and up and up. They don't want to have to drive long distances at late hours just so their kids can finish homework at public libraries. And they want telemedicine to be available so they can be in the best of health.

No. Every American wants and deserves fast, affordable, and reliable internet access directly in their homes. Already this year, as a result of the President's infrastructure bill, we have made tremendous strides in closing the digital divide. We will build on that progress by confirming Ms. Rosenworcel today so that Americans can rest assured that they will have an FCC fighting for them.

BUILD BACK BETTER ACT

Mr. President, on Build Back Better, Senate Democrats continue our work to pass the President's Build Back Better Act before Christmas. Making progress on Build Back Better has been no small task, but sticking to our deadline will be worth it for one simple reason: at its core, Build Back Better is the best shot we have had in decades to help families lower costs, to cut taxes for working and middle-class Americans, and create good paying jobs while fighting the climate crisis.

Economists across the ideological spectrum have said it will not—will not—worsen inflation, something we are seeing happening across the world, not just in the U.S.

Here is something just about every American can appreciate: Build Back Better will make it cheaper for parents to raise their kids. For that alone, it is more than worth the effort. By providing the largest investment in childcare in American history, Build Back Better will make it so the vast majority of families will pay no more than 7 percent of their income on childcare for kids under 6. That single investment could save parents hundreds or even thousands of dollars a year. I think it is a pretty great deal for American families.

It will also help our economy. Everywhere you go you hear about shortages of labor. One of the main reasons is inadequate childcare. We rank way low on the list of developed nations. The United States' provisions for childcare come out near the very bottom. That is something we cannot tolerate anymore. And that is just one item, childcare.

Build Back Better will also provide, for the first time ever, free universal pre-K for millions of American families. By one measure, pre-K can cost parents up to $8,600 a year per child. Under Build Back Better, many parents will pay zero. Think about that: pre-K, for the first time in U.S. history, the greatest expansion of free education that the United States has seen in a century. When we made high schools available to everyone, it made our economy the strongest in the 20th century. We have got to learn that lesson here in the 21st century with pre-K.

Build Back Better, of course, will also extend the child tax credit that Democrats passed under the American Rescue Plan. This simple lifeline—a $300 check in the mail each month for each child—can be a game changer—a game changer—during the winter months, and under Build Back Better, we can make sure this benefit stays in place.

None of this approaches the many other ways that Build Back Better will save Americans money. It will provide the largest investment in affordable housing ever. It could save Americans hundreds—even more—by making prescription drugs, like insulin, cheaper. And it will take necessary and long-overdue steps to fight the climate crisis, which costs our country tens of billions each year every time hurricanes, wildfires, and floods wreak havoc across the country.

Creating jobs, lowering costs, fighting climate change, and keeping more money in people's pockets—these are the things Americans want. These are the things Americans need, and it is what Build Back Better does. We are going to continue working to get these things done before the Christmas holiday.

REMEMBERING GIL HODGES

Finally, Mr. President, I close with a bit of joyful, long-awaited news not only for Mets fans all over the world, but for Brooklynites and those who have ancestry in Brooklyn that have spread across the country.

Sunday night, the National Baseball Hall of Fame announced that, after decades of waiting, Brooklyn's wonderful Gil Hodges—one of the great defensive first basemen of his era, a long-time member of the Brooklyn and Los Angeles Dodgers, and a manager of the Mets presiding over the ''Miracle Mets'' 1969 World Series championship—has finally, finally, earned his place in Cooperstown.

Some of the earliest memories I have are listening and watching the Dodgers with my dad. Gil was an essential figure of that era—a hero of the 1955 World Series, an eight-time All-Star, three-time Golden Glove winner. I think he was the first to win the Golden Glove. He was such an amazing fielder at first base, as well as Greg Gibbons.

And what a nice guy he was. One of the highlights of my life each year was to go trick-or-treating and knock on Gil Hodges' door. Who would come out and give us candy? The great man himself while he was a Brooklyn Dodger. That was an incredible, incredible situation. And so it shows you what a nice guy he was. He is a caring guy.

As much as he was a titan of the game, he was a central part of our Brooklyn family, and we all admired the fact that he lived in Brooklyn, right near all of us. Year after year, from one decade to another, Mets fans have waited for this great player to receive Hall of Fame recognition. The wait is over. Gil is in that hall.

I congratulate Mrs. Hodges and the whole Hodges family for receiving this honor. And I want to congratulate, of course, all the other inductees in the Hall of Fame, among them many history-making, barrier-breaking athletes who have made the sport what it is today.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

BUILD BACK BETTER ACT

Mr. MCCONNELL. Mr. President, the last time Washington Democrats pushed through a huge change that disrupted families' arrangements, it earned President Obama the ''Lie of the Year'' award.

Democrats insisted that if you liked your healthcare plan, you could keep your healthcare plan. It turned out that was totally false. Their reckless government takeover threw many families into chaos.

This year, many of the same Democrats want to write a sequel. They want to ram through a radical, reckless, multitrillion-dollar taxing-and-spending spree between now and Christmas. And a huge part of their bill would completely upend childcare and pre-K as they exist for families all across our country.

If you like your childcare, you can keep your childcare. Well, buckle up, parents. What could possibly go wrong?

The Democrats have written their toddler takeover in ways that would turn families' finances literally upside down and make already expensive childcare even costlier. So let's walk through how they did it.

First, their reckless taxing-and-spending spree would make childcare dramatically more expensive through an avalanche of new mandates, regulations, and micromanagement—the usual Washington, DC, routine.

State and local governments are panicking about the childcare inflation this would cause. Here in the District, as one liberal analyst uncovered, local officials have formally estimated—listen to this—that the per-child daycare cost for a toddler or an infant would jump up $12,000 a year—increase the cost of childcare $12,000 a year; $12,000 more per child per year. President Biden's inflation is coming for daycare.

That is why the other half of their clumsy scheme is to dump subsidies onto some families. They want to borrow and print even more so they can

throw money at the same thing they have just made more expensive.

But here is where the bad idea turns literally into a terrible one. The Democrats wouldn't help families directly. This isn't some simple voucher that families can use as they please. My colleagues have produced an insanely tangled scheme where the truckloads of money go from Washington to State governments, to the childcare centers, one leaky bucket after another.

The problems run deeper than that. Democrats want States to sign up for badly underfunded mandates. That is the effect, because the retirement programs would surely last forever; but, for accounting purposes, Democrats are pretending the money stops after a decade. Many States will not be keen to be socialist guinea pigs.

Then there is the fact that the assistance is doled out in incredibly confusing and uneven ways. The subsidies start and stop with no rhyme or reason.

Listen to what a left-leaning organization, the People's Policy Project, has uncovered. They have found that, in year one, a family that earns $1 over their State median income ''will be eligible for zero subsidies, meaning that they will be on the hook for the entire unsubsidized price,'' which they estimate will now cost ''at least $13,000 per year higher than'' it does right now.

The researcher repeats himself because it is so unbelievable. Here is the quote:

> Having a family income just $1 higher than [your State's median income] would result in you being ineligible for child care subsidies in 2022 even as the unsubsidized price of child care skyrockets due to the wage and other mandates in the Democratic proposal.
>
> This is obviously a perverse outcome and it's not clear whether lawmakers even realize what they are about to do.

This isn't just one technical glitch. It is emblematic of how ill-conceived their whole experiment is. There are 10 problems like this on every single page.

I should add, the families who even get to participate in the mess I've just laid out, they are actually the lucky ones because Democrats want Big Government to pick winners and losers among different families who make different choices.

Many American families make one set of sacrifices so that both parents can work full time. These are the people the Democrats are trying to reward, although their plan fails in practice.

But Americans are allowed to have different aspirations. Some families make different sacrifices to have a parent at home full time. Others prefer flexible middle grounds that involve part-time work plus in-home childcare. The Democrats' toddler takeover wouldn't give any of them a dime—no diversity, no flexibility. Institutional daycare or nothing. In fact, it is worse than nothing, because a family who wants a provider to come to their house part time or wants to participate in a neighborhood nanny share will now be stuck in an inflated market. They will have to bid against the employers the Democrats have blessed and subsidized.

This is the essence of what the Democratic plan would do: Big Government and Big Labor work together to reward some family arrangements and punish others.

Our all-Democrat government is already botching the things that actually are government's job—projecting strength abroad, maintaining energy independence—but they can't even do that right. Just look at the poll numbers. The last thing families need are for Democrats to appoint themselves national daycare czars and then botch that, too.

I haven't even touched on one of the most sinister parts of this whole proposal.

For parents who do use childcare outside the home, faith-based options are incredibly popular. The Bipartisan Policy Center estimates that 53 percent of parents who use center-based care use ones that are linked to faith-based organizations, but the same Democrats who are letting far-left propaganda trickle down from the universities into K–12 schools are now declaring war on faith-based childcare. Washington Democrats want to unleash the woke mob on church daycare. There are at least two parts of their bill that are direct attacks.

First, liberals are trying to chase faith-based providers out of the daycare industry by denying funds to any facility they deem discriminatory. Of course, today's radical left tosses around these kinds of accusations at any remotely traditional institution. Faith-based childcare centers could potentially get their subsidies ripped away if they don't hire who secular bureaucrats want them to hire, set up their facilities the way secular bureaucrats want them set up, or even—listen to this—if they give preference to kids of their own faith. Orthodox Jewish daycare centers could get kicked out if they say Orthodox Jewish families get first dibs. Evangelical centers could get punished by bureaucrats if the families who belong to the church are accommodated first.

This is a joke. The left is trying to weaponize the word ''discrimination'' to push faith-based childcare out of business.

Another part of their bill goes out of its way to deny money for facility upgrades to buildings that are used for ''sectarian instruction or religious worship.'' If a faith-based center leads kids in prayer or teaches them their families' faiths, they don't get the funding that everybody else gets? We see this over and over from the culture warriors. They pretend they are happy to have religious groups in the public square but only if they check their beliefs at the door.

Now, a few years ago, the Supreme Court had to strike down a similar policy that penalized faith-based organizations. A State had tried to deny a church a widely available grant to fix up its playground. The Court took a look at it and struck down the law 7 to 2.

But the political left is right back at it. Just look at which Federal bureaucrat would oversee this giant mess. Well, of course, it is none other than Secretary Becerra, the hard-left culture warrior who got famous by suing the Little Sisters of the Poor for being too Catholic and by suing crisis pregnancy centers for being pro-life. This is the person whom Democrats want to give sweeping new powers over families' private choices? Secretary Becerra gets a giant slush fund to bring President Biden's inflation into childcare and discriminate against people of faith—just one more way Democrats' reckless taxing-and-spending spree would hurt working families.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUESTS

Mr. MARKEY. Mr. President, I rise in support of the nomination of Rufus Gifford to be Chief of Protocol with the rank of Ambassador.

Rufus, a native son of the Commonwealth of Massachusetts, transitioned to a career in public service after a very successful career in the private sector.

In 2013, President Obama nominated Rufus to be U.S. Ambassador to Denmark, and he was unanimously confirmed by the U.S. Senate.

In Copenhagen, Rufus was the headliner in a reality TV show, ''I Am the Ambassador.'' The show's innovative approach to public diplomacy gave Danish viewers, particularly young people, an all-access pass into the life of a U.S. Ambassador and the U.S. diplomatic presence in the country. In a country of just 5 million people, 200,000 Danes tuned in to see how the U.S. Ambassador advanced his country's core interests. One Danish viewer said that ''it is the type of show you would watch with your mother-in-law, and she would say, oh, he is a lovely man, that Rufus Gifford.''

Rufus's effusive personality makes him the perfect choice for this new role as Chief of Protocol. In Copenhagen, Denmark, Rufus opened the Ambassador's residence to thousands of visitors. As Chief of Protocol, he will once again play host to foreign dignitaries at the White House and Blair House. His hand will be the first outstretched to greet a Prime Minister, President, or Monarch at a time when diplomacy is most needed.

Ambassador Gifford was unanimously confirmed by this body in 2013 and was

unanimously reported out of the Senate Foreign Relations Committee 4 months ago. I ask unanimous consent that Ambassador Gifford once again earn the support of the full Senate and be confirmed as Chief of Protocol with the rank of Ambassador.

I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Calendar No. 320, Rufus Gifford, of Massachusetts, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service; that the nomination be confirmed; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order on the nomination and that the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CRUZ. Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CRUZ. Reserving the right to object, the Senators in this Chamber, including Senator MARKEY, know precisely why I have a hold on this nominee.

Right now, as we speak, hundreds of thousands of Russian troops are amassed on the border of Ukraine waiting to invade. This calamitous foreign policy disaster is Joe Biden's fault. This is the direct consequence of Joe Biden's surrender to Vladimir Putin on Nord Stream 2. What is Nord Stream 2? It is a pipeline being constructed from Russia to Germany to carry natural gas. Putin is building Nord Stream 2. Why? To go around Ukraine because right now Russian gas goes through Ukraine.

Putin didn't just wake up recently and decide to invade Ukraine; he has wanted to invade Ukraine for years. He did so in 2014, but he stopped short of full invasion. Why? Because the Ukrainian energy infrastructure was necessary to get the Russian gas to market. Nord Stream 2 is all about building an alternative avenue to get the Russian gas to Europe, so then the Russian tanks can ride into Ukraine.

We had a bipartisan victory. Indeed, the Senator from Massachusetts supported my bipartisan legislation sanctioning the Nord Stream 2 Pipeline in December of 2019. When President Trump signed that bipartisan legislation into law, Nord Stream 2 was halted that day. Not the next day, not the next week, not the next month—that day, the pipeline shut down. We had won a major, bipartisan foreign policy victory. We had stopped Russia. We had stopped Putin.

That pipeline remained dormant for over a year—a hunk of metal at the bottom of the ocean—until Joe Biden arrived at the White House. Joe Biden was sworn into office on January 20, 2021. Four days later, January 24, Putin began building the pipeline again—4 days later. Why? Because the Biden White House made the decision to waive the sanctions on Nord Stream 2 and to give Vladimir Putin a multibillion-dollar gift for generations to come and in doing so, to set the stage for the invasion of Ukraine by Russia.

When Biden waived sanctions on Nord Stream 2, Ukraine and Poland both said that it was creating a security crisis in Europe, that it was increasing dramatically the chances that Russia would invade Ukraine. This invasion that we are facing the very real prospect of is Joe Biden's fault. But do you know what? It is also the fault of Senate Democrats.

For 2 years, we had bipartisan agreement to stop Nord Stream 2, and we succeeded. When there was a Republican President in office, Donald Trump, I and other Republicans were perfectly willing to hold President Trump to account, to press him to stand up against Nord Stream 2, and he did.

As soon as a Democrat got into the White House, our Democratic colleagues decided that partisan loyalty was more important than national security, that partisan loyalty to the Democratic Party was more important than standing up to Russia, was more important than defending Ukraine. So, suddenly, we have seen the Democrats in this Chamber bending over backward to avoid stopping Nord Stream 2.

I want to be very clear. There is a lot of discussion about Joe Biden having a phone call with Putin today. Well, that phone call is real nice, but it is not going to stop an invasion. I will tell you what will stop an invasion. Joe Biden could stop the invasion today by simply following the law and sanctioning Nord Stream 2.

This body could make a major step today to prevent war in Europe, to prevent Russia from invading Ukraine right now, by doing what Democrats and Republicans had agreed to do, had done together until Biden surrendered to Russia. We can do that by passing legislation that I have pending at the desk that would sanction Nord Stream 2, that would stop the project, which would mean Russia would remain dependent on Ukrainian energy infrastructure. For the same reason Russia didn't continue to invade in 2014, it would stop the invasion. We can do that right now.

Accordingly, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3322, which is at the desk. I further ask 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 ACTING PRESIDENT pro tempore. Is there an objection to the modification?

Mr. MARKEY. Reserving the right to object, Senator CRUZ knows that the Democrats have offered the Republicans—offered him a vote on Nord Stream 2 as part of consideration of the National Defense Authorization Act. His own colleagues are the ones who objected to a vote being held on the Nord Stream 2 Pipeline as part of that agreement that was generously offered by the Democrats to the Republicans.

The problem is not on this side; the problem is on the side of the Senator from Texas. Yet he continues to hold up dozens of State Department officials, many of them career officials who should be on their jobs around the world right now.

Ultimately, right now, the onus lies on the Republican side for not having a vote on the subject that the Senator from Texas has raised, the Nord Stream 2 Pipeline; therefore, I object to the motion from the gentleman from Texas.

The ACTING PRESIDENT pro tempore. Objection to the modification is heard.

Is there objection to the original request?

Mr. CRUZ. Mr. President, reserving the right to object, I would note that what we just heard was Democrats in this Chamber objecting to sanctioning Nord Stream 2. It is worth understanding what that means. It means that Senate Democrats prioritize political loyalty to Joe Biden and Kamala Harris more than they do standing up to Vladimir Putin.

A month or two from now, if, God forbid, we see Russian tanks moving into Ukraine, remember this moment where Senate Democrats objected and said: No, we won't sanction the pipeline. We won't save Ukraine. We won't stand up to Russia.

You know, the whole country endured Democrats going on and on and on for 4 years—''Russia, Russia, Russia''—and someone who didn't follow politics closely could be forgiven if they actually believed the rhetoric from the Democrats. But it turns out that by saying ''Russia, Russia, Russia,'' what they really meant was ''We hate Donald Trump'' because when it comes to standing up to Russia, for decades, Democrats had shown weakness and appeasement to the Soviet Union. As soon as Donald Trump was gone, we see Democrats going back to weakness and appeasement to Russia again.

The Russian troops on the Ukrainian border are Joe Biden's fault and they are Senate Democrats' fault for being unwilling to stand up to a President of their own party.

I would note that this particular nominee is a nominee to be the head of protocol at the State Department. It is really bad protocol to drive tanks into somebody else's country.

You want to talk about protocol, how about the protocol of, let's defend American national security interests; let's defend Europe; let's defend our allies; let's stand up to a tyrannical bully named Vladimir Putin. Sadly, Democrats don't want to do that. Accordingly, I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

Mr. MARKEY. I yield back.

The PRESIDING OFFICER (Mr. PADILLA). The Republican whip.

REMEMBERING MARCELLA LEBEAU

Mr. THUNE. Mr. President, before I begin, I want to take just a few minutes to honor two members of the ''greatest generation'' whom we lost recently, Marcella LeBeau and Bob Dole.

Marcella LeBeau died on Sunday, November 21. She was from my home State of South Dakota and a member of the Two Kettle Band of the Cheyenne River Sioux who served in the Army Nurse Corps during World War II, including time on the frontlines treating the wounded at the Battle of the Bulge. She was decorated by both France and Belgium for her service.

After the war, she returned to South Dakota, spending 31 years working for the Indian Health Service, including as Director of Nursing, while raising eight children.

She was a powerful advocate for Native Americans throughout her entire life and was a member of the Cheyenne River Sioux Tribal Council for 4 years and a founding member of the North American Women's Association.

Even in retirement, Marcella continued to advocate for Native Americans and also found time to open a quilting shop with her granddaughter featuring, among other things, the Lakota star quilt, used for honoring and naming ceremonies, memorials, and various life achievements.

Earlier in November, she traveled to Oklahoma to attend the ceremony for her induction into the National Native American Hall of Fame.

REMEMBERING ROBERT J. DOLE

As we know, Bob Dole died on Sunday. Bob served as an officer in the 10th Mountain Division during World War II. Late in the war, he was seriously wounded in action during an attempt to rescue a fellow soldier, and he bore the resulting injuries the rest of his life.

Forced by his wounds to abandon his plans to be a surgeon, he quickly found another way to help his fellow Americans: public service. He was elected to the Kansas House of Representatives in 1950 and never looked back. In 1960, he was elected to the U.S. House of Representatives; and, in 1968, he won election to the U.S. Senate, where he served for 27 years.

He was a Senator's Senator, a master of procedure, and a true legislator whose achievements ranged from Social Security reform to veterans legislation, to the Americans with Disabilities Act.

Even after he ended his long career in public service, Bob continued to serve. He was an important supporter of the World War II Memorial here in Washington, DC, and could often be found there visiting with his fellow veterans who had traveled on Honor Flights.

Marcella and Bob came from different places and different backgrounds and, so far as I know, never crossed paths in this life, but they had in common that abiding commitment to service that characterized so many members of the ''greatest generation.'' Both Bob and Marcella spent their entire lives serving their country and their fellow citizens, and even retirement didn't slow them down.

The ''greatest generation'' was a fixture of American life for many decades, but its members are rapidly slipping away. Fewer than 250,000 of the 16 million Americans who served in World War II are still with us, and that number dwindles every day.

We need to make sure that the passing of the ''greatest generation'' does not mean the passing of the virtues that they modeled for us: humility, patriotism, quiet service, duty, and perseverance.

We need to remember Bob Dole and Marcella LeBeau and the many others like them who, in war and in peace, lived lives of service to our country.

My thoughts and prayers are with Bob and Marcella's families, with Bob's wife Elizabeth and his daughter Robin, and with Marcella's children, grandchildren, great-grandchildren, and great-great-grandchildren.

BUILD BACK BETTER ACT

Mr. President, Democrats continue to work on their reckless tax-and-spending spree—or perhaps I should say their reckless tax-and-spending disaster.

Tax hikes, deficit spending, inflationary spending—it is all there in Democrats' spending package—plus, of course, that tax break for wealthy Americans. Yeah, that is right, a tax break for millionaires. I am talking, of course, about Democrats' expansion of the State and local tax deduction known as the SALT deduction, which would overwhelmingly benefit affluent taxpayers in mainly Democrat-led States and do almost nothing for middle- and lower-income families.

For months and months, Democrats have been going on about the need for the wealthy to pay their fair share of taxes, which is, I find, at the height of irony that the Democrats' current bill contains a substantial tax break for wealthy Americans. I am not surprised that Democrats kept that SALT provision out of the Ways and Means Committee markup in the House of Representatives. After constantly talking about making the wealthy pay their fair share, it is a little awkward to publicly debate your tax break for the wealthy.

Instead, Democrats stuffed the tax break into the reconciliation bill under the subtitle of, of all things, ''social safety net.'' Yes, that is right, social safety net.

Well, who benefits from this particular safety net exactly?

About 94 percent of the tax benefit would go to the top 20 percent of earners. About 70 percent will go to the top 5 percent of earners. And nearly one-third of this tax benefit would go to the top 1 percent of households in this country.

The average tax savings for middle-income households from raising the SALT cap would be 20 bucks—$20. Meanwhile, millionaires would receive an average tax cut of almost $15,000.

Well, I guess the priorities of wealthy Democrat donors in blue States trump Democrats' plans to make wealthy Americans pay their fair share. Not only does the bill contain a tax break for millionaires, this tax break is one of the most expensive parts of the bill. In fact, it is the second most expensive item in the House-passed bill over the next 5 years.

That is right. According to the Committee for a Responsible Federal Budget, only Democrats' childcare and pre-K programs would exceed the cost of raising the SALT cap.

Now, given their rhetoric, you would think that Democrats might have chosen to forgo this tax break for the wealthy and spend the money on one of their other programs that they fund for only part of their bill's 10-year budget window. But no. This tax break is apparently so important to Democrats that they are willing to shortchange some of their other priorities in order to include it.

We have also heard a lot from Democrats about how corporations need to pay their fair share, which, I guess, is whatever Democrats determine it to be. The Democrats' bill does include a corporate minimum tax—except it turns out that it is not really a corporate minimum tax and some corporations won't have to pay the full tax.

Democrats have carved out certain exceptions to the corporate minimum tax, including clean energy tax credits. So if you are a corporation engaged in Democrat-approved activities, you will be able to avoid paying some or all of the corporate minimum tax. If you don't qualify for Democrats' approved carve-outs, on the other hand, you can look forward to paying the full tax bill.

Democrats' hypocrisy might be amusing if this bill weren't so dangerous, but, unfortunately, there is not much to laugh about when it comes to this bill.

Democrats' Build Back Better spending disaster will pour $1.75 trillion in government money into an already overheated economy, which will likely prolong the serious inflation we are currently experiencing.

Democrats' helped create our current inflation situation by flooding the economy with a lot of unnecessary government money earlier this year, and now Democrats are going to pour another $1.75 trillion onto the inflationary fire.

American families are already experiencing the worst inflation in more than 30 years. I don't even want to think about what inflation will look like if Democrats succeed in passing on another $1.75 trillion in spending.

Now, I say $1.75 trillion, but, of course, Democrats only arrived at that number through a series of shell games and budget gimmicks. The real cost of

the Democrats' bill is much, much higher. An honest accounting of the bill puts the number in the range of $4.5 to nearly $5 trillion—$5 trillion. To put that number in perspective, the entire Federal budget for fiscal year 2019 was $4.4 trillion—the entire Federal budget.

Democrats are proposing a major expansion of government, and they are deceiving the American people into thinking that it can be paid for with $1.75 trillion. That is simply not true. Democrats have arrived at that number by putting some of their provisions, from tax measures to new programs, into place for as little as a year. But, of course, Democrats don't have the slightest intention of having those tax measures or new programs expire after a year or 2, or ever.

Take the child allowance. Democrats' legislation would have their child allowance sunset in 1 year—1 year. But, of course, Democrats fully intend for their child allowance to be made permanent. But by only funding the child allowance and other measures for a fraction of their bill's 10-year budget window, they can disguise the true cost of permanently implementing these measures and how much these measures will end up costing the American people.

And, make no mistake, these programs will cost them. Democrats may talk about funding their legislation with taxes on corporations and the wealthy, but ordinary Americans are going to be paying for a major part of the bill. A substantial part of the Democrats' tax increases on business and investment would be passed on to consumers in the form of higher prices or reduced services, and those price hikes will come on top of the inflation that we are already experiencing and the additional inflation we are likely to experience as a result of this bill.

Americans are also likely to pay for this legislation with decreased economic growth and fewer economic opportunities, and they may pay in further tax hikes when Democrats try to extend their programs and need to come up with money to at least partially pay for them.

I am hard pressed to think of anything more irresponsible than Democrats passing this legislation at this time. As I mentioned, inflation is currently at a 30-year high. American families are struggling with high gas prices, high grocery bills, high rent prices, the high price of used cars—and the list goes on. Yet Democrats are planning to pass a bill that is likely to worsen our inflation situation and extend our current inflation crisis even further, not to mention driving up our deficit and worsening our country's fiscal health.

We don't know what government money will be needed down the road. We are emerging from a pandemic that required a lot of unexpected government expenditure, and we don't know what other challenges our country will end up facing in the future. Yet Democrats are planning to keep spending as if there is no tomorrow with absolutely no regard—absolutely no regard—for our current inflation situation or for possible future needs.

It is deeply, deeply irresponsible, and if Democrats succeed in passing their spending spree, the American people will be paying a very steep price for decades to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor to join my friend and colleague from South Dakota to oppose the Democrats' reckless tax-and-spending spree.

There are 18 days left until Christmas. So who is on the Democrats' shopping list this year?

Well, it is the same people who are on the list every year: illegal immigrants, union bosses, professional activists, and the donor class of millionaires.

In the Democrats' reckless tax-and-spending bill, they all get big presents from the government. The rest of America gets more spending, more taxes, more debt, and higher prices as they are already struggling and suffering under the largest, highest inflation in the last 30 years.

Democrats call the bill Build Back Better. For most Americans, it is a break-your-back bill.

In this bill, CHUCK SCHUMER's hometown will get tens of billions of dollars to bail out their public housing authority.

Joe Biden likes to say, if you want to know somebody's values, he says, look at their budget.

Well, let's look at the budget that the Democrats are putting forth, because the second most expensive item in this bill is a tax break for millionaires and billionaires in New York, in New Jersey, in California, and in Chicago.

The cost of that sole component: $275 billion, which will have to be paid by the hard-working men and women in this country.

This is one of the bill's top expenses because it is a top priority for Democrat elites. Under the Democrats' bill, the bottom 60 percent of Americans would get zero of those dollars; $275 billion to the richest of the rich.

In 2016, nearly half of the money went to just four States: California, New York, Illinois, and New Jersey.

Rural States like Wyoming, Alaska, North Dakota, South Dakota, and West Virginia received the lowest amounts of tax relief. Democrats want the people in States like Wyoming and West Virginia to pay for these tax cuts for the millionaires of California and New York.

Under this legislation, low-tax States would essentially subsidize high-tax States. What is this going to do to the high-tax States? Well, it will encourage them to raise State taxes, which is probably another reason that Democrats support it.

Democrats also have lots of Christmas presents in this bill for people who come to this country illegally. The Parliamentarian said Democrats can't pass amnesty for illegal immigrants in a previous version of the bill, but Democrats want illegal amnesty so badly that they are going to try all over again.

Let me remind you: This is a spending bill; it is not an immigration bill. Democrats know that they don't have the votes to pass the immigration bill that they would like to see. Frankly, they know they will never have enough votes in the Senate for an amnesty bill for illegal immigrants. So they are trying to cram it into a spending bill. Democrats are hoping that the American people won't notice.

If Democrats have their way, this spending spree would be the most consequential immigration bill in half a century. The bill would give amnesty to 6½ million people in the country illegally. It would also give them five new entitlements.

The bill includes new permanent welfare programs. There would be no work requirements—not a single one—and no citizenship requirements. This includes free childcare, free preschool, and even free money for college. Now, this is in addition to the $300 check every month for every child Democrats already send to illegal immigrants that they have sent earlier this year.

So it is shaping up to be a long December for American workers and taxpayers, and people know it because we already had the most expensive Thanksgiving ever.

On Friday, we saw one of the most disappointing jobs reports in a disappointing year. The jobs report says we created less than half the number of jobs that the experts predicted we would produce last month. Still, there are almost 4 million fewer Americans working than before the pandemic. At the same time, inflation is only getting worse.

People in all our States are wondering if they are going to be able to afford to have presents under the tree this year; wondering if they can afford a tree at all because, of course, the cost of Christmas trees are up 30 percent—30 percent more this year than last.

More and more Americans find they are heading to shop at the dollar stores. Yet many dollar stores, you have seen in the press, aren't dollar stores anymore. Dollar Tree is selling more and more items for $1.25. Dollar General is opening new stores with a $5-or-less business model. Prices are going up everywhere you look.

One of the reasons for inflation in Joe Biden's economy is the rise in cost of energy. Natural gas is at a 7-year high. Winter is almost here, and prices are up dramatically. The price of gas at the pump is at a 7-year high as well. Yet Biden and the Democrats say everything is fine.

It is just fascinating. Last week, the Democrats' headquarters sent out a

tweet. It was a graph showing gas prices had dropped by 2 cents over a week. The caption was ''Thanks, Joe Biden.'' I actually thought it was a joke. It was serious. They actually said: Hey, good, the price of gas is up $1.25 since he took office, but it dropped 2 cents last week, and let's celebrate the success of Joe Biden.

This is just another example of Democrats' bad math. It is an example also of Democratic leaders who are completely out of touch. Gas is up $1.25 a gallon since Joe Biden took office. A 2-cent drop is hardly enough.

So here is my 2 cents' worth: The American people don't want pennies from Joe Biden; they want a refund from the last election. That is what they deserve. They want affordable, available, reliable American energy.

Joe Biden said last week:

I have used every tool . . . to address price increases.

On the contrary. President Biden has used every tool to drive up prices. He has attacked American energy. He has driven up costs for all Americans. He has shut down the Keystone Pipeline. He is threatening other pipelines. He has blocked oil and gas leases on Federal land. He has threatened to raise taxes on the production of natural gas. We are now producing about 2 million barrels of oil a day less than before the pandemic.

The Secretary of Transportation thinks he has a simple solution to the energy crisis. This is what Pete Buttigieg said. He said it is easy. He said last week that families who buy electric cars ''never have to worry about gas prices again.'' Well, it is simply false. You would think somebody as educated as the Secretary of Transportation would intuitively say: Gas prices affect grocery prices. Gas prices affect retail prices and the price of just about everything else.

Look, even for the Biden administration, this is really out of touch with mainstream America or people who live anywhere outside the bubble of the beltway. People who are struggling with inflation can't afford to go out and buy an electric vehicle. Seniors and families just starting out aren't going to go out and buy an $80,000 electric vehicle.

We know who buys these luxury vehicles. More than 80 percent of the Federal subsidies for electric vehicles go to people making more than $100,000 a year, and, unlike the rest of the people on the roads, these drivers use the roads for free. Yet Democrats make sure to include electric vehicle owners on their shopping list this year.

This bill would give $12,500—$12,500—to couples making up to half a million dollars a year if they buy a luxury electric vehicle. This includes vans, SUVs, and trucks costing up to $80,000. The bill also includes $900 payouts to people who buy electric bicycles.

It has already been a long December for the American people, and we are only at December 7. Yet it must be an exciting time for the Democrats' favorite groups. Democrats have always liked to play Santa Claus, and this year, they have a list of who they consider America's good little boys and girls. Who is on the list? Well, as I said a few minutes ago, it is illegal immigrants, union bosses, professional activists, and the millionaires who live in the penthouses of New York and the mansions of San Francisco and Hollywood. Working-class, Middle America, those families—they are the ones who are going to get stuck with the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KELLY. Mr. President, I ask unanimous consent that I able to complete my remarks prior to the scheduled votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO RON BARBER

Mr. KELLY. Mr. President, today, I rise to honor one of Southern Arizona's own—known to many here as former Congressman Ron Barber—for a long and impactful tenure in public service. Ron has been a pillar of Southern Arizona for decades. He is also a close friend and trusted adviser to both me and Gabby.

Ron has deep roots in Tucson. His dad was stationed at Davis-Monthan Air Force Base when Ron was a teenager. Ron attended Rincon High School and graduated from the University of Arizona. He married his high school sweetheart, Nancy, who is here today, and built his family and his home and his career in Tucson, AZ.

Safe to say, Ron embodies what it means to be a Tucsonan. It is written everywhere, from the art that hangs in his house to the bumper stickers on his car, and there are a lot of them. His love of Tucson is something that rubs off on others—myself included.

I first met Ron at a meeting when Gabby was hiring folks to begin launching her first campaign for Congress. At the time, Ron had just retired from his senior post at the Division of Developmental Disabilities. He had spent decades serving as an advocate for families and vulnerable populations.

For almost anyone, that would be a sufficient career in public service but not for Ron Barber. Ron was moved by Gabby's commitment to serving others. Now, he may not have had any experience in politics, but he showed up ready to help send Gabby to the U.S. Congress. Now, I wondered ''Who is this guy?'' but never really had to wonder again. He believed in her, and he did it early on. That is what makes Ron who he is—always believing, always early. And this is still true today. Really, Ron is literally always early to each and every event that he has staffed me for, and I am pretty sure that is the case with every person he has served alongside.

His punctuality is matched by his generosity and his knowledge of Southern Arizona. That is why when Gabby was elected, she wanted him on her team. He joined as her district director, her eyes and ears back home.

On January 8, 2011, Ron was doing that job when a gunman opened fire at the Congress on Your Corner event. He was standing next to his boss. Gabby was shot in the head. Ron was shot in the face and the leg. Eleven others were injured. Six died. We could have lost him that day too.

Those events rattled the Tucson community that Ron loves so much, and there was so much grief. But in the days, months, and years that followed, we found out just how strong our community was because of people like Ron Barber. Southern Arizona needed Ron, and Ron needed Southern Arizona.

Even through his own injury, he was there for me and Gabby and our family and countless others, as selfless as always. It is that exact selflessness that meant Ron never thought of himself as the right person to run for Gabby's seat after she stepped down.

I remember sitting in a room with Ron and Gabby during her recovery. We were discussing what was next for Gabby and who would run for her seat in the House of Representatives. There was a long list of names that was thrown out, and at the end, Gabby said that it should be Ron. He was sitting right there, and I think he was probably pretty shocked, but, you know, he wasn't exactly in a position to refuse, either. He was reluctant at first but eventually rose at the chance to continue serving the community he loved in a way that he never imagined—in the U.S. Congress—and he did that job with grit and independence.

Ron fought to protect our military installations. He worked on lowering healthcare costs and to get mental health services to Arizonans and Americans across the country. He was a public servant through and through or better yet, a ''citizen legislator''—a term he used to describe his vision for Washington lawmakers.

After leaving Congress, Ron continued finding ways to serve. When Congresswoman ANN KIRKPATRICK was elected to his old seat, Ron went back to work as her district director for nearly 2 years. For Ron, it is never about ego; it is only about helping in whatever way he could and wherever he could.

Then, the day after my election last year, I called Ron and asked him to serve on my transition team.

And then I asked him to join my office as our southern Arizona director, and he signed up for that as well, once again delaying his retirement to go back into public service one more time.

I can't tell you what an asset it has been for our office and for the people of Arizona in that role.

Now, we are going to miss Ron, but we also know that he is not really going anywhere either. While Ron might be retiring from his day job, he will still volunteer his time at several

organizations in Tucson that impact his neighbors in ways that are unique to them and to him. In fact, a couple weeks ago, I saw Gabby trying to sign him up for something. And our southern Arizona community will be better for it.

On top of being an extraordinary leader, Ron is a family man; a supportive and loving husband to Nancy, father to Jenny and Crissi, and grandfather to Kieran, Tillie, Ailsa, Elliot, and Emmy.

And now that he is going to have some more time on his hands, I know that his family is going to be glad to see a lot more of him.

So, Ron, happy retirement to you, but let's make it for real this time. I mean, it is true that you have been saying ''I will retire next year'' for well over a decade now, I think, but I think this time it is going to stick.

But the fact is, you know, we have all really needed you on our teams. It was so important and so critical and it was critical to Gabby and it was critical to the success of my team, and I am sure Congresswoman ANN KIRKPATRICK feels the same.

So on behalf of the State of Arizona and our Nation, thank you, Ron, for your lifetime of hard work and service.

And thank you, Mr. President, for allowing me to dedicate a few words to my friend.

I yield the floor.

VOTE ON ROSENWORCEL NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Rosenworcel nomination?

Ms. ROSEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) is necessarily absent.

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 479 Ex.]

YEAS—68

Baldwin	Grassley	Peters
Bennet	Hassan	Portman
Blackburn	Heinrich	Reed
Blumenthal	Hickenlooper	Romney
Blunt	Hirono	Rosen
Brown	Inhofe	Sanders
Burr	Kaine	Schatz
Cantwell	Kelly	Schumer
Capito	Kennedy	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Leahy	Stabenow
Collins	Luján	Sullivan
Coons	Manchin	Tester
Cornyn	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Moran	Warren
Ernst	Murkowski	Whitehouse
Feinstein	Murphy	Wicker
Fischer	Murray	Wyden
Gillibrand	Ossoff	Young
Graham	Padilla	

NAYS—31

Barrasso	Hoeven	Rubio
Boozman	Hyde-Smith	Sasse
Braun	Johnson	Scott (FL)
Cassidy	Lankford	Scott (SC)
Cotton	Lee	Shelby
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Paul	Tuberville
Hagerty	Risch	
Hawley	Rounds	

NOT VOTING—1

Booker

The nomination was confirmed.

The PRESIDING OFFICER (Mr. LUJÁN). Under the previous order, the motion to reconsider will be considered made and laid upon the table and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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 Executive Calendar No. 480, Deirdre Hamilton, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2022.

Charles E. Schumer, Richard Blumenthal, Richard J. Durbin, Angus S. King, Jr., Chris Van Hollen, Elizabeth Warren, Debbie Stabenow, Gary C. Peters, Tammy Baldwin, Tina Smith, Mark R. Warner, Benjamin L. Cardin, Tammy Duckworth, Margaret Wood Hassan, Tim Kaine, Patrick J. Leahy, Jeff Merkley, Sheldon Whitehouse, Jack Reed.

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 Deirdre Hamilton, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2022, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 480 Ex.]

YEAS—51

Baldwin	Feinstein	Markey
Bennet	Gillibrand	Menendez
Blumenthal	Hassan	Merkley
Booker	Heinrich	Murkowski
Brown	Hickenlooper	Murphy
Cantwell	Hirono	Murray
Cardin	Kaine	Ossoff
Carper	Kelly	Padilla
Casey	King	Peters
Collins	Klobuchar	Reed
Coons	Leahy	Rosen
Cortez Masto	Luján	Sanders
Durbin	Manchin	Schatz
Schumer	Stabenow	Warnock
Shaheen	Tester	Warren
Sinema	Van Hollen	Whitehouse
Smith	Warner	Wyden

NAYS—48

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Lummis	Tillis
Cruz	Marshall	Toomey
Daines	McConnell	Tuberville
Ernst	Moran	Wicker
Fischer	Paul	Young

NOT VOTING—1

Duckworth

The PRESIDING OFFICER (Ms. SINEMA). On this vote, the yeas are 51, the nays are 48.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Deirdre Hamilton, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2022.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:03 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I ask unanimous consent to speak for 2 minutes, if I may.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNIZING DELAWARE DAY

Mr. CARPER. Madam President, 234 years ago today, the State of Delaware became the first State to ratify the Constitution. For 1 whole week, Delaware was the entire United States of America. And we opened it up, and 49 other States have joined us since then. For the most part, I think it has turned out well.

But the preamble to the Constitution didn't say that we are going to form a perfect union when they adopted it all those years ago. They said, ''in Order to form a more perfect Union . . . ''—acknowledging that we are not perfect, haven't gotten it right, and we may never get it right.

But today, we take a big step—or perhaps we can take a big step towards making our Union a bit closer to perfection.

The Constitution lays out a balance of powers that certain responsibilities fall on the executive branch—the President—and certain responsibilities fall on us; and, of course, the courts have responsibilities of their own.

NOMINATION OF CHRIS MAGNUS

The President has nominated, in this instance, a fellow named Chris Magnus. He has nominated him to serve as the Commissioner of Customs and Border Protection, a very big and important job, as the Presiding Officer knows.

I always like to say that leadership may be the most important ingredient for success of any organization I have ever seen. Inside of government or outside of government, it is the single most important ingredient.

Chief Chris Magnus has over 40 years of exemplary public service in communities that span across this country. He has a strong track record of collaborative leadership, and his nomination has earned the support of dozens and dozens of law enforcement and public safety organizations.

It has been 8 months—8 months have passed since our President nominated Chief Magnus for this critically important role at the Department. The American people are counting on seasoned leadership at the Agency. We have the opportunity today to confirm this nomination and provide the leadership that is badly needed on the borders—especially on the borders of our Nation.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

Madam President, the last thing I would say is this is also Pearl Harbor Day. It is a day for us to remember those who lost their lives, sacrificed their lives standing up for us all those years ago, on December 7, 1941.

With that, I yield the floor.

VOTE ON HAMILTON NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Hamilton nomination?

Mr. CARPER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 481 Ex.]

YEAS—52

Baldwin	Gillibrand	Murkowski
Bennet	Hassan	Murphy
Blumenthal	Heinrich	Murray
Booker	Hickenlooper	Ossoff
Brown	Hirono	Padilla
Cantwell	Kaine	Peters
Cardin	Kelly	Reed
Carper	King	Rosen
Casey	Klobuchar	Sanders
Collins	Leahy	Schatz
Coons	Luján	Schumer
Cortez Masto	Manchin	Shaheen
Duckworth	Markey	Sinema
Durbin	Menendez	Smith
Feinstein	Merkley	Stabenow
Tester	Warnock	Wyden
Van Hollen	Warren	
Warner	Whitehouse	

NAYS—48

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Lummis	Tillis
Cruz	Marshall	Toomey
Daines	McConnell	Tuberville
Ernst	Moran	Wicker
Fischer	Paul	Young

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant 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 Executive Calendar No. 513, Chris Magnus, of Arizona, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.

Charles E. Schumer, Richard Blumenthal, Richard J. Durbin, Angus S. King, Jr., Chris Van Hollen, Elizabeth Warren, Debbie Stabenow, Gary C. Peters, Tammy Baldwin, Maria Cantwell, Mark R. Warner, Benjamin L. Cardin, Tammy Duckworth, Tina Smith, Margaret Wood Hassan, Tim Kaine, Patty Murray.

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 Chris Magnus, of Arizona, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. LANKFORD).

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 482 Ex.]

YEAS—52

Baldwin	Cardin	Cortez Masto
Bennet	Carper	Duckworth
Blumenthal	Casey	Durbin
Booker	Cassidy	Feinstein
Brown	Collins	Gillibrand
Cantwell	Coons	Hassan
Heinrich	Merkley	Sinema
Hickenlooper	Murphy	Smith
Hirono	Murray	Stabenow
Kaine	Ossoff	Tester
Kelly	Padilla	Van Hollen
King	Peters	Warner
Klobuchar	Reed	Warnock
Leahy	Rosen	Warren
Luján	Sanders	Whitehouse
Manchin	Schatz	Wyden
Markey	Schumer	
Menendez	Shaheen	

NAYS—47

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Wicker
Fischer	Paul	Young
Graham	Portman	

NOT VOTING—1

Lankford

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Chris Magnus, of Arizona, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.

The PRESIDING OFFICER. The Senator from Iowa.

REMEMBERING MIKE GARBO

Mr. GRASSLEY. Madam President, I come to the floor today to discuss what anybody ought to discuss with a heavy heart because when it comes to fighting drug abuse, the United States seems to be losing.

Over 100,000 Americans have died from drug overdoses in the last year alone. These casualties could have been prevented by better drug prevention, treatment, and intervention, but the brunt of this epidemic is due to drug trafficking organizations. Cartels fuel the flames of drug abuse, often using violence and causing devastating loss of life.

Drug traffickers lace street drugs with fentanyl, making deadly drugs even more lethal. And, of course, we all know that most or all of that fentanyl comes from China. China is winning a war, killing Americans through drug overuse, without even firing a shot.

Of course, drug traffickers are not slowing down. In June of this year alone, Customs and Border Protection agents seized over 1,000 pounds of fentanyl. This could kill two-thirds of the population of the United States.

The boots-on-the-ground agents seize these drugs before they reach us, but what they find, what they seize, is a fraction of what comes into the United States. In my home State of Iowa, agents from the Drug Enforcement Administration seized more lethal doses

of fentanyl in 2020 than there were people within the State. This means the Drug Enforcement Administration seized enough fentanyl to kill everyone in Iowa.

Our law enforcement officers are critical to the fight against illicit drugs.

Now, listen. In the last year or two, law enforcement has been subject to terrible abuse, but these brave men and women don't do just great things; they also do good—good for our country and good in protecting our people. The brave members of State and local law enforcement—you know, like the police, like the sheriffs, like the correctional officers, as well as our Federal officers—deserve honor and respect. They put their lives on the line to ensure that we are all safe.

When tragedy strikes, we feel the loss of our fiercest defenders. In fact, according to the FBI, the rate of officers killed in the line of duty is up. As of last month, 59 members of law enforcement were killed in 2021. At this point in 2020, the number was 39, and that was still an uptick from years prior. This trend is a grim reminder of the bravery, the courage, and the valor each law enforcement officer has when they go to work.

DEA Agent Mike Garbo was one of our most recent casualties in the fight against the illicit drug trade. He was conducting a routine check on an Amtrak train in Arizona when two drug traffickers ambushed him and his fellow DEA agents with gunfire, and of course Agent Garbo was killed.

Agent Garbo was a committed law enforcement person, committed to a career of public service generally and law enforcement specifically. He served as a police officer in Nashville for nearly 12 years before he joined the Drug Enforcement Administration. He served the DEA honorably for more than 16 years, combating drug traffickers all over the globe, from our southwest border all the way to Afghanistan.

This tragedy reminds us in Washington, here, that our work to stop the flow of illicit drugs and to combat drug-related crime isn't over. I support being tough on deadly drugs like fentanyl substances by pushing for permanently scheduling all fentanyl analogs, and I am leading a bipartisan effort to proactively control synthetic analogs and address the heightened threats of methamphetamine.

Being pro-active in the fight against illicit, deadly drugs is critical for multiple reasons.

First, we want to make sure it is harder for drug traffickers to bring drugs into our Nation and to fuel the addiction crisis, but we also need to make it harder for drug traffickers to feel emboldened in lawlessness and to kill law enforcement people like Mike Garbo.

It is time for us to stop sharing stories about tragedies, and, instead, we need to rewrite the story of our future as a nation. I urge my colleagues to act for the betterment of all Americans and join me in the fight against the illicit drug trade, particularly the scheduling of fentanyl and its analogs.

Most importantly, we must all—and I do—thank Agent Garbo and his family for putting his life on the line to protect his fellow countrymen. His sacrifice is, sadly, much too common, but it doesn't make it any less powerful and tragic. We will continue to honor this man and those who follow in his footsteps as we fight the spread of illicit, deadly drugs.

PRIVATE DEBT COLLECTION PROGRAM

Madam President, now on another matter, I want to refer to the debate that is going on behind the scenes here as Democrats try to put together a bill that they would call the Build Back Better bill. I call it the Blue State Billionaire Bailout. It comes from that part that they are talking about increasing all of the IRS agents by a massive amount of people to supposedly bring in x number more dollars into the Federal Treasury. There is some debate about how much it will bring in.

But I want to talk about a program that hires more agents, pays for more agents, and brings in more money, and that is the Private Debt Collection Program.

Going back to what is being talked about here in the Senate behind closed doors in the Democratic Party to put this Blue State Billionaire Bailout bill together, I go to December 1, Washington Post, Secretary of Treasury Janet Yellen. The Post gave her two Pinocchios for claiming that the bloated Blue State Billionaire Bailout package is fully paid for, or, as she would say, the Build Back Better bill is fully paid for.

Much of the Post's column focuses on how much revenue Democrats' proposed increase in the IRS enforcement budget would generate. The White House and the Congressional Budget Office have offered wildly, wildly different estimates of what that proposal would do. The estimate provided by CBO—that is Congress's official scorekeeper—is hundreds of billions less than the number provided by the White House.

I am noting this disagreement to highlight an existing program that is bringing in additional revenue without Congress spending 1 dollar more. I am speaking about, as I previously said, the Private Debt Collection Program.

Recently, the IRS provided an update of this program's enforcement and performance for fiscal year 2021. It shows the program is thriving and bringing in more and more revenue on an annual basis.

Maybe I should give a personal comment on why this program is important to me, because I think I was chairman of the Finance Committee—I forget whether it was 2003 through 2006—during that period of time that we set this program up.

This update on the latest statistics shows that this program, the Private Debt Collection Program, resulted in net revenue to the Treasury of more than $1 billion in fiscal year 2021. This is a real increase of around 129 percent over net revenue in fiscal year 2020 of around $459 million. That 2020 increase was on top of a more than 100 percent increase in net revenue over the year 2019.

These numbers show that the longer the Private Debt Collection Program operates, the more it recovers to the Federal Treasury. The incredible numbers of fiscal year 2021 also reflect several months where the IRS did not provide new cases to the private debt collection company, and without cases being given to these private debt collectors, you aren't going to get more revenue.

In a previous speech, I said that I was going to hold the IRS Commissioner responsible to his promise to provide additional cases to the collection companies by September 27.

And, by the way, I also ought to make very clear that this Private Debt Collection program only goes after taxpayers that aren't paying and that the IRS has given up on collecting money from.

So Commissioner Rettig has kept his promise. I understand that additional collection cases were provided. I commend Commissioner Rettig for following through on his promise to me and for his continued support of this very worthwhile program.

The Private Debt Collection program also does more than just bring in revenue into the Treasury. It also pays for the IRS to hire special compliance personnel who collect unpaid debts that are owed to the government. Those amounts are reflected in the total fiscal year numbers that I gave earlier. I understand that the program was also so successful that the IRS can now hire with this additional revenue up to 400 more employees.

Right now, the Senate is wrangling over how much revenue might be collected if you increase the budget of the IRS and hire thousands of additional IRS personnel. So, meanwhile, as I have shown, we currently have a program that is already bringing in more money year over year, while paying for additional IRS personnel.

I appreciate Commissioner Rettig's support of this program, and look forward to reporting to my colleagues on his continued success.

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. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

The Senator from Texas.

BUSINESS BEFORE THE SENATE

Mr. CORNYN. Mr. President, we are nearing the halfway point of the 117th Congress, and it is time to look back and see what our Democratic colleagues now in the majority have accomplished.

Unfortunately, we have seen a lot of wasted valuable time and ignoring of critical tasks and failing to meet some of the most basic requirements of government. Our colleagues used the first few months of the year to ram through a partisan $2 trillion spending bill, and then they wasted the summer on the majority leader's designed-to-fail agenda.

It wasn't about actually getting anything done. It was about messaging. And then they threw it in cruise control this fall, refusing to let the Senate vote on anything other than low-level nominees and, again, those messaging bills.

Well, unsurprisingly, this partisan approach to governing—despite the fact that we have an evenly divided Senate and perhaps an evenly divided government, this partisan approach, unsurprisingly, did not lead to any good results.

One of the biggest unforced errors in this tardiness so far has been the national defense authorization bill. Now, I happen to believe that providing for the common defense and supporting our men and women in the military, keeping the American people safe, protecting our freedoms is the most important work that we do here. And, indeed, that is reflected by the fact that the National Defense Authorization Act has been passed for 60 years, I believe it is—60 consecutive years.

Well, this is not a particularly controversial bill. In fact, it came out of the Armed Services Committee with an impressive 23-to-3 vote. You have to look long and hard to find any bill that passes the Senate that enjoys as much bipartisan support.

For some unknown reason, though, the Democratic leader refused to bring the Defense authorization bill to the floor. But then when he finally did, after it had been sitting around waiting for action for literally months, then he attached a controversial provision—a bill, the so-called Endless Frontiers Act, which had not been processed by the House, but in an attempt to force the House to take that bill.

Well, as it turned out, after broad bipartisan support for the Defense authorization bill, he couldn't get the votes here in the Senate to advance that bill, so he had to basically pull it down. Well, when you try to add something as big as the Endless Frontiers bill that did pass the Senate to a bipartisan Defense appropriations bill, that created a lot of problems.

So you can't sit on a bill for months and then at the last moment try to jam another bill onto it without at least giving people an opportunity for a robust debate and amendment process. And, as we know, during the time that I have been here, and I am sure during the time that the Presiding Officer has been here, we have less and less of that robust debate and less and less of actually offering and voting on amendments on the Senate floor. It is very different from the time I came here, when it was commonplace.

So I am disappointed that it has taken the leader this long to bring the NDAA to the floor and that, so far, we have been thwarted in our attempt to get this bipartisan bill done. I hear rumors that, in fact, there may be a bill being preconferenced with the House. So my hope is we will get a chance to vote on this bill in the coming days.

Of course, as I indicated, this legislation sends critical support to our servicemembers and their families and ensures that our military bases in Texas, Connecticut, and elsewhere have the funding they need to support the missions they serve in around the world.

But it also provides the military the means to take stock in the global threat landscape. Since 9/11, we have been very focused on the terrorism threat. Unfortunately, at the same time, we have seen China and Russia continue to assert themselves more aggressively around the world. So now we are in the so-called ''great powers competition'' once again, and it is critical that we have this tool known as deterrence that only comes through strength.

Passing this bill and providing the resources and authorities needed for our military are essential to providing that strength, which will lead, hopefully, to deterrence and greater peace.

So the NDAA, as I said, is one of the most important assignments that we have, and there is simply no excuse for leaving this in the cleanup pile to be done between now and Christmas. But having said that, I hope we do get it done.

As I said, there are other past-due assignments—something as basic as funding the functions of the government through passing 12 separate appropriations bills that go through a committee process and are open to amendment in the committee.

Congress's deadline to pass the funding bills doesn't pop up out of nowhere. It hits the same day every year. Back in September, when the Senate should have passed a group of those appropriation bills to fund the government for the next fiscal year, our colleagues on the other side, led by the Democratic leader, kicked the can down the road for 2 months. Rather than use that time to play catch-up and pass those annual appropriations bills, they simply lollygagged.

The funding deadline came last week, and what happened?

Well, there was another continuing resolution. They kicked the can down the road yet once again.

This year, our colleagues have found the time to vote on partisan, dead-on-arrival messaging bills, but they have yet to bring a single appropriations bill to the floor for a vote. We will see if that changes before February, when the current continuing resolution runs out.

Then there is another assignment that our colleagues have ignored for months, and that is the debt ceiling. While they are more than happy to spend money like they did at the first part of this year—another $2 trillion—and add to the national debt and plan to spend at least another—anywhere from probably close to $4.5 trillion additional more money on the Build Back Better program—I know it has been advertised as $1.7 trillion, but outside entities like the Wharton business school at the University of Pennsylvania have said that if you ignore the stops and starts that are set up in the bill as gimmicks that make it scoreless and if you actually extend the bill for the full 10-year budget window, it really is spending closer to $4.8 trillion.

We are trying to get the Congressional Budget Office and the Joint Committee on Taxation to give us a realistic score. But if you see this $2 trillion spent at the beginning of the year with another anticipated potential up to 4.5, 4.8, $5 trillion, you can see why raising the debt limit is so critical. The Treasury Secretary said that we will hit the debt limit by December 15, just a week from tomorrow.

Again, this crisis did not just pop up out of nowhere. Since July, the Republican leader has told our friends across the aisle that they need to raise the debt ceiling on their own.

Some have asked: Why do we insist that Democrats raise the debt ceiling on their own when ordinarily this is a bipartisan effort?

Well, part of this is just a necessary political accountability. If our colleagues are going to spend trillions of dollars in borrowed money and add to the debt ceiling, at some point there has to be some transparency and electoral accountability.

I am told now that Senator SCHUMER and Senator MCCONNELL have agreed on a process that will allow our Democratic colleagues to fulfill their responsibilities to raise the debt ceiling on their own and to suffer the accountability that goes along with it.

All along there was a clear roadmap that could have avoided this confusion if our colleagues had simply used the budget reconciliation process. Debt ceilings are routinely raised using the reconciliation process. There is no problem with the Byrd bath or any other concerns. It is something that is written into the Budget Act of 1974 that they could have done on their own earlier, but by delaying here to the last minute, when Secretary Yellen says we are going to hit the debt ceiling here by the 15th of December, they have created another crisis—again, of their own making.

The reason our colleagues have essentially failed at the fundamentals of governing over this last year is that they have been distracted by their own

partisan ambitions. Again, you would think, after the election of 2020—when you have an evenly divided Senate wherein the Vice President is the one who breaks ties and actually determines, because of that, who is in the majority and who is in the minority—that it would council up some bipartisan consensus-making when the Senate is split, essentially, evenly.

Instead, we have seen one of the most aggressive, radical agendas that we have seen since I have been in the Senate, and not surprisingly, our Democratic colleagues have had trouble convincing even Members of their own caucus to go along with it.

The Build Back Better program—or what I would call ''Build Back Bankrupt''—is a bill that gives millionaires and billionaires massive tax breaks. Strangely, from the party that claims to be representing the working class and the middle class of the country, they want to prioritize the tax breaks for millionaires and billionaires while forcing middle-class families, who can't afford to buy expensive electric cars, to subsidize these fancy cars driven by others who can afford them.

Our colleagues say the spending spree will cost taxpayers about $2 trillion, which, of course, is hardly a bargain to begin with. I remember when a billion dollars used to be a lot of money around here, and now trillions of dollars are casually tossed around like it is an insignificant—or not as serious—a matter as it is.

Yet we know the spending spree—as I said, the ''Build Back Bankrupt'' or ''Build Back Broke,'' whatever you want to call it, or ''Build Back Bad,'' and there are other names you can give it—could cost as much as $5 trillion, as I said, which is more than 2½ times what has been advertised.

We started at $6 trillion from the chairman of the Budget Committee, Senator SANDERS. Then it was paired down, supposedly, to $3.5 trillion, and then to $1.75 trillion. The only way that was done was to propose a piece of legislation that was chock-full of gimmicks and cliffs and phony, false starts in programs that will, in all likelihood, be continued should our Democratic colleagues stay in the majority or achieve a true majority.

This multitrillion-dollar bill will drive up energy costs. We have already seen inflation eating away at the income of working families. When you go fill up your gas tank at the gas station or when you sit down to Thanksgiving dinner, everything is more expensive now because of inflation, making it even tougher for Texas families, among others, to make ends meet.

Of course, then, there is the President's falsely representing the cost of this piece of legislation—actually having the temerity to say that this costs zero. I don't know what he takes the American people for, but they are not stupid. They understand that, when somebody stands up there and says we are going to do something that has been scored to the trillions of dollars and that it is going to cost zero, it really is an insult to their intelligence.

For the past several months, our colleagues have devoted almost all of their energy to this ''Build Back Bankrupt'' plan and, of course, in the process, have failed to meet any of the most basic responsibilities of governing. Now that it is finals season and we are running out of time before the Christmas holidays, they are trying to salvage their poor performance of accomplishment this year.

Our colleagues are quick to point the finger and blame Republicans for the Senate's failures, but Republicans aren't the ones setting the schedule, and, frankly, the message being sent from the Democratic side of the aisle is: We don't want to work with Republicans; we want to do this all by ourselves.

If they get the votes, they can, but they are having some difficulties now—particularly on the ''Build Back Broke'' plan—of even getting Democrats to vote for it. I, actually, think our colleagues from West Virginia and Arizona are doing some of their Democratic colleagues a favor because, I dare say, there are other Members of the Democratic caucus who are going to be on the ballot in 2022, who would prefer not to vote on some of these very controversial provisions.

Our colleagues, though, do control the Senate, the House, and the White House, and every aspect of the legislative process is under their control. So they bear responsibility for the delay in the Defense authorization bill; they bear responsibility for not passing regular appropriations; and they bear responsibility for the concerns that have been expressed by reaching the debt limit, as Secretary Yellen has said, and then, finally, by trying to pass through the House this reckless tax-and-spending spree bill—Build Back Better, ''Build Back Broke,'' ''Build Back Bankrupt''—by focusing so much on these pieces of legislation that will, in my estimation, never pass or certainly not in their current forms.

In ignoring their other basic responsibilities of governing, they are the ones who, ultimately, will get this report card for their performance during the first year of their majority.

So, in being presented with this reality of an evenly split Congress, our colleagues can make a choice as to whether to try to work together and build consensus and do things that can actually pass or to continue down this pathway of purely partisan attempts to legislate. The choice is theirs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. PETERS. Mr. President, I rise today to urge my colleagues to confirm several highly qualified nominees who are waiting to get to work in critical roles across the government.

Therefore, I ask unanimous consent that the Senate consider the following nomination: Executive Calendar No. 404, Rupa Ranga Puttagunta, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years; that the nomination be confirmed; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order on the nomination; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, in reserving the right to object, throughout his Presidency, Joe Biden and his administration have shown a complete and total inability to place qualified and competent people in positions of power across the Federal Government. We have had crisis after crisis due to the failed leadership of President Biden and his appointees. I have absolutely no faith that Joe Biden's radical, far-left nominees will uphold the rule of law.

I cannot and will not consent to allowing these nominees to move forward in an expedited manner. We should take a vote so every Senator can get on the record with their support or opposition to each of these nominees.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan.

Mr. PETERS. Mr. President, I ask unanimous consent that it be in order to make the same request with respect to Executive Calendar No. 406, Kenia Seoane Lopez, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan.

Mr. PETERS. Mr. President, I ask unanimous consent that it be in order to make the same request with respect to Executive Calendar No. 410, Sean C. Staples, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT of Florida. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan.

Mr. PETERS. Mr. President, I ask unanimous consent that it be in order to make the same request with respect to Executive Calendar No. 556, Ebony M. Scott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan.

Mr. PETERS. Mr. President, I ask unanimous consent that it be in order to make the same request with respect to Executive Calendar No. 557, Donald Walker Tunnage, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of fifteen years.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT of Florida. Mr. President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PETERS. Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I ask unanimous consent that it be in order to make the same request with respect to Executive Calendar No. 511, Susan Grundmann, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2025.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT of Florida. Mr. President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PETERS. Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

EXECUTIVE CALENDAR

Mr. PETERS. Mr. President, it is my understanding that the next two nominees that I will bring forward have been cleared, and I would certainly urge my colleagues to support their confirmation.

The first is Michael Kubayanda, nominated to serve a second term on the Postal Regulatory Commission.

Mr. Kubayanda joined the Commission in January of 2019 after he was unanimously confirmed by the Senate during the last administration. Earlier this month, his nomination was reported from committee by a bipartisan vote.

I will say that he brings insight and expertise from decades of experience in both government and the private sector. During his tenure as Chairman of the Commission, Mr. Kubayanda has demonstrated his commitment to working in a bipartisan manner to make the Postal Service more effective and accountable.

I would urge my colleagues to join me in supporting his nomination.

Next, Mr. President, I would ask my colleagues to join me in confirming Erik Hooks to be Deputy Administrator of the Federal Emergency Management Agency, or FEMA.

The Deputy Administrator helps lead FEMA's work preparing for and responding to disasters, ranging from hurricanes to historic flooding and wildfires, to the COVID–19 pandemic.

Mr. Hooks has more than 30 years of public safety experience, including serving as secretary of public safety and homeland security advisor for the State of North Carolina, where his responsibilities included overseeing the State's emergency management agency.

I would urge my colleagues to join me in swiftly confirming Mr. Hooks to this important role as well.

So, Mr. President, I would ask unanimous consent that the Senate consider the following nominations en bloc: Calendar No. 558 and Calendar No. 555; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations of Michael Kubayanda, of Ohio, to be a Commissioner of the Postal Regulatory Commission for a term expiring November 22, 2026 (Reappointment); and Erik Adrian Hooks, of North Carolina, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security, en bloc?

The nominations were confirmed en bloc.

The PRESIDING OFFICER. The Senator from Oregon.

EXECUTIVE CALENDAR—Continued

NOMINATION OF CHRIS MAGNUS

Mr. WYDEN. Mr. President, the Senate will soon vote on the nomination of Chief Chris Magnus to lead the U.S. Customs and Border Protection Office, and I was very pleased that the Senate Finance Committee could advance this important nomination.

I want to give the Senate a brief assessment of why I think Chief Magnus is going to handle his job very well.

He brings a unique combination of smarts, common sense, and fairness, and that is really what this job is all about. For example, having talked to the chief at some length, he understands that strongly enforcing our immigration laws and treating immigrants and asylum seekers humanely are not mutually exclusive. You can do both. They are not incompatible. It is a perspective, in my view, on immigration that is going to help our communities, help public safety, and help our economy all at the same time.

Now, there is no doubt in my mind that Chief Magnus has the right qualifications for this position. He is highly experienced. He started out in Lansing, MI, and has headed up law enforcement agencies across the country—East, West, North, and South.

Currently, he serves as the chief of police in Tucson, AZ. That means we will have an individual leading Customs and Border Protection who starts on day 1—day 1—with firsthand knowledge about the challenges law enforcement on the southern border.

Even beyond that specific element of Customs and Border Protection's work, his range of experience in law enforcement all over the country makes him an ideal pick to lead an Agency with tens of thousands of employees, staffing more than 300 points of entry to our country.

So I think that is the heart of why he is going to be such a positive force with respect to border security, but I also want to note that on the Finance Committee, we are acutely aware that Customs and Border Protection is not just in the business of immigration; it is also on the frontlines of enforcing American trade laws. And too often in the past, that part of the mission has just gotten short shrift.

Today, Customs and Border Protection is the heart of the effort to fight against immoral and unfair trade practices, including the use of forced labor in China and elsewhere. Customs and Border Protection not only investigates forced labor and demands remediation where appropriate, it also enforces the ban on forced labor products entering our country.

Staying a step ahead of trade cheats, whether they are involved in forced labor or not, is key to protecting American jobs, our businesses, and innovation. Workers and businesses depend on healthy, functioning supply chains. We have certainly seen, since the beginning of the pandemic, that when the supply chains break down, you have enormous headaches throughout the economy, from the biggest businesses right down to individual families who are shopping this holiday season for typical holiday goods.

During his nomination hearing, Chief Magnus assured the Finance Committee that Customs and Border Protection's trade mission is going to get the focus and the resources it needs if he is confirmed. He has committed to ensuring that there is adequate staffing at our ports, and he is interested in improving the efficiency of our customs operations in a way that maintains key protections for consumer safety.

He is a first-rate nominee. It is clear he has got the right priorities when it comes to Customs and Border Protection challenges that many of our Senators care about most—securing the border and helping to get supply chains back to normal.

I believe that he is going to work with all of the Members of this body on

immigration and trade-related issues going forward in a way that brings Democrats and Republicans together. I am very happy to support him today.

And as our committee has spent the most time with the chief, I would like to say, as chairman of the committee, that I think he will reflect great credit on our country in a vital position, a position that comes up every day in activities across the land. He is the right person for this important job at the right time.

I urge all Senators to vote for Chief Magnus later today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I rise today to speak about an issue of vital importance involving the U.S. attorneys.

Each of the 93 U.S. attorneys serves as the chief Federal law enforcement officer within his or her jurisdiction. U.S. attorneys prosecute the full spectrum of criminal cases brought on behalf of the United States, from hate crimes to human trafficking, to gang violence, to cyber crime, to narcotics, to financial fraud, to terrorism. The list is long, and the violations of the law that are alleged are serious.

The position of the U.S. attorney is nearly as old as the Nation itself. In fact, the position has existed since the First Congress. President George Washington signed into law the law that created these attorneys in the Judiciary Act of 1789.

Given the critical role that these U.S. attorneys play in bringing justice to those who violate Federal criminal laws, it is hard to imagine that any Member of this body would obstruct efforts to confirm these law enforcement officials. Doing so could threaten public safety and puts at risk millions of Americans' security.

It is also a stark departure from what has happened before. The last time the Senate required a rollcall vote on a U.S. attorney nominee was 1975. Forty-six years have passed without the request for a rollcall vote on a U.S. attorney. For decades, the Senate has confirmed U.S. attorneys by a voice vote or unanimous consent after they have been considered in the Judiciary Committee.

Listen to this: During the Trump administration, 85 of President Trump's U.S. attorney nominees moved through the Judiciary Committee in the Senate. Of those 85, the Senate confirmed every single Trump nominee by unanimous consent without even requesting a record vote. I might add just for the record, I believe one nominee was held for 1 week so that a question could be answered about his background. That is the only thing that I can recall where they even slowed down the process during the Trump administration. Certainly, it was within our power as Democrats to stop and require a vote, but we didn't. Yet now there is a Republican objection to holding a voice vote on five U.S. attorney nominees: Greg Harris for the Central District of Illinois, Clare Connors for Hawaii, Zachary Cunha for Rhode Island, Nikolas Kerest for Vermont, and Philip Sellinger for New Jersey.

Several of these nominees have been held up for weeks—weeks—by this objection. Why, you ask, is there an objection to these five nominees? There must be something wrong with their records. Well, let's take a look.

Greg Harris is a personal friend of mine. I practiced law with him in Springfield, IL. He spent nearly three decades as assistant U.S. attorney in the Central District of Illinois. That includes my hometown. He has tried over 50 cases to verdict and held a number of leadership positions in the U.S. Attorney's Office. He serves on the Central Illinois Human Trafficking Task Force and the Bankruptcy Fraud Working Group.

His nomination is historic. He will be the first African-American U.S. attorney in the Central District of Illinois, which, of course, is located in Mr. Lincoln's hometown of Springfield—the first.

Clare Connors is currently the attorney general of Hawaii. Ms. Connors previously served as criminal prosecutor in the Justice Department's Tax Division, special assistant U.S. attorney in the Eastern District of Virginia, and for nearly 7 years an assistant U.S. attorney in Hawaii.

Zachary Cunha, currently an assistant U.S. attorney in the District of Rhode Island in the same office he will lead upon confirmation—he has worked there for 8 years, following time as an assistant U.S. attorney in both the Eastern District of New York and the District of Massachusetts.

Nikolas Kerest, also an assistant U.S. attorney, served in the District of Vermont since 2010, following time in private legal practice in Maine and Massachusetts and a clerkship on the Second Circuit Court of Appeals.

Philip Sellinger has had a long and distinguished legal career in New Jersey. He began his legal career as a law clerk for Judge Anne Thompson of the District of New Jersey before joining the U.S. Attorney's Office in Newark. For the past two decades, Mr. Sellinger has been a litigator in a prominent law firm and even served as the firm's co-chair of global litigation.

Listen to these biographies. All five of these nominees are eminently qualified to hold the office of U.S. attorney, to prosecute crimes and bring civil actions on behalf of the government, and to help safeguard our communities across America.

There is one thing that all of these U.S. attorney nominees have in common, though. They are all from States with two Democratic Senators. That seems to be the only thing that they might have in common. The objections to these nominees are not that they aren't qualified or that the job is not important; the objection seems to be that they are from States with two Democratic Senators.

So when it comes to critical issues we expect, in the Department of Justice, to be taken care of by U.S. attorneys—issues involving terrorism, human trafficking, narcotics, public corruption, gun violence, the safety of our communities—is the fact that they happen to hail from States with two Democratic Senators enough to disqualify them or to leave these positions vacant?

It is time to end the Republican delay and get these well-qualified prosecutors confirmed and on the job.

We never once during the Trump administration's 4 years held up a U.S. attorney when it came to a voice vote, a unanimous voice vote, to give them the opportunity to serve this country. It is unthinkable that we are going to do this to these fine men and women today. So, today, I will ask unanimous consent for a vote on these nominees.

I ask unanimous consent that the Senate consider the following nominations: Calendar Nos. 534, 535, 536, 581, and 582; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Arkansas.

Mr. COTTON. Mr. President, I reserve the right to object.

The Senate is a special institution. It is a unique institution. James Madison said the Senate was the only truly innovative part of our Constitution.

It remains the case today that our Senate is the only upper Chamber in a Western parliament that has more power under our Constitution than does the lower Chamber. That is in part because of the design of the Senate in our Constitution; because of our Senate rules, of our traditions, of our customs.

We have heard a lot about courtesy and collegiality and respect. Those are very important customs around here, but it has to be a two-way street.

Earlier this year, in the Judiciary Committee, during the markup for Vanita Gupta to be Associate Attorney General, I was speaking, as is my right under the Judiciary Committee rules. There was at least one other Republican Senator who was preparing to speak. There may have been more. The Senator from Illinois, in his role as

chairman of the committee, cut off my remarks and forced through the vote on Vanita Gupta, all so he could save 1 week to get her confirmed—just 1 week.

I said right here at this desk 9 months ago that when our rules and our traditions are so flagrantly breached, there has to be some kind of consequence, and I outlined exactly what that consequence would be at the time: that I would not expedite consideration, as the Senator from Illinois rightly observes is the custom here, for any U.S. attorney nominee from a State represented by a Democrat on the Judiciary Committee because if there are not consequences when rules and traditions are breached in this institution, we will soon not have rules and traditions.

Now, I also said that if the Senator from Illinois would simply express regret for what happened that day and pledge that it wouldn't happen again, I would be happy to let all of these nominees move forward. We have communicated this to the Senator from Illinois and his staff on multiple occasions. I reiterated today that I would be happy to confirm these nominees in the following few minutes if the Senator from Illinois would simply express regret for what happened in the hearing that day and commit that it won't happen again, which, I say again, is simply committing that we follow our own rules. If we hear that from the Senator from Illinois, we will have five new U.S. attorneys.

And I see the Senators from Rhode Island and Hawaii and New Jersey are here. As the Senator from Illinois said, I have no objection to moving forward with any of these particular nominees. All these States can have their U.S. attorneys this afternoon, but if not, I will have to continue to insist that we not expedite these nominations. So I object.

The PRESIDING OFFICER (Mr. MARKEY). Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I have been trying to understand the Republican objection to these well-qualified U.S. attorney nominees, and the Senator from Arkansas has made it clear. It has nothing to do with them; it is about me.

He, obviously, doesn't approve of what happened one day in the committee. And the price to be paid is not by me but by the U.S. attorneys, well-qualified, who have important jobs to fill.

One member of the Republican caucus is upset with the fact that back in March—this happened in March—the Judiciary Committee moved to vote on the nomination of Vanita Gupta to be Associate Attorney General when Republican members of the committee had not finished speaking on her nomination.

He correctly remembers that he was speaking at approximately 10 minutes to 12 p.m., when I interrupted him, took a rollcall vote, and went back to him if he wished to speak again.

I will be the first to acknowledge that I moved forward with the vote on Ms. Gupta's nomination over the objections of committee Republicans. But put simply, the Republicans forced my hand that day.

The Senator from Arkansas talks about courtesy in this body. I will tell him I think that it should be a hallmark of what we all do at all times. I am fortunate, truly blessed, in my mind, to have, as the ranking member of the Senate Judiciary Committee, a real friend in CHUCK GRASSLEY, the Republican Senator of Iowa.

I asked him that day what was going on. I had informed the committee in writing that we would proceed with a vote on Ms. Gupta that day. I then allowed committee Republicans to speak for 94 minutes on Ms. Gupta's nomination, even though much of what was said was repetitive—some false and some really unwarranted.

I was, in fact, prepared to allow committee Republicans to speak for as long as they wished. I turned to Senator GRASSLEY and said: ''What's the plan here?'' And he said: ''Well, Senator TILLIS may return and speak, and we just have these members speaking.''

I had received assurances that the Republicans would not use an obscure Senate rule, the 2-hour rule, to cut off the markup before we voted on Ms. Gupta's nomination. But at 11:55 a.m., I was surprised, as was Senator GRASSLEY, to be informed that despite their earlier assurances, a Republican Senator had, in fact, invoked the 2-hour rule in an effort to prevent Ms. Gupta's nomination from being considered that day and to close down the markup in the committee.

My hand was forced by this action. It was a surprise move, a tactical move, surely within the rules for them to make, but I did exactly what previous Republican chairs of the Judiciary Committee did in similar situations. I ended the debate and called for the vote on the nomination.

If you are listening to this and wondering what these arcane committee procedures have to do with U.S. attorney nominations, you are not alone. The Senator is pleading that we should stand by the traditions of the Senate. And by the traditions of the Senate, these U.S. attorney nominees would go through by unanimous consent. That is a tradition of the Senate as well.

The simple answer is, what happened with the markup debate more than 8 months ago has nothing to do with these five fine individuals or with any other U.S. attorney nominee who may come before the Senate.

If the Senator from Arkansas wants me to publicly express my regret for this occurrence, I express that regret. But I want to make it clear, I relied on my friend Senator GRASSLEY. We were both surprised to know that someone had invoked the 2-hour rule. Caught by surprise, I did what other Republican chairs of the committee have done.

I don't believe we should play politics with critical law enforcement nominations. They are putting our communities at risk and politicizing law enforcement in a way that threatens public safety.

If we are going to truly stand up for law and order, let these men and women go to work across America representing the Department of Justice.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I would like to address the Chair with a question to the Senator from Illinois.

I appreciate those comments. I would observe that since that day, we have not had a similar circumstance in which any Republican wishing to speak was cut off in a markup.

Can we simply have a commitment that that will not happen again in the future, as it hasn't happened in the last 9 months?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Responding through the Chair, as long as there is openness and honesty about what is happening in the procedure, I will assure you that I will do everything I can to extend that courtesy forward.

That particular day, you may or may not be aware of the fact that while you were speaking, we learned—Senator GRASSLEY and I both learned that someone had raised the 2-hour rule, and it came as a surprise to both of us.

When we are open and honest about what we are trying to achieve in a committee, there is no reason why we can't abide by basic courtesy in the tradition of the Senate.

Mr. COTTON. Mr. President, I appreciate the remarks from the Senator of Illinois. I will invite him to make his unanimous consent request again. I do not intend to object further. And a voice vote is fine.

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 534, No. 535, No. 536, No. 581, and No. 582; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the Record; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will proceed to the nominations en bloc.

The question is, Will the Senate advise and consent to the following nominations en bloc: Clare E. Connors, of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years; Zachary A. Cunha, of Rhode Island, to be United States Attorney for the District of Rhode Island

for the term of four years; Nikolas P. Kerest, of Vermont, to be United States Attorney for the District of Vermont for the term of four years; Gregory K. Harris, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years; and Philip R. Sellinger, of New Jersey, to be United States Attorney for the District of New Jersey for the term of four years?

The nominations were confirmed en bloc.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I just want to thank my colleague Senator COTTON and my chairman Senator DURBIN for the way in which that resolved itself. For a minute, we actually feel like a Senate here.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MAGNUS NOMINATION

The question is, Will the Senate advise and consent to the Magnus nomination?

Ms. SMITH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. COTTON) and the Senator from Oklahoma (Mr. LANKFORD).

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 483 Ex.]

YEAS—50

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Collins	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden
Hassan	Peters	

NAYS—47

Barrasso	Burr	Crapo
Blackburn	Capito	Cruz
Blunt	Cassidy	Daines
Boozman	Cornyn	Ernst
Braun	Cramer	Fischer
Graham	Marshall	Scott (FL)
Grassley	McConnell	Scott (SC)
Hagerty	Moran	Shelby
Hawley	Murkowski	Sullivan
Hoeven	Paul	Thune
Hyde-Smith	Portman	Tillis
Inhofe	Risch	Toomey
Johnson	Romney	Tuberville
Kennedy	Rounds	Wicker
Lee	Rubio	Young
Lummis	Sasse	

NOT VOTING—3

Cotton	Lankford	Leahy

The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The majority leader.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

MOTION TO DISCHARGE

Mr. PAUL. Mr. President, I move to discharge S.J. Res. 31 from the Foreign Relations Committee.

The PRESIDING OFFICER. The motion is pending.

Mr. PAUL. Mr. President, the most common cause of famine and starvation is war. Saudi Arabia's air and naval blockade of Yemen has led to thousands and thousands of deaths in Yemen from lack of food and medicine. The United States should end all arms sales to the Saudis until they end their blockade of Yemen.

President Biden said he would change the Trump policy of supporting Saudi's war in Yemen, but it is not all that apparent that policy has changed.

Today, we challenge the Biden administration's sale of $650 million worth of arms, including air-to-air missiles in Yemen.

Just 2 months ago, the Biden administration approved $500 million worth of arms, including maintenance for attack helicopters that are used in Yemen.

Some want to differentiate offensive weapons from defensive weapons, but, really, even defensive weapons can be used to allow a country to absorb attacks in order to continue their offensive operations.

The real question is not an artificial designation of weapons as offensive or defensive but whether Congress is serious about using the leverage of arms sales or withholding arms sales to end the blockade in Yemen.

That the Biden administration continues to reward Saudi Arabia with weapons seems to indicate that President Biden is not really serious about withholding arms sale to end the war in Yemen.

Indeed, if this administration were serious about ending the Saudi blockade, they could do one thing, and this thing would end the war tomorrow, would end the blockade tomorrow. The Saudis, I think, would immediately stop the blockade if this administration would stop sending spare parts and stop fixing the planes.

Bruce Reidel of Brookings writes that ''the Saudi air force would be grounded in short order'' if we quit sending them spare parts, quit repairing their aircraft. We could stop this war if we really had the will to do it.

All America should be appalled at the humanitarian disaster caused by the Saudi blockade of Yemen. For years now, ships that would otherwise carry food, fuel, and medicine are turned away by the Saudi-led coalition, depriving the Yemeni people of the necessities to sustain civilization.

Yemen is one of the poorest countries on the planet. They have to import their food. The blockade is killing their children.

Saudi Arabia's intervention in the Yemeni civil war is a chilling example of the cruelty of warfare by starvation. According to the United Nations, in Yemen 5 million people are one step away from succumbing to famine and disease, and 10 million more are right behind them.

We can start the process of ending this crisis by enacting this resolution of disapproval.

The children of Yemen who survive Saudi's barbaric blockade will inevitably tell their sons and daughters of the horrors of their youth, and those sons and daughters will tell their sons and daughters. Through oral tradition, a thousand generation of Yemenis will know of the Crown Prince's ruthlessness, and they will also know that it was the Americans who sold the weapons to wage this murderous campaign.

The reports from Yemen are literally a nightmare. The Washington Post reported recently of a 3-year-old boy who cannot walk or speak, who weighs 10 pounds—a 3-year-old boy who weighs 10 pounds. The images are grotesque. His face is ''skeletal.'' His arms and legs are as ''thin as twigs.'' He weighs 10 pounds. His father says that he sometimes goes days without any food.

And we are complicit. We are arming the Saudis and allowing this to happen. Offensive, defensive—they shouldn't get any of our weapons. We should stop selling them any weapons until they stop starving the country of Yemen.

The New York Times tells the story of a mother who, after 3 days of failing to get a ride, carried her 8-month-old while walking 2 hours to reach medics to treat her child's acute malnutrition. But even after a week of treatment with enriched formula, the boy still lay motionless on his hospital bed.

Tens of thousands of children have already died from disease and malnutrition from this war, and we should not be complicit. We should not be aiding the Saudis.

International aid agencies, which also have to fight the Saudi blockade to provide assistance, put it this way:

The people of Yemen are not starving. They are being starved.

The Saudi's siege of Yemen is made possible because of American weaponry. The arsenal provided by the United States includes billions of dollars' worth of military aircraft and thousands of air-to-ground munitions.

Only weeks ago, the Biden administration approved a new $650 million sale of 280 advanced medium air-to-air missiles and 596 missile launchers. As painful as it is to admit, the United States is an accessory to this Saudi savagery.

President Biden says the latest sale is merely to help defend Saudi territorial integrity, but the Commander in Chief's words do not match Saudi actions. According to William Hartung, the director of the Arms and Security Program for the Center for International Policy, ''the air blockade is enforced by a threat to shoot down any aircraft, military or civilian, that enters Yemeni air space. . . . The provision of air-to-air missiles gives further credibility to this threat, dissuading any government or aid group from bringing in crucial medicines or flying patients in and out of Yemen.

These weapons are not purely defensive. They are used as a threat to any aircraft that brings aid into Yemen, and they are part of the blockade. They are part of the problem, and it is our leverage.

These weapons belong to the American people. They may be made by private companies, but they are owned by the American people because we commission these weapons, and we should not give them to countries that are starving children and committing, essentially, genocide in Yemen.

In other words, no weapon is exclusively defensive, and continuing arms sales means continued death and destruction in Yemen.

We must end America's complicity in Saudi Arabia's war on the Yemeni people. If you believe in humanitarianism, if you believe America is a force for good that serves as a model for other nations to emulate, if you believe that the crushing of the Yemeni people must be stopped, then you must vote for this resolution of disapproval.

We have a chance to tell the Crown Prince that American arms sales will end until he gives up his starvation campaign. We can end the Saudi blockade and bring relief to the long-suffering people of Yemen.

Should we fail to seize this opportunity, history will not let us forget that America, the last best hope for humanity, failed to protect defenseless civilians from the cruelty of a criminal regime.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I find myself in the somewhat uncomfortable and unusual position of agreeing with Senator PAUL. And let me thank him and Senator LEE for their hard work in reclaiming Congress's congressional war powers, another very important issue. The understanding that it is Congress that has the constitutional responsibility to authorize war—not the President—should, in fact, transcend partisan disagreements.

On November 18, we introduced a congressional resolution of disapproval to block the sale of 280 air-to-air missiles, 596 missile launchers, and other weapons and support—totaling some $650 million—to Saudi Arabia. That is what we will be voting on in a few minutes.

Let me be very clear. As the Saudi Government continues to wage its devastating war in Yemen and repress its own people, we should not be rewarding them with more arms sales. We should be demanding that they end the devastating war in Yemen, which has killed over 230,000 people in one of the very poorest countries on Earth. For more than 6 years, the Saudi-led military intervention in Yemen's civil war has been a key driver of the largest humanitarian disaster in the world—the largest.

According to UNICEF, four out of every five children in Yemen need humanitarian assistance—that is over 11 million children—400,000 children suffer from severe malnutrition; 1.7 million children have been displaced from their homes by violence from this war; and some 15 million people, more than half of whom are children, do not have access to safe water, sanitation, or hygiene.

United Nations humanitarian relief coordinator Martin Griffiths said in September: ''The country's economy has reached new depths of collapse, and a third wave of the pandemic is threatening to crash the country's already fragile healthcare system.''

According to Griffiths, millions of Yemenis are ''a step away from starvation.'' In other words, this poor country is hell on Earth. It is the worst humanitarian disaster on a planet.

Under first the Obama administration and then the Trump administration, the United States was Saudi Arabia's partner in this horrific war. In 2019, Congress made history—and I am very proud of that, and we did this in a bipartisan way—by passing the first-ever War Powers Resolution through both Chambers of Congress, pressing then-President Trump to end this military support. It marked the first time that Congress invoked the War Powers Resolution of 1973 to direct the President to withdraw troops from an undeclared war.

Sadly, tragically, President Trump vetoed that resolution.

Many of us welcomed the Biden administration's announcement earlier this year that it would end U.S. support for offensive military operations led by Saudi Arabia in Yemen and name a special envoy to help bring this conflict to an end, but the crisis has only continued.

American defense contractors continue to service Saudi planes that are waging the war, and the U.S. military also continues to provide intelligence to the Saudi Armed Forces. And now, tonight, we are looking at a new $650 million arms sale to the Saudi Armed Forces.

Now, I am aware that ending U.S. military support for Saudi Arabia's brutal assault will not alone end the multisided conflict in Yemen. The Houthis are launching bloody attacks on the central Yemeni city of Marib and increasing cross-border attacks on Saudi territory. Violence has also erupted between rival factions in the south of Yemen. A U.N. expert panel found that all parties to the conflict may have committed war crimes.

U.S. policy toward Saudi Arabia and this war should be clear: The United States must do everything in our power to bring this brutal and horrific war to an end. Exporting more missiles to Saudi Arabia does nothing but further this conflict and pour more gasoline on an already raging fire.

In my view, the United States must support an international observer mission along the Saudi-Yemeni border and spearhead generous international development efforts to rebuild Yemen. This aid should be focused on bolstering local humanitarian and development initiatives, like Yemen's Social Fund for Development.

We must also dramatically increase our diplomatic engagement to press Saudi Arabia, the Riyadh-based Republic of Yemen Government, and the Houthis to accept the U.N.'s roadmap as the basis for a compromise that ends foreign military intervention and allows Yemenis to come to an agreement. The war has gone on for too long, and it is time for the United States to be bold and to be decisive in bringing about peace.

I also think that it is long past time that we took a very hard look at our relationship with Saudi Arabia, a country whose government represents the very opposite of what we profess to believe in. Saudi Arabia is an extremely undemocratic country that is run by a hereditary, authoritarian monarchy, one of the wealthiest families in the world whose wealth is estimated to be over $1.4 trillion.

At a time when children in Yemen are starving to death, when that impoverished country's healthcare system is collapsing, when the people of Gaza are suffering mass unemployment and environmental devastation, when people throughout that region lack clean drinking water, Saudi Crown Prince Muhammad bin Salman bought himself a $500 million yacht, a $300 million French chateau, and a $450 million Leonardo da Vinci painting. Mass starvation in the region that he helped create, children do not have housing or drinking water, and this guy buys himself a $450 million da Vinci painting.

According to Freedom House, a respected human rights organization:

Saudi Arabia's absolute monarchy restricts almost all political rights and civil liberties. No officials at the national level are elected. The regime relies on pervasive surveillance, the criminalization of dissent, appeals to sectarianism and ethnicity, and public spending supported by oil revenues to maintain power. Women and religious minorities face extensive discrimination in law and in practice.

Freedom House also notes that working conditions for the large migrant labor force are extremely exploitive.

Saudi Arabia is home to millions of migrant workers, many from African countries but also from Pakistan, India, and elsewhere. These workers constitute more than 80 percent of the private-sector workforce, often as laborers and other service workers. They are governed by an abusive system that gives their employers excessive power over their mobility and legal status in the country. As a result, these migrant workers are vulnerable to a wide range of abuses, from passport confiscation to delayed wages and forced labor.

According to Human Rights Watch, under the government headed by Crown Prince Muhammad bin Salman, ''Saudi Arabia has experienced the worst period of oppression in its modern history.''

Human Rights Watch reported earlier this year that ''accounts have emerged of alleged torture of high-profile political detainees in Saudi prisons,'' including Saudi women's rights activists and others. The alleged torture included electric shocks, beatings, whippings, and sexual harassment.

And I think we all understand the nature of this government. Every Member of Congress and I hope every American knows—and our own intelligence services made this very clear—that Muhammad bin Salman himself ordered the murder and the dismemberment of Washington Post columnist Jamal Khashoggi in 2018 in retaliation for Khashoggi's criticisms of the Saudi regime. We all remember that terrible, terrible murder of a Washington Post columnist.

We also know that the Saudi regime has waged a campaign of harassment and attempted kidnapping against other critics, including on U.S. soil.

My simple question is: Why in the world would the United States reward such a regime which has caused such pain in Yemen with more weapons?

My friends, the answer is we should not. I urge my colleagues to support S.J. Res. 31.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today to oppose the joint resolution of disapproval on the sale of air-to-air missiles to Saudi Arabia, which are being used to defend against armed drone attacks from the Houthis.

I think everybody in this body well knows that I carefully consider every arms sale that comes before the Senate Foreign Relations Committee for review. Arms sales are a critical tool of foreign policy that can help bolster alliances while keeping Americans and our partners safe.

However, we have to ensure that our arms sales policies adhere to our core values, including respect for human rights and human dignity. It is for that very same reason that I, along with a series of my colleagues here, introduced the Safeguarding Human Rights in Arms Exports Act—or the SAFEGUARD Act—to make the protection and promotion of human rights a core statutory principle in our arms sales export and monitoring process.

This legislation would enhance our collective oversight of all arms sales to countries that abuse human rights, and I hope it receives consideration in this body and in the House soon.

Now, my colleagues may well remember in 2019 and 2020, that when I truly believe an arms sale undermines our American values, our national security, or when 22 sales are notified under false ''emergency'' pretenses, for example, I will not hesitate to use the tools we have to stop those sales. In fact, that is exactly what we did in this body when I came to this floor and led that effort, in conjunction with others.

Beyond these extreme measures, the committee carefully consults with the State Department and others on the ground to fully understand how weapons will be used.

We have all known for years that there is no military solution to the devastating and tragic conflict in Yemen. Indeed, the Senate Foreign Relations Committee passed my bipartisan Saudi Arabia Accountability and Yemen Act in 2019, which would have halted certain arms sales, stopped refueling, imposed accountability on the people involved in the murder of Jamal Khashoggi, and sought to end the suffering of the Yemeni people. Unfortunately, the full Senate failed to act.

Make no mistake, the Saudi-led coalition bears the brunt of the responsibility for the devastation in Yemen. Yet I, along with most Members of this body, have always supported the use of weapons systems in defense of civilian populations.

I wish to remind my colleagues that the Biden administration has largely suspended sales of many of the offensive weapons the Trump administration was all too happy to sell to the Saudis. However, there is no denying that the Houthis have been increasingly deploying more sophisticated weapons, particularly armed aerial drones, to target civilian populations in Saudi Arabia, and let's not also forget that we have 70,000 American citizens living in Saudi Arabia.

The weapons up for discussion today are being used in this context to defend against these aerial attacks. As air-to-air missiles, they are largely incapable of attacking civilian targets or infrastructure—a critical factor in my decision to support the sale.

While some have argued they could be used to support the Saudi blockade, the fact is that most humanitarian aid is delivered via land and sea. Indeed, tragically, the Saudis have been perfectly capable of blocking the delivery of aid for many years, and in more recent years, the Houthis have also created abhorrent obstacles for the delivery of food, medical supplies, and other vital humanitarian aid, contributing to the worst humanitarian crisis in the world.

While I believe the United States must continue pushing for a political solution to the crisis in Yemen—and I agree with several of the things said by my colleague Senator SANDERS—I also believe that we should continue supporting efforts to stop attacks on civilians. According to the State Department, there have been close to 400 Houthi attacks this year, many of which get past the Patriot missile defense system.

I know that many see this vote as an opportunity to voice dissatisfaction with Saudi Arabia over a variety of its policies, from Yemen to the murder of Jamal Khashoggi, which we have not forgotten, to the harassment of American citizens and their family members.

So let me be clear that I completely agree with the need to push harder to hold Saudi leadership accountable for a variety of actions. I even offered a bill last month as an amendment to the NDAA to do just that, and I am hopeful we will see some of that language in a final product. But I also believe it is important that our security partners know that we will uphold our commitments and prioritize security arrangements that protect civilians.

For that reason, I will oppose efforts to stop this particular sale. I will continue to hold sales as I have—there are many other sales that have not moved forward that I have not permitted to get out of the committee—and continue my efforts to hold Saudi leadership accountable and encourage my colleagues to do the same.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, fellow Senators, I rise to oppose the matter that is before us, and I want to rise in support of the sale of these particular weapons to the Saudis.

The Saudis are an ally of ours. As with many allies, they have items that we don't agree with, and those obviously have been highlighted here on the floor today. My colleague, the chairman of the Foreign Relations Committee, has laid out exactly why we need to see that the sale goes through.

There have been 240-plus drone missiles to strike Saudi targets this year. The latest one was just yesterday. These are Houthi rebel drones that come out of Yemen. They are provided to them by the Iranians. This thing would be over if the Iranians would back away and get out of this.

I agree that we need to press for a solution here. What is going on in Yemen

is one of—not the but close to it—one of the worst humanitarian crises on the planet today. In fact, what is going on there, it is going to get worse as this year goes on. As the Senator from New Jersey indicated, the Houthis have been really unhelpful in getting humanitarian supplies to the people of Yemen, who badly need it.

The Saudis, obviously, need the weaponry that is included in this sale. There are a lot of American citizens in Saudi Arabia, and we should support our allies when they are doing defensive things like this to defend themselves, to defend Americans who are present in their country. We all hope that this will reach a resolution in the near future.

The Iranians are the ones who are stoking this fire. The Houthis are not helpful to us. But we need to help the Saudis defend themselves. So I would urge a ''no'' vote on this matter before us.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, earlier this year, a disastrous retreat from Afghanistan gave our allies and partners reason to doubt that the United States could be counted on. Today, some of our colleagues want to double down on that mistake by blocking defensive support to yet another important partner.

Saudi Arabia is literally surrounded by violent threats conceived, funded, and orchestrated by Iran. To the north, they have got Iran-backed terrorists sowing violence in Iraq and Syria. To the east, they have a gulf filled with the flags of Iran's own increasingly belligerent navy. To the south, the Saudis have Iran-backed Houthi terrorists strangling Yemen and lobbying rockets, missiles, and armed drones over their border.

To be sure, this violence and the plight of the Yemeni people have only worsened since the Biden administration removed the Houthis from the terrorist list and imposed new restrictions on our support to the Saudi-led coalition.

Around the world, from time to time, we all have legitimate concerns about the behavior of our partners, but we are in a better position to influence their conduct if they trust in our partnership. So our colleagues don't get to vent their moral outrage in a vacuum without accounting for what comes next.

A vote to block the sale of defensive military systems to Saudi Arabia would undermine one of our most important regional partners, but there is even more at stake. Whether we help or not, our Arab partners will still be under siege tomorrow. They still need military capabilities to defend themselves. And we know that Russia and China will happily sell them advanced weapons systems. The importance of so-called great power competition is a matter of general consensus. So we should be wary of turning our backs on longtime partners and of pushing them into the arms of our adversaries.

So here is what our colleagues' resolution would actually do. It would give the world yet another reason to doubt the resolve of the United States, and it would give our biggest adversaries a new foothold to exert their influence over a rapidly changing and important region.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. I ask that all remaining time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MOTION TO DISCHARGE

The question is on agreeing to the motion to discharge.

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 30, nays 67, as follows:

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. COTTON) and the Senator from Oklahoma (Mr. LANKFORD).

[Rollcall Vote No. 484 Leg.]

YEAS—30

Baldwin	Kaine	Sanders
Booker	Lee	Schatz
Brown	Luján	Schumer
Cantwell	Markey	Smith
Casey	Merkley	Stabenow
Duckworth	Murray	Tester
Durbin	Ossoff	Van Hollen
Gillibrand	Padilla	Warnock
Heinrich	Paul	Warren
Hirono	Peters	Wyden

NAYS—67

Barrasso	Graham	Reed
Bennet	Grassley	Risch
Blackburn	Hagerty	Romney
Blumenthal	Hassan	Rosen
Blunt	Hawley	Rounds
Boozman	Hickenlooper	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cardin	Johnson	Shaheen
Carper	Kelly	Shelby
Cassidy	Kennedy	Sinema
Collins	King	Sullivan
Coons	Klobuchar	Thune
Cornyn	Lummis	Tillis
Cortez Masto	Manchin	Toomey
Cramer	Marshall	Tuberville
Crapo	McConnell	Warner
Cruz	Menendez	Whitehouse
Daines	Moran	Wicker
Ernst	Murkowski	Young
Feinstein	Murphy	
Fischer	Portman	

NOT VOTING—3

Cotton	Lankford	Leahy

The motion was rejected.

The PRESIDING OFFICER (Ms. HASSAN). The Senator from Washington.

MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate 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.

BUILD BACK BETTER ACT

Mrs. MURRAY. Madam President, I can say with confidence to the senior Senator from Kentucky, who spoke this morning on childcare, that as a former preschool teacher, we can rest assured that we are not at risk of a toddler takeover in the U.S. Senate.

But seriously, I have never heard so much misinformation in such a short time from one person. It is not at all clear to me that the senior Senator from Kentucky read the bill—the Build Back Better bill.

So I want to set some facts straight. Under our bill, working parents will have way more options and pay way less to send their child to a high-quality childcare provider they choose. It is the same with pre-K. Parents of 3- and 4-year-olds will have more options to send their kids to quality preschool for free. We are talking about parents saving thousands of dollars a year on childcare and pre-K, which are huge financial burdens to families right now.

It is also, by the way, a great deal for our States who, by the way, are already working with the Federal Government on childcare, and 44 States already have some form of publicly funded pre-K. So this plan is not some new outlandish idea. And, finally, religious providers and family-based providers are absolutely eligible.

So this isn't a radical plan. It is a practical solution to, again, a huge financial barrier that parents are facing today. It is not a toddler takeover. It is giving parents more choices and more affordability. Though I would actually prefer toddlers on the Senate floor to what I saw today.

And it is not far-left propaganda because I can't emphasize this enough: This is not a political question for parents. To them, the question is, Can I choose the provider I actually like or do I have to go to this cheaper one just because I can't afford the one I really want to send my kids to; or is it worth me going back to work if I have to pay as much for rent or mortgage or college tuition as I do to send my child to a provider that I trust; or how long am I going to be on this wait list, and what do I do in the meantime?

What Democrats want to do is make sure there are more affordable options out there for parents. What Senate Republicans want to do is nothing but watch the prices keep rising.

And here is the thing. I have seen again and again, when someone says you can't do something, it is because they are afraid that you will. It is because they are afraid that we will. Senate Republicans are shaking in their boots because we are really doing something that helps working parents with a big part of their costs.

So I am sure they are going to keep calling affordable childcare ''radical'' and insisting that it would be better to do just nothing, and I am equally sure that Democrats are going to get this 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. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PADILLA). Without objection, it is so ordered.

DR. LORNA BREEN HEALTH CARE PROVIDER PROTECTION ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Chair lay before the Senate the message to accompany S. 610.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 610) entitled, ''An Act to address behavioral health and well-being among health care professionals'', do pass with an amendment.

MOTION TO CONCUR

Mr. SCHUMER. Mr. President, I move to concur in the House amendment.

CLOTURE MOTION

I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 motion to concur in the House amendment to S. 610, a bill to address behavioral health and well-being among health care professionals.

Charles E. Schumer, Tina Smith, Martin Heinrich, Elizabeth Warren, Patty Murray, Tammy Duckworth, Tim Kaine, Gary C. Peters, Angus S. King, Jr., Richard J. Durbin, Brian Schatz, Margaret Wood Hassan, Jacky Rosen, Chris Van Hollen, Jeanne Shaheen, Christopher Murphy, Ron Wyden.

MOTION TO CONCUR WITH AMENDMENT NO. 4871

Mr. SCHUMER. Mr. President, I move to concur in the House amendment, with an amendment No. 4871, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], moves to concur in the House amendment, with an amendment numbered 4871.

Mr. SCHUMER. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

Mr. SCHUMER. I ask for the yeas and nays on the motion to concur with the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4872 TO AMENDMENT NO. 4871

Mr. SCHUMER. Mr. President, I have an amendment to the amendment No. 4871, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], proposes an amendment numbered 4872 to amendment No. 4871.

Mr. SCHUMER. I ask that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

MOTION TO REFER WITH AMENDMENT NO. 4873

Mr. SCHUMER. Mr. President, I move to refer the House message to the Committee on Finance with instructions to report back forthwith with an amendment numbered 4873.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], moves to refer the House message to accompany S. 610 to the Committee on Finance with instructions to report back forthwith with an amendment numbered 4873.

Mr. SCHUMER. I ask that further reading be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall take effect on the date that is 5 days after the date of enactment of this Act.

Mr. SCHUMER. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4874

Mr. SCHUMER. Mr. President, I have an amendment to the instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], proposes an amendment numbered 4874 to the instructions on the motion to refer S. 610.

Mr. SCHUMER. I ask that further reading be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike ''5 days'' and insert ''4 days''.

Mr. SCHUMER. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4875 TO AMENDMENT NO. 4874

Mr. SCHUMER. Mr. President, I have an amendment to amendment No. 4874, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], proposes an amendment numbered 4875 to amendment No. 4874.

Mr. SCHUMER. I ask that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike ''4 days'' and insert ''3 days''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 486.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Lucy Haeran Koh, of California, to be United States Circuit Judge for the Ninth Circuit.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Executive Calendar No. 486, Lucy Haeran Koh, of California, to be United States Circuit Judge for the Ninth Circuit.

Charles E. Schumer, Richard J. Durbin, Debbie Stabenow, Chris Van Hollen, Kirsten E. Gillibrand, Christopher A. Coons, Benjamin L. Cardin, Patty Murray, Alex Padilla, Tina Smith, Ben Ray Luján, Sheldon Whitehouse, Mazie K. Hirono, Elizabeth Warren, Jeff Merkley, Cory A. Booker, Brian Schatz.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 533.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Jennifer Sung, of Oregon, to be United States Circuit Judge for the Ninth Circuit.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Executive Calendar No. 533, Jennifer Sung, of Oregon, to be United States Circuit Judge for the Ninth Circuit.

Charles E. Schumer, Richard J. Durbin, Debbie Stabenow, Chris Van Hollen, Kirsten E. Gillibrand, Christopher A. Coons, Benjamin L. Cardin, Patty Murray, Alex Padilla, Tina Smith, Ben Ray Luján, Sheldon Whitehouse, Mazie K. Hirono, Elizabeth Warren, Jeff Merkley, Cory A. Booker, Brian Schatz.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 576.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Samantha D. Elliott, of New Hampshire, to be United States District Judge for the District of New Hampshire.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Executive Calendar No. 576 Samantha D. Elliott, of New Hampshire, to be United States District Judge for the District of New Hampshire.

Charles E. Schumer, Richard J. Durbin, Tina Smith, Martin Heinrich, Elizabeth Warren, Patty Murray, Tammy Duckworth, Tim Kaine, Gary C. Peters, Angus S. King, Jr., Brian Schatz, Margaret Wood Hassan, Jacky Rosen, Chris Van Hollen, Jeanne Shaheen, Christopher Murphy, Ron Wyden.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, December 7, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar No. 583, No. 584; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations of Brandon B. Brown, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years; and Ronald C. Gathe, Jr., of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years, en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

BETTER CYBERCRIME METRICS ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 173, S. 2629.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2629) to establish cybercrime reporting mechanisms, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I further ask 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. 2629) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2629

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 ''Better Cybercrime Metrics Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Public polling indicates that cybercrime could be the most common crime in the United States.

(2) The United States lacks comprehensive cybercrime data and monitoring, leaving the country less prepared to combat cybercrime that threatens national and economic security.

(3) In addition to existing cybercrime vulnerabilities, the people of the United States and the United States have faced a heightened risk of cybercrime during the COVID–19 pandemic.

(4) Subsection (c) of the Uniform Federal Crime Reporting Act of 1988 (34 U.S.C. 41303(c)) requires the Attorney General to ''acquire, collect, classify, and preserve national data on Federal criminal offenses as part of the Uniform Crime Reports'' and requires all Federal departments and agencies that investigate criminal activity to ''report details about crime within their respective jurisdiction to the Attorney General in a uniform matter and on a form prescribed by the Attorney General''.

SEC. 3. CYBERCRIME TAXONOMY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall seek to enter into an agreement with the National Academy of Sciences to develop a taxonomy for the purpose of categorizing different types of cybercrime and cyber-enabled crime faced by individuals and businesses.

(b) DEVELOPMENT.—In developing the taxonomy under subsection (a), the National Academy of Sciences shall—

(1) ensure the taxonomy is useful for the Federal Bureau of Investigation to classify cybercrime in the National Incident-Based Reporting System, or any successor system;

(2) consult relevant stakeholders, including—

(A) the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security;

(B) Federal, State, and local law enforcement agencies;

(C) criminologists and academics;

(D) cybercrime experts; and

(E) business leaders; and

(3) take into consideration relevant taxonomies developed by non-governmental organizations, international organizations, academies, or other entities.

(c) REPORT.—Not later than 1 year after the date on which the Attorney General enters into an agreement under subsection (a), the National Academy of Sciences shall submit to the appropriate committees of Congress a report detailing and summarizing—

(1) the taxonomy developed under subsection (a); and

(2) any findings from the process of developing the taxonomy under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000.

SEC. 4. CYBERCRIME REPORTING.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall establish a category in the National Incident-Based Reporting System, or any successor system, for the collection of cybercrime and cyber-enabled crime reports from Federal, State, and local officials.

(b) RECOMMENDATIONS.—In establishing the category required under subsection (a), the Attorney General shall, as appropriate, incorporate recommendations from the taxonomy developed under section 3(a).

SEC. 5. NATIONAL CRIME VICTIMIZATION SURVEY.

(a) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director of the Bureau of Justice Statistics, in coordination with the Director of the Bureau of the Census, shall include questions relating to cybercrime victimization in the National Crime Victimization Survey.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000.

SEC. 6. GAO STUDY ON CYBERCRIME METRICS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that assesses—

(1) the effectiveness of reporting mechanisms for cybercrime and cyber-enabled crime in the United States; and

(2) disparities in reporting data between—

(A) data relating to cybercrime and cyber-enabled crime; and

(B) other types of crime data.

PROVIDING FOR THE USE OF THE CATAFALQUE SITUATED IN THE EXHIBITION HALL OF THE CAPITOL VISITOR'S CENTER IN CONNECTION WITH MEMORIAL SERVICES TO BE CONDUCTED IN THE ROTUNDA OF THE CAPITOL FOR THE HONORABLE ROBERT JOSEPH DOLE, A SENATOR FROM THE STATE OF KANSAS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 22, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con Res. 22) providing for the use of the catafalque situated in the Exhibition Hall of the Capitol Visitor Center in connection with memorial services to be conducted in the rotunda of the Capitol for the Honorable Robert Joseph Dole, a Senator from the State of Kansas.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be agreed to 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 concurrent resolution (S. Con. Res. 22) was agreed to.

(The concurrent resolution is printed in today's RECORD under ''Submitted Resolutions.'')

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN STATE OF THE REMAINS OF THE HONORABLE ROBERT JOSEPH DOLE, A SENATOR FROM THE STATE OF KANSAS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Con. Res. 23, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 23) authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the Honorable Robert Joseph Dole, a Senator from the State of Kansas.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be agreed to, and 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 concurrent resolution (S. Con. Res. 23) was agreed to.

(The concurrent resolution is printed in today's RECORD under ''Submitted Resolutions.'')

UNANIMOUS CONSENT AGREEMENT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Notice of Proposed Rulemaking from the Office of Congressional Workplace Rights be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING YOSHI'S CAFE

Mr. DURBIN. Mr. President, a famous chef once said that ''a plate of food was a plate of hope.'' At Yoshi's Cafe in Chicago, the meals were that—and so much more. Every meal—every bite—at Yoshi's was a celebration and a discovery of new tastes and new combinations of tastes.

When Yoshi's Cafe opened 39 years ago, it was on the vanguard of ''fusion cuisine,'' cooking that combines the best of different cultures. In Yoshi's case, it was an exquisite mix of classical French and Japanese cooking traditions. Over the years, Yoshi's also incorporated bits of cuisines, such as hint of Mexican cooking, into their dishes. But the true signature ingredients of any meal at Yoshi's Cafe were pride and love.

Every meal was a chance for founder Yoshi Katsumura to share his impeccable culinary skill and imagination. And every customer was treated like a friend. If you went often enough, as my wife Loretta and I have, you became part of the family. That combination of personal warmth and impeccable food has made Yoshi's Cafe one of Chicago's truly great neighborhood restaurants.

This weekend, Yoshi's Cafe will serve its last meal—and Loretta and I plan to be there. We wouldn't miss the chance to eat one last time at one of our favorite restaurants.

Chicagoans feared this day might come sooner. When founder Yoshi Katsumura died in 2015, we wondered if that might be the end of Yoshi's Cafe as well. But Yoshi asked his wife Nobuko to try to preserve his legacy and the business they had built together. And she did.

With the help of her son, chef Ken Katsumura, Nobuko kept Yoshi's Cafe open, even through a lethal pandemic that devastated the restaurant industry. Her daughter, Mari, has made a name for herself as a top-ranked pastry chef in Chicago.

After some soul-searching, however, Nobuko has decided that it's time for a new chapter—time to spend a little more time with her grandchildren and enjoying life.

Like countless other Chicagoans, Loretta and I feel a touch of sadness about the closing of Yoshi's Cafe. But we also feel tremendously grateful for the memorable meals we have enjoyed there and for the gift of Yoshi and Nobuko's friendship over the years.

I once showed up at the restaurant on a Monday evening, forgetting that it was closed. I stood for a moment on the sidewalk of North Halsted Street, stranded and hungry, trying to decide where to eat. Just as I was about to leave, I heard someone call my name.

It was Yoshi, who lived above the restaurant, calling down to me and offering to fix me a meal on his day off. That was the moment I came to see the goodness of this man. And Nobuko is just as kind and giving.

Yoshi's Cafe brought together the foods of Tokyo, Paris, Lyon, and Chicago. Yoshi was born in Japan. At the age of 20, he apprenticed under another legendary chef, Hiroyuki Sakai in Tokyo, where he first learned the intricacies of fine French cooking.

In 1973, he moved to Chicago, where he studied under one of Chicago' first

celebrity chefs, Jean Banchet, at Le Francais. Further study in Paris and Lyon added to his skills. He returned to Chicago as chef and partner in the city's premier French fusion restaurant, Jimmy's Place.

In 1982, he and Nobuko opened their own place. For nearly 40 years, Yoshi's has earned the love and loyalty of generation of Chicagoans. It has been featured on the Food Network and listed among ''America's Top Tables'' by the Conde Nast Gourmet magazine.

I want to thank Nobuko Katsumura and her gracious and loyal staff for the great gift Yoshi's has been to Chicago.

Loretta and I will miss our friends at Yoshi's and the incredible meals we enjoyed there. We will treasure our memories of this Chicago icon and the great family that created it for years to come.

VOTE EXPLANATION

Ms. SINEMA. Mr. President, I was necessarily absent, but had I been present I would have voted yes on rollcall No. 478, on the Motion to Invoke Cloture on Executive Calendar No. 567, Jessica Rosenworcel, to be a Member of the Federal Communications Commission.

80TH ANNIVERSARY OF PEARL HARBOR

Ms. BALDWIN. Mr. President, December 7 marks the 80th anniversary of the attack on Pearl Harbor, which thrust the United States of America into World War II. I rise today to pay tribute to those who served and sacrificed at Pearl Harbor and throughout World War II to defend our liberty and freedom.

The attack on Pearl Harbor killed 2,403 servicemembers and civilians and injured a further 1,178 people. Today, as we commemorate this anniversary, I want to share the story of the Barber brothers of New London, WI: Navy Fireman 1st Class Malcom J. Barber, 22; Navy Fireman 1st Class Leroy K. Barber, 21; and Navy Fireman 2nd Class Randolph H. Barber, 19.

The three Barber brothers all enlisted in the U.S. Navy in 1940, and together joined the crew of the USS Oklahoma as firemen, which was anchored at Ford Island, Pearl Harbor. When Pearl Harbor was attacked, the USS Oklahoma sustained multiple direct hits and capsized. Malcom, Leroy, and Randolph all died, as did 426 other crewmembers who were on board. Eventually, their remains were recovered, but could not be identified and were buried as unknown remains at the National Memorial Cemetery of the Pacific in Honolulu, HI.

Six years ago, the remains of 388 individuals were exhumed from the cemetery as part of a program launched by the Defense POW/MIA Accounting Agency—DPAA—which eventually was able to identify 355 individuals and allow their remains to be returned home. This past June, nearly 80 years after the attack on Pearl Harbor, the remains of the brothers were finally identified and returned home to New London. On September 11, 2021, the Barber brothers were buried with full military honors in their hometown of New London.

I am pleased that the brothers are finally home, and I am grateful for the work of those at the DPAA who worked to ensure that as many families as possible could receive closure and bring their family members home to rest. As we commemorate this solemn anniversary, I reflect on the service and sacrifice of 320,000 Wisconsinites who served in World War II and honor their contributions in defense of our Nation today and always.

NATIONAL PEARL HARBOR REMEMBRANCE DAY AND HONORING THE TANKERS OF MAYWOOD, ILLINOIS

Ms. DUCKWORTH. Mr. President, I rise today on Pearl Harbor Day to remind my colleagues that on December 7, 1941, Imperial Japan attacked not only Pearl Harbor but also the Philippine Islands, Guam, Wake Island, Howland Island, Midway, Malaya, Singapore, Hong Kong, Shanghai, and Bangkok.

In the Philippines that day, 89 men from Maywood, IL, who made up Company ''B'' of the 192nd Tank Battalion—federated National Guard units from Illinois, Wisconsin, Kentucky, and Ohio—defended Clark Field from invading Japanese forces. They had arrived in the Philippines less than 3 weeks earlier.

These Illinois tankers watched helplessly as Japan's modern planes flew beyond the reach of their guns and destroyed the airfield. They then fought valiantly on the Bataan Peninsula with antiquated weapons and dwindling supplies. Relief from the United States never came. Though they held out for months, the men, overcome with fatigue, starvation, and disease, were surrendered by their commanders on April 9, 1942.

What followed was the infamous Bataan Death March 100 miles up the peninsula to a makeshift prison camp. Thousands died. Maywood, a hamlet outside of Chicago, had the greatest number of men from any single American town on the Death March. They would not all make it home.

Those who survived the initial march endured 3 and a half years of death camps, brutal forced labor, and unimaginable abuse. More than half the Americans taken prisoner on Bataan died before they could see the war's end. Of the 89 Maywood men of Company ''B'' who left the U.S. in 1941, only 43 returned home in 1945.

For 79 years, Maywood has celebrated and remembered its heroes of Bataan with an annual September Memorial. Like many important celebrations in COVID, this was the second year that the memorial had to be postponed. But we do not forget the men of Maywood. From the Bataan-Corregidor Memorial Bridge in Chicago to Maywood's Bataan Memorial Park, my home State of Illinois recalls daily their sacrifice for liberty.

As a retired member of the Illinois National Guard myself, today is a solemn day—a day that will forever live in infamy—when we are reminded of the sacrifices made and the brave lives lost in service to our Nation. I am proud to have served with my Illinois National Guard family and work to continue to bring respect, remembrance, and honor to such a strong legacy.

Therefore, I ask my fellow Senators to join me on this 80th anniversary of Japan's surprise attack on Pearl Harbor and to remember the other Americans who fought and died throughout the Pacific that day. Although the aim of the December 7 surprise attack on Hawaii's Pearl Harbor was to destroy the U.S. Pacific Fleet in its home port and to discourage U.S. action in Asia, the other strikes served as preludes to full-scale invasion and brutal military occupation.

I further ask my colleagues to join me in commending the hard work and dedication of Maywood Bataan Day Organization President Col. Richard A. McMahon, Jr., and his board of directors, as well as Ms. Jan Thompson, president of the Illinois-based American Defenders of Bataan and Corregidor Memorial Society, who are committed to honoring and preserving the history of the men and women of Bataan who gave so much in the fight against tyranny and fascism. They, too, are the part of the story of Pearl Harbor Day and in keeping the memory of the men of Maywood alive to this day.

TRIBUTE TO CARL LEOGRANDE

Mr. BLUMENTHAL. Mr. President, today I rise to recognize Mr. Carl Leogrande, a remarkable man and World War II veteran who turns 100 on January 3, 2022.

Following the invasion of Normandy, Mr. Leogrande served as a tank driver for the 12th Armored Division. After his tank was hit with artillery, Mr. Leogrande was transferred to the medical unit. While there, he efficiently deployed his first aid training from his days as a Boy Scout. This methodical, effective work earned Mr. Leogrande the attention of an officer. Soon, he received warfront training and was quickly assigned as a medic on the front lines.

Mr. Leogrande's division pushed eastward. Along the way, they passed concentration camps that were being liberated by other units. The indescribable sights and smells left Mr. Leogrande with trauma that he speaks of to this day.

At the age of 22, Mr. Leogrande returned home unharmed. Not long after,

he went on a blind date with a young woman named Annabelle. She ended up becoming the love of his life, and the two married a year and a half later.

In the 1970s, Mr. and Mrs. Leogrande moved to Mystic, CT, which they would call their home for the rest of their lives. They became proud member-owners of the Steamboat Wharf Condominium Association. The two were married for over five and a half decades, until Mrs. Leogrande passed away in 2003.

Mr. Leogrande continues to attend every reunion of the 12th Armored Division. Though 782 members were lost during the war, 14 of them still remain, and Mr. Leogrande looks forward to joining his fellow soldiers for their 2022 reunion, which will take place in Texas.

Mr. Leogrande's tireless service will be an enduring legacy. I applaud his many accomplishments and hope my colleagues will join me in congratulating Mr. Carl Leogrande on this milestone of his 100th birthday.

RECOGNIZING THE 433RD FIGHTER WEAPONS SQUADRON

Mr. COTTON. Mr. President, I rise today to acknowledge and honor the 433rd Fighter Weapons Squadron, which began providing advanced instructor training to experienced F–15 pilots on January 3, 1978, as part of the USAF Fighter Weapons School. The 433rd Fighter Weapons Squadron was deactivated on June 1, 1981, and designated the U.S. Air Force Fighter Weapons School, F–15 Division. On February 3, 2003, the 433rd was reactivated and designated the 433rd Weapons Squadron, once again retaining its informal name, ''The Barnyard.'' Though the squadron name has changed over the last 43 years, the tradition established by the individuals of the institution has remained consistent.

December 11, 2021, is graduation day for the pilots of the F–15 Barnyard, bringing the total to 511 F–15 patch wearers. That is 511 individuals who, over the last 43 years, have shouldered the burden of responsibility in training and preparing America's fighting force to go to war in the F–15 air superiority fighter. They are the pilots who have flown on the front lines of aerial combat when called upon by their nation. They are the warriors who lead their wingmen safely home. The graduates of the F–15 division have collectively preserved the Eagle's undefeated record in combat, suffering no losses during its time in service. Twelve of the F–15 Weapons School graduates account for 18 of the F–15's 38 air-to-air victories.

It is no surprise that those who have passed through the 433rd Weapons Squadron, F–15 Division have gone on to do great things and achieve high-ranking positions, in and out of the military. The tradition of the F–15 Division is rooted in the never-ending pursuit of excellence in aerial combat. Throughout their history, the fighter pilots of the Eagle Division have devoted themselves to a worthy cause with enthusiasm, devotion, and discipleship. They have trained and led the pilots who have enabled air supremacy for our forces around the world and in numerous conflicts.

The fighter pilots of the 433rd Weapons Squadron, F–15 Division join a long lineage that has ensured air superiority for our Nation. From DESERT STORM, to ALLIED FORCE, to SOUTHERN and NORTHERN WATCH, and IRAQI FREEDOM, the fighter pilots of the F–15 Division of the Weapons School have ensured that control of the skies is never in question. The 433rd Weapons Squadron, F–15 Division has stood on the shoulders of the giants and dared to reach higher. It has established itself in the history of this great Nation and its contributions to national defense are highly commendable. Their brave pilots now pass the torch to the next generation of air superiority warriors.

TRIBUTE TO BETTY EMERSON

Mr. TILLIS. Mr. President, I rise today to recognize Betty Emerson, who is retiring as the congressional liaison for North Carolina's Disability Determination Services. Ms. Emerson has served the North Carolina Department of Health and Human Services for over 32 years, and her service to North Carolina is greatly appreciated.

Ms. Emerson began her career at the North Carolina Department of Health and Human Services as a unit office assistant. She then served as a backup to the medical and congressional liaison, and finally, as the congressional liaison for the North Carolina Disability Determination Services. She has consistently gone above and beyond the call of duty to assist North Carolina's citizens.

During her 12 years as congressional liaison, Ms. Emerson developed incredibly strong relationships across the State. Her career exemplified the highest standard of excellence, and I am incredibly grateful for the exceptional service she consistently provided to the staff in my North Carolina offices on behalf of our citizens.

I wish Ms. Emerson all the best for happiness and good health in the years ahead.

ADDITIONAL STATEMENTS

TRIBUTE TO DR JOYCE TURNER KELLER

● Mr. CASSIDY. Mr. President, I rise today to recognize and thank Dr. Joyce Turner Keller and her organization Aspirations for 20 years in the fight to end HIV/AIDS.

Aspirations' mission is to serve the needs of hurting people, regardless of race, creed, gender, age, or social class affected by the HIV/AIDS virus. Established in 2001, they have provided a much needed service to our region by providing free testing, education, support groups, and numerous other options to those who are fighting this virus. Its founder, Dr. Joyce Turner Keller, has made it her life's mission to be a face of the invisible that are living and surviving with HIV/AIDS.

As a doctor, I treated uninsured HIV/AIDS patients and saw firsthand the pain this disease can cause. Dr. Joyce Turner Keller has used her God-given talents to care for the underserved and the stigmatized. I commend her on her work and the work of Aspirations these last 20 years.●

TRIBUTE TO JOHN DUMAIS

● Mrs. SHAHEEN. Mr. President, I rise today to salute John Dumais for his many years of dedicated service at the New Hampshire Grocers Association. John is retiring from his longtime role as president and CEO of a trade association that represents hundreds of retailers and suppliers and thousands of workers across the Granite State, and he leaves a legacy worthy of our praise and our gratitude.

John draws on a lifetime of experience and in-depth knowledge in his advocacy for the retail food industry. He grew up working in his family's grocery store in Franklin, NH—Surowiec's Market—and put aside a career track as a pharmacist to help run the shop when his father passed away in 1971. Three years later, he took a role with the New Hampshire Grocers Association. It was the start of an almost five-decade career in which John became one of the State's foremost authorities on the many issues that impact New Hampshire's chained grocery stores and independent retailers.

The Granite State is home to a growing number of retail food chains that offer their services in multiple locations. It boasts a number of independent, local corner stores and specialty shops that provide distinct services to their communities. It also has a number of food manufacturers, brokers, wholesalers, and distributers that serve and support the State's many retailers. Each of these enterprises are represented by the New Hampshire Grocers Association, and each of them has found a knowledgeable resource and skilled advocate in John Dumais. John and his hard-working team tap into their wealth of experience to respond to present needs and anticipate future challenges in this crucial industry.

In addition to his influential role and many achievements with the New Hampshire Grocers Association, John is incredibly generous with his time in a number of other community and charitable organizations. He is a past chairman and current board member of the New Hampshire Food Bank, the chairman of an anti-litter and pro-recycling campaign—New Hampshire the Beautiful—and the past chairman of a scholarship organization, the Asparagus Club. He is also a donor-adviser to

the Mary M. Dumais Memorial Fund, an endowment fund named for his wife that assists women who face challenges entering or advancing in the workforce. John's enthusiasm and desire to tackle serious community issues reveal a deep understanding of the true value of service and reflect the profound sense of community that defines our State.

I have known John for decades. As State senator, Governor of New Hampshire, and now U.S. Senator, I have crossed paths with him at many meetings and events around the State, including just last month at a supply chain event in Manchester. I always welcome his perspective and advice on ways we can strengthen the retail food industry. His wisdom was especially vital in the past year and a half as the industry navigated the challenges of a global pandemic and Granite Staters counted on grocery stores to keep food on their tables. We relied on this essential workforce, just as these retailers relied on John for guidance through tough times.

On behalf of the people of New Hampshire, I ask my colleagues and all Americans to join me in thanking John Dumais for his years of service and advocacy and wishing him all the best in the years ahead.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:23 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2930. An act to enhance protections of Native American tangible cultural heritage, and for other purposes.

At 9:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 610. An act to address behavioral health and well-being among health care professionals.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2762. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report on the remaining obstacles to the efficient and timely circulation of $1 coins; to the Committee on Banking, Housing, and Urban Affairs.

EC–2763. A communication from the Sanctions Regulations Advisor, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Syrian Sanctions Regulations'' (31 CFR Part 542) received in the Office of the President of the Senate on November 30, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–2764. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Computer-Security Incident Notification Requirements for Banking Organizations and Their Bank Service Providers'' (RIN3064–AF59) received in the Office of the President of the Senate on November 30, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–2765. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Additional Revised Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards: El Paso County, Texas and Weld County, Colorado'' (FRL No. 8260.1–02–OAR) received in the Office of the President of the Senate on November 30, 2021; to the Committee on Environment and Public Works.

EC–2766. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Louisiana: Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL No. 9240–02–R6) received in the Office of the President of the Senate on November 30, 2021; to the Committee on Environment and Public Works.

EC–2767. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Partial Approval and Partial Disapproval of Air Quality Implementation Plans; California; San Joaquin Valley Serious Area and Section 189(d) Plan for Attainment of the 1997 annual PM2.5 NAAQS'' (FRL No. 8644–01–R9) received in the Office of the President of the Senate on November 30, 2021; to the Committee on Environment and Public Works.

EC–2768. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Plans; California; San Joaquin Valley Moderate Area Plan and Reclassification as Serious Nonattainment for the 2012 PM2.5 NAAQS; Contingency Measures for the 2006 PM2.5 NAAQS'' (FRL No. 8846–02–R9) received in the Office of the President of the Senate on November 30, 2021; to the Committee on Environment and Public Works.

EC–2769. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Addition of Natural Gas Processing Facilities to the Toxics Release Inventory'' (FRL No. 5879–02–OCSPP) received in the Office of the President of the Senate on November 30, 2021; to the Committee on Environment and Public Works.

EC–2770. A communication from the Regulations Writer, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Extension of Expiration Dates for Three Body System Listings'' (RIN0960–AI56) received in the Office of the President of the Senate on November 30, 2021; to the Committee on Finance.

EC–2771. A communication from the Branch Chief of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Homeowner Assistance Fund safe harbor'' (Rev. Proc. 2021–47) received in the Office of the President of the Senate on November 30, 2021; to the Committee on Finance.

EC–2772. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2020 Review of Medicare's Program for Oversight of Accrediting Organizations and the Clinical Laboratory Improvement Validation Program''; to the Committee on Finance.

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 Ms. KLOBUCHAR (for herself and Ms. SMITH):

S. 3319. A bill to designate the facility of the United States Postal Service located at 155 Main Avenue West in Winsted, Minnesota, as the ''James A. Rogers Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Ms. SMITH):

S. 3320. A bill to designate the facility of the United States Postal Service located at 100 3rd Avenue Northwest in Perham, Minnesota, as the ''Charles P. Nord Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Ms. SMITH):

S. 3321. A bill to designate the facility of the United States Postal Service located at 317 Blattner Drive in Avon, Minnesota, as the ''W.O.C. Kort Miller Plantenberg Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRUZ:

S. 3322. A bill to require the imposition of sanctions with respect to Nord Stream 2 AG; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAMER (for himself and Mr. BLUMENTHAL):

S. 3323. A bill to require the Secretary of Veterans Affairs to make certain improvements to the Veterans Justice Outreach Program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BLUMENTHAL:

S. 3324. A bill to establish requirements for quality and discard dates that are, at the option of food labelers, included in food packaging, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BLACKBURN (for herself, Ms. CORTEZ MASTO, Mr. HAGERTY, Ms. KLOBUCHAR, and Mr. WARNOCK):

S. 3325. A bill to make companies that support venues and events eligible for grants under the shuttered venue operators grant program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. HAWLEY:

S. 3326. A bill to modify Department of Defense printed circuit board acquisition restrictions, and for other purposes; to the Committee on Armed Services.

By Mr. MARKEY (for himself, Mr. MANCHIN, Mr. BROWN, and Mr. DURBIN):

S. 3327. A bill to amend the Controlled Substances Act to require the Attorney General to make procurement quotas for opioid analgesics publicly available, and for other purposes; to the Committee on the Judiciary.

By Ms. SMITH (for herself and Mr. LUJÁN):

S. 3328. A bill to amend the Indian Civil Rights Act of 1968 to extend the jurisdiction of tribal courts to cover crimes involving sexual violence, and for other purposes; to the Committee on Indian Affairs.

By Mr. CORNYN (for himself, Mr. HEINRICH, and Ms. SINEMA):

S. 3329. A bill to reauthorize the U.S. Customs and Border Protection Donations Acceptance Program and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WARNER (for himself, Mrs. FISCHER, Ms. KLOBUCHAR, and Mr. THUNE):

S. 3330. A bill to prohibit the use of exploitative and deceptive practices by large online operators and to promote consumer welfare in the use of behavioral research by such providers; to the Committee on Commerce, Science, and Transportation.

By Mr. PETERS (for himself, Mr. PORTMAN, Mrs. BLACKBURN, and Mr. KELLY):

S. 3331. A bill to amend the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 to improve the semiconductor incentive program of the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

By Mr. BRAUN (for himself, Mrs. BLACKBURN, Mr. ROMNEY, Mr. YOUNG, Mr. INHOFE, and Mr. HAGERTY):

S. 3332. A bill to amend title XI of the Social Security Act to allow States to promote Medicaid objectives through work or community engagement requirements; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY (for himself and Mr. TUBERVILLE):

S. Res. 471. A resolution commemorating the 100th anniversary of the Alabama Farmers Federation and celebrating the long history of the Alabama Farmers Federation serving as the voice for Alabama agriculture and forestry; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. CARDIN, and Mr. CASSIDY):

S. Res. 472. A resolution reaffirming the partnership between the United States and the Dominican Republic and advancing opportunities to deepen diplomatic, economic, and security cooperation between the two nations; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. SCHUMER, and Mr. MCCONNELL):

S. Con. Res. 22. A concurrent resolution providing for the use of the catafalque situated in the Exhibition Hall of the Capitol Visitor Center in connection with memorial services to be conducted in the rotunda of the Capitol for the Honorable Robert Joseph Dole, a Senator from the State of Kansas; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. SCHUMER, and Mr. MCCONNELL):

S. Con. Res. 23. A concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the Honorable Robert Joseph Dole, a Senator from the State of Kansas; considered and agreed to.

ADDITIONAL COSPONSORS

S. 56

At the request of Ms. KLOBUCHAR, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 56, a bill to amend the Public Health Service Act to authorize grants for training and support services for families and caregivers of people living with Alzheimer's disease or a related dementia.

S. 411

At the request of Mr. DURBIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 411, a bill to improve Federal efforts with respect to the prevention of maternal mortality, and for other purposes.

S. 586

At the request of Mrs. CAPITO, the names of the Senator from Louisiana (Mr. KENNEDY) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 586, a bill to amend title XVIII of the Social Security Act to combat the opioid crisis by promoting access to non-opioid treatments in the hospital outpatient setting.

S. 678

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 678, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution.

S. 697

At the request of Ms. ROSEN, the names of the Senator from Colorado (Mr. HICKENLOOPER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 697, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the Bicentennial of Harriet Tubman's birth.

S. 797

At the request of Mr. SCHATZ, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Colorado (Mr. HICKENLOOPER) were added as cosponsors of S. 797, a bill to require transparency, accountability, and protections for consumers online.

S. 864

At the request of Mr. KAINE, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 864, a bill to extend Federal Pell Grant eligibility of certain short-term programs.

S. 1089

At the request of Mrs. BLACKBURN, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 1089, a bill to direct the Government Accountability Office to evaluate appropriate coverage of assistive technologies provided to patients who experience amputation or live with limb difference.

S. 1532

At the request of Mr. KAINE, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1532, a bill to provide a work opportunity tax credit for military spouses and to provide for flexible spending arrangements for childcare services for uniformed services families.

S. 1548

At the request of Mr. LUJÁN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 1548, a bill to amend the Public Health Service Act to improve the diversity of participants in research on Alzheimer's disease, and for other purposes.

S. 1596

At the request of Mr. ROUNDS, the names of the Senator from Arizona (Mr. KELLY), the Senator from Iowa (Mr. GRASSLEY), and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1596, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National World War II Memorial in Washington, DC, and for other purposes.

S. 1748

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1748, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 1813

At the request of Mr. COONS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1813, a bill to direct the Secretary of Health and Human Services to support research on, and expanded access to, investigational drugs for amyotrophic lateral sclerosis, and for other purposes.

S. 1858

At the request of Mr. MURPHY, the name of the Senator from New Mexico

(Mr. LUJÁN) was added as a cosponsor of S. 1858, a bill to prohibit and prevent seclusion, mechanical restraint, chemical restraint, and dangerous restraints that restrict breathing, and to prevent and reduce the use of physical restraint in schools, and for other purposes.

S. 1874

At the request of Mr. WYDEN, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 1874, a bill to promote innovative approaches to outdoor recreation on Federal land and to increase opportunities for collaboration with non-Federal partners, and for other purposes.

S. 1909

At the request of Mr. TESTER, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 1909, a bill to amend title XVIII of the Social Security Act to reform requirements with respect to direct and indirect remuneration under Medicare part D, and for other purposes.

S. 1936

At the request of Mr. BOOKER, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 1936, a bill to amend title 38, United States Code, to provide for extensions of the time limitations for use of entitlement under Department of Veterans Affairs educational assistance programs by reason of school closures due to emergency and other situations, and for other purposes.

S. 1958

At the request of Mrs. MURRAY, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 1958, a bill to amend the Public Health Service Act to reauthorize the program of payments to teaching health centers that operate graduate medical education programs.

S. 2103

At the request of Mr. PADILLA, the names of the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Mr. MARKEY), the Senator from Massachusetts (Ms. WARREN), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2103, a bill to amend the Revised Statutes of the United States to hold certain public employers liable in civil actions for deprivation of rights, and for other purposes.

S. 2305

At the request of Mr. OSSOFF, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2305, a bill to enhance cybersecurity education.

S. 2609

At the request of Mrs. BLACKBURN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2609, a bill to amend title XVIII of the Social Security Act to ensure equitable payment for, and preserve Medicare beneficiary access to, diagnostic radiopharmaceuticals under the Medicare hospital outpatient prospective payment system.

S. 2612

At the request of Mr. LUJÁN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2612, a bill to amend title XVIII of the Social Security Act to add physical therapists to the list of providers allowed to utilize locum tenens arrangements under Medicare.

S. 2629

At the request of Mr. SCHATZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2629, a bill to establish cybercrime reporting mechanisms, and for other purposes.

S. 2676

At the request of Mr. TESTER, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2676, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2720

At the request of Mr. MORAN, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 2720, a bill to direct the Secretary of Veterans Affairs to establish a national clinical pathway for prostate cancer, and for other purposes.

S. 2798

At the request of Mr. LUJÁN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2798, a bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes.

S. 2937

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2937, a bill to authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma, and for other purposes.

S. 2960

At the request of Mr. MERKLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2960, a bill to encourage reduction of disposable plastic products in units of the National Park System, and for other purposes.

S. 3092

At the request of Mr. PADILLA, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 3092, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of certain disaster assistance, and for other purposes.

S. 3143

At the request of Ms. ERNST, the name of the Senator from Wyoming (Ms. LUMMIS) was added as a cosponsor of S. 3143, a bill to amend title 9 of the United States Code to prohibit the enforcement of predispute arbitration agreements with respect to claims of sexual assault and to ensure that fair procedures are used in arbitrations involving sexual harassment claims.

S. 3192

At the request of Mr. RISCH, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 3192, a bill to advance a policy to ensure peace and security across the Taiwan Strait.

S. 3210

At the request of Mr. WARNOCK, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 3210, a bill to amend title 38, United States Code, to extend to Black veterans of World War II, and surviving spouses and certain direct descendants of such veterans, eligibility for certain housing loans and educational assistance administered by the Secretary of Veterans Affairs, and for other purposes.

S. 3253

At the request of Mr. COTTON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 3253, a bill to amend the Family and Medical Leave Act of 1993 to provide leave for the spontaneous loss of an unborn child, and for other purposes.

S. 3254

At the request of Mr. MERKLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3254, a bill to provide grants to local educational agencies to help public schools reduce class size in the early elementary grades, and for other purposes.

S. 3300

At the request of Mr. TILLIS, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 3300, a bill to prohibit the payment of certain legal settlements to individuals who unlawfully entered the United States.

S. 3301

At the request of Mr. RUBIO, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 3301, a bill to prohibit discrimination on the basis of mental or physical disability in cases of organ transplants.

S. 3310

At the request of Mr. BROWN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3310, a bill to direct the Secretary of Defense to develop a plan to establish the Minority Institute for Defense Research, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 471—COMMEMORATING THE 100TH ANNIVERSARY OF THE ALABAMA FARMERS FEDERATION AND CELEBRATING THE LONG HISTORY OF THE ALABAMA FARMERS FEDERATION SERVING AS THE VOICE FOR ALABAMA AGRICULTURE AND FORESTRY

Mr. SHELBY (for himself and Mr. TUBERVILLE) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 471

Whereas, created by farmers, led by farmers, and dedicated to serving farmers, the Alabama Farmers Federation was founded in 1921;

Whereas the Alabama Farmers Federation founded Alfa Insurance in 1946 to provide quality and affordable fire insurance to federation members and has worked to expand coverage to more than 1,000,000 customers in 11 States;

Whereas the Alabama Farmers Federation, with more than 360,000 members and 67 county Farmers Federations, has grown to become the largest farmer-led organization in the State of Alabama;

Whereas the mission of the Alabama Farmers Federation is ''to serve farmers by promoting the economic, social and educational interests of all Alabamians'';

Whereas the Alabama Farmers Federation fulfills that mission—

(1) by representing farm and forestry families of Alabama for the purpose of formulating action to support agriculture, forestry, and rural communities;

(2) by improving agricultural production, education, leadership development, marketing, and public policy; and

(3) by promoting the well-being of the people of the State of Alabama;

Whereas the Alabama Farmers Federation has represented the interests of farmers with respect to the consideration and enactment of all major legislation impacting farmers since the founding of the Alabama Farmers Federation; and

Whereas the Alabama Farmers Federation plays a vital role in promoting the well-being of the people of Alabama—

(1) by analyzing issues faced by farm and forestry families; and

(2) by formulating action to achieve the goals of farm and forestry families: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 100th anniversary of the Alabama Farmers Federation;

(2) recognizes the Alabama Farmers Federation for 100 years of promoting farm and forestry interests for the benefit of the people of the State of Alabama; and

(3) applauds the Alabama Farmers Federation for its past, present, and future efforts to advocate for agricultural and forestry interests that are critical to the State of Alabama.

SENATE RESOLUTION 472—REAFFIRMING THE PARTNERSHIP BETWEEN THE UNITED STATES AND THE DOMINICAN REPUBLIC AND ADVANCING OPPORTUNITIES TO DEEPEN DIPLOMATIC, ECONOMIC, AND SECURITY COOPERATION BETWEEN THE TWO NATIONS

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. CARDIN, and Mr. CASSIDY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 472

Whereas the United States and the Dominican Republic share extensive economic, security, and cultural ties and a mutual commitment to the promotion of internationally recognized human rights, democratic values, and the rule of law;

Whereas the bilateral relationship between the United States and the Dominican Republic has contributed to the economic prosperity and national security of both countries, including through the Dominican Republic-Central America-United States Free Trade Agreement and the Caribbean Basin Security Initiative;

Whereas, under the leadership of President Luis Abinader, who took office on August 16, 2020, the Government of the Dominican Republic has taken steps to effectively address the COVID–19 pandemic, fully vaccinating over 60 percent of its adult population, one of the highest vaccination rates in Latin America and the Caribbean, and acquiring sufficient surplus vaccines to provide donations to other countries in the region;

Whereas, in response to the COVID–19 pandemic, the Government of the Dominican Republic has committed to working with the United States, other Group of 7 countries, the International Monetary Fund, and the Inter-American Development Bank to advance global and regional post-pandemic economic recovery efforts;

Whereas, in 2020, United States foreign direct investment in the Dominican Republic totaled $274,500,000, and remittances from the United States accounted for approximately 78 percent of the over $8,000,000,000 in remittances sent to the Dominican Republic, according to data from the Congressional Research Service and World Bank, respectively;

Whereas, on September 30, 2021, President Abinader signed presidential decree 612–21, creating a ministerial task force to advance nearshoring initiatives and strengthen the Dominican Republic's participation in international supply chains and role as an industrial, manufacturing, and logistical hub, including by expanding the country's network of free trade zones;

Whereas the United States and the Dominican Republic would benefit from a coordinated plan of action to bolster economic relations, realign supply chains, and expand ties between the private sectors in both countries;

Whereas the Government of the United States has engaged with the Dominican Republic and other regional partners to address the United States' serious concerns over the security, human rights, and data privacy risks associated with investments by the People's Republic of China in telecommunication networks and other critical infrastructure;

Whereas the Government of the Dominican Republic has committed to strengthening security cooperation with the United States to address the threats posed by transnational criminal organizations and human trafficking, drug trafficking, and money laundering networks;

Whereas a humanitarian crisis, rampant crime, gang violence, and instability in neighboring Haiti, a situation exacerbated by the July 7, 2021, assassination of President Jovenel Moise, has deepened the suffering of the Haitian people, increased risks to the Dominican Republic posed by organized criminal groups along its borders, and strained the economic capacity of the Government of the Dominican Republic to address the humanitarian needs of Haitian migrants;

Whereas President Abinader has taken significant steps to make the Government of the Dominican Republic more accountable and effective, including by addressing corruption and impunity, appointing an independent Public Prosecutor, requiring additional transparency in public procurement, and proposing legislation to modernize asset forfeiture laws;

Whereas, on October 20, 2021, the Governments of the Dominican Republic, Costa Rica, and Panama signed a joint declaration expressing concern about irregular migration flows, climate change, post-COVID–19 economic recovery, the deteriorating human rights situation in Nicaragua, and the humanitarian crisis in Haiti, and called for stronger cooperation on these issues from the United States, regional partners, and the international community;

Whereas the Government of the Dominican Republic, as host of the Latin America and Caribbean Climate Week 2021, has called for greater regional coordination to address the effects of climate change, including more extreme weather events, biodiversity loss, environmental displacement, and adverse health effects, which Small Island Developing States in the Caribbean are disproportionately vulnerable to;

Whereas the Government of the Dominican Republic has called for the peaceful restoration of democracy and rule of law in Venezuela and is hosting approximately 114,000 Venezuelan refugees; and

Whereas approximately 2,000,000 people of Dominican origin currently reside in the United States, and over 2,000,000 United States tourists visit the Dominican Republic annually, accounting for the largest number of foreign tourists to the country and bolstering its economically critical tourism sector: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its commitment to strengthening the historic partnership between the United States and the Dominican Republic based on shared democratic values and efforts to advance economic prosperity and national security;

(2) encourages continued actions by the Government of the Dominican Republic to assume a regional leadership role in promoting human rights, democratic values, and humanitarian assistance;

(3) calls for further steps to strengthen cooperation between the Governments of the United States and the Dominican Republic on issues of shared strategic interest, including—

(A) by assisting the Dominican Republic in its post-COVID–19 economic recovery, including through support for United States and global initiatives that help developing countries recover financial sustainability and attain equitable access to international financial markets;

(B) by developing and implementing nearshoring initiatives in the Caribbean Basin to realign international supply chains and strengthen the Dominican Republic's standing as a significant industrial, manufacturing, and logistical hub, including

through cooperation on infrastructure development such as ports, power grids, and at free trade zones;

(C) facilitating the expansion of economic and commercial ties, including by prioritizing bilateral development project financing and the formation of a United States-Dominican Republic Business Council;

(D) by supporting and developing collaborative efforts to mitigate and adapt to the effects of climate change, including promoting development and strengthening the U.S.-Caribbean Resilience Partnership and similar initiatives;

(E) by improving security cooperation between the two countries, including in addressing narcotics and human trafficking, dismantling money laundering networks, and strengthening professional law enforcement and criminal justice institutions; and

(F) by increasing cooperation with the Dominican Republic and other international partners to promote stability in Haiti, address Haiti's humanitarian crisis, and facilitate political solutions supported by the Haitian people;

(4) urges the Government of the Dominican Republic to continue taking steps to address the inherent human rights, security, and data privacy risks posed by reliance on technology from the People's Republic of China, including Huawei components, in telecommunication networks;

(5) commends efforts by President Abinader to strengthen the political independence of the Attorney General's Office and institutionalize anti-corruption reforms; and

(6) calls on the Department of State and the United States Agency for International Development to continue to support the efforts of the Government of the Dominican Republic to respond to the humanitarian needs of Haitian migrants in the Dominican Republic.

SENATE CONCURRENT RESOLUTION 22—PROVIDING FOR THE USE OF THE CATAFALQUE SITUATED IN THE EXHIBITION HALL OF THE CAPITOL VISITOR CENTER IN CONNECTION WITH MEMORIAL SERVICES TO BE CONDUCTED IN THE ROTUNDA OF THE CAPITOL FOR THE HONORABLE ROBERT JOSEPH DOLE, A SENATOR FROM THE STATE OF KANSAS

Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. SCHUMER, and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 22

Resolved by the Senate (the House of Representatives concurring), That the Architect of the Capitol is authorized and directed to transfer the catafalque which is situated in the Exhibition Hall of the Capitol Visitor Center to the rotunda of the Capitol so that such catafalque may be used in connection with services to be conducted there for the Honorable Robert Joseph Dole, a Senator from the State of Kansas.

SENATE CONCURRENT RESOLUTION 23—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN STATE OF THE REMAINS OF THE HONORABLE ROBERT JOSEPH DOLE, A SENATOR FROM THE STATE OF KANSAS

Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. SCHUMER, and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by Robert Joseph Dole, a Senator from the State of Kansas, his remains be permitted to lie in state in the rotunda of the Capitol on Thursday, December 9, 2021, and the Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4871. Mr. SCHUMER proposed an amendment to the bill S. 610, to address behavioral health and well-being among health care professionals.

SA 4872. Mr. SCHUMER proposed an amendment to amendment SA 4871 proposed by Mr. SCHUMER to the bill S. 610, supra.

SA 4873. Mr. SCHUMER proposed an amendment to the bill S. 610, supra.

SA 4874. Mr. SCHUMER proposed an amendment to amendment SA 4873 proposed by Mr. SCHUMER to the bill S. 610, supra.

SA 4875. Mr. SCHUMER proposed an amendment to amendment SA 4874 proposed by Mr. SCHUMER to the amendment SA 4873 proposed by Mr. SCHUMER to the bill S. 610, supra.

TEXT OF AMENDMENTS

SA 4871. Mr. SCHUMER proposed an amendment to the bill S. 610, to address behavioral health and well-being among health care professionals; as follows:

At the end add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 4872. Mr. SCHUMER proposed an amendment to amendment SA 4871 proposed by Mr. SCHUMER to the bill S. 610, to address behavioral health and well-being among health care professionals; as follows:

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

SA 4873. Mr. SCHUMER proposed an amendment to the bill S. 610, to address behavioral health and well-being among health care professionals; as follows:

At the end add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall take effect on the date that is 5 days after the date of enactment of this Act.

SA 4874. Mr. SCHUMER proposed an amendment to amendment SA 4873 proposed by Mr. SCHUMER to the bill S. 610, to address behavioral health and well-being among health care professionals; as follows:

On page 1, line 3, strike ''5 days'' and insert ''4 days''.

SA 4875. Mr. SCHUMER proposed an amendment to amendment SA 4874 proposed by Mr. SCHUMER to the amendment SA 4873 proposed by Mr. SCHUMER to the bill S. 610, to address behavioral health and well-being among health care professionals; as follows:

On page 1, line 3, strike ''4 days'' and insert ''3 days''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. WYDEN. Mr. President, I have 7 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, December 7, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, December 7, 2021, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, December 7, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Tuesday, December 7, 2021, at 10 a.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, December, 7, 2021, at 2 p.m., to conduct a closed roundtable.

SUBCOMMITTEE ON FISCAL RESPONSIBILITY AND ECONOMIC GROWTH

The Subcommittee on Fiscal Responsibility and Economic Growth of the Committee on Finance is authorized to meet during the session of the Senate on Tuesday, December 7, 2021, at 9:30 a.m., to conduct a hearing.

SUBCOMMITTEE ON SURFACE TRANSPORTATION, MARITIME, FREIGHT, AND PORTS

The Subcommittee on Surface Transportation, Maritime, Freight, and Ports of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the

Senate on Tuesday, December 7, 2021, at 10 a.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. PAUL. Mr. President, I ask unanimous consent that Anthony Charletta, an intern in my office, be granted floor privileges until December 17, 2021.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDED NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

U.S. CONGRESS,
OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS,
Washington, DC, December 7, 2021.

Hon. PATRICK LEAHY,
President Pro Tempore of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Section 304(b)(3) of the Congressional Accountability Act (CAA), 2 U.S.C. §1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors of the Office of Congressional Workplace Rights (Board) has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), ''the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations 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 on which both Houses are in session following such transmittal.''

The Board has adopted the regulations in the Amended Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval which accompany this transmittal letter. The Board requests that the accompanying Amended Notice be published in the Senate version of the *Congressional Record* on the first day on which both Houses are in session following receipt of this transmittal. The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

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 2nd Street S.E., Washington, DC 20540; 202–724–9250.

Sincerely,

BARBARA CHILDS WALLACE,
Chair of the Board of Directors, Office of Congressional Workplace Rights.

Attachment.

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

AMENDED NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

Modifications to the rights and protections under the Family and Medical Leave Act of 1993 (FMLA), Amended Notice of Adoption of Regulations, as required by 2 U.S.C. 1384, Congressional Accountability Act of 1995, as amended (CAA).

Background:

Section 304(b)(3) of the Congressional Accountability Act (CAA), 2 U.S.C. §1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors of the Office of Congressional Workplace Rights (Board) has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), ''the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations 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 on which both Houses are in session following such transmittal.''

Section 202 of the CAA (2 U.S.C. 1302 et seq.), applies the rights and protections of sections 101 through 105 of the FMLA to covered employees in the legislative branch. On June 22, 2016, the Board adopted and submitted for publication in the *Congressional Record* amendments to its substantive regulations regarding the FMLA. 162 Cong. Rec. H4128–H4168, S4475–S4516 (daily ed. June 22, 2016). As set forth in the Board's accompanying *Notice of Adoption of Regulations and Transmittal for Congressional Approval*, the 2016 amendments provide needed clarity on certain aspects of the FMLA. Congress has not yet acted on the Board's request for approval of these amendments.

The purpose of this *Amended Notice of Adoption of Regulations and Transmittal for Congressional Approval* is to announce adoption of additional modifications to the existing legislative branch FMLA substantive regulations. Specifically, 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 additional 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 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 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 Board formally issued the FMLA regulations on April 19, 1996.

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 John C. Stennis Center for Public Service Training and Development; (12) the China Review Commission; (13) the Congressional Executive China Commission; (14) the Helsinki Commission; or (14) the United States Commission on International Religious Freedom. *See* 2 U.S.C. 1301(a).

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 during the leave year 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 is 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?

In addition to providing for PPL, effective December 20, 2019, FEPLA also 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 additional 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 further modification of its substantive FMLA regulations in order to effectively implement FEPLA's rights and protections to Federal 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 adopted substantive regulations?

The Board follows the procedures as enumerated above and as required by statute. This Amended Notice of Adopted Rulemaking is step (3) of the outline set forth above. The Board has reviewed and responded to the comments received under step (2) of the outline above, and it has made changes where necessary to ensure that the adopted regulations fully implement section 202 of the CAA, and reflect the practices and policies particular to the legislative branch. (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 did not seek additional comments on those adopted amendments.)

Are there substantive differences in the adopted 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 adopted, there will be one text applicable to all employing offices and covered employees. See 2 U.S.C. 1331(e)(2).

Are these adopted 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 adopted 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 adopted 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).

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 adopted 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 Amended Notice of Adoption of Regulations, the Board proposes that virtually identical regulations be adopted for the Senate, the House of Representatives, and certain congressional instrumentalities. Accordingly:

(1) *Senate.* The amended regulations adopted in this Notice shall apply to entities within the Senate, as recommended by the OCWR's Deputy Executive Director for the Senate.

(2) *House of Representatives.* The amended regulations adopted in this Notice shall apply to entities within the House of Representatives, as recommended by the OCWR's Deputy Executive Director for the House of Representatives.

(3) *Certain congressional instrumentalities.* The amended regulations adopted in this Notice 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; the Helsinki Commission; and the United States Commission on International Religious Freedom; as recommended by the OCWR's Executive Director.

Section-by-Section Discussion of Adopted Changes to the FMLA Regulations

As noted above, Congress has not yet acted on the Board's request for approval of its

amendments to its substantive FMLA regulations that the Board adopted on June 22, 2016. The section-by-section discussion of those amendments appears at 162 Cong. Rec. H4128–H4168, S4475–S4516 (daily ed. June 22, 2016).

The following is a section-by-section discussion of the additional adopted amendments related to FEPLA. The Board's adopted amendments to its substantive FMLA regulations provide more detail regarding the implementation of the statutory provisions summarized above. In order to implement FEPLA, the Board amends subparts A–C of part 825 of its substantive regulations (Family and Medical Leave) 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. The Board also amends subpart D 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. (Although the Board had also proposed to amend part 825 to add a new subpart E, for the reasons discussed below, the Board has determined not to do so.) Below we provide a section-by-section explanation of the adopted changes in subparts A–D.

Where a change has been made to a regulatory section, that section is discussed below. However, as the DOL has significantly reorganized its FMLA regulations, which the Board's adopted regulations mirror, many of the sections are moved into other areas of the subpart. The Board as a result will use the adopted section and numbers to provide explanation and analysis of changes. In addition, even if a section is not discussed, there may be minor editorial changes or corrections that do not warrant discussion, such as the substitution of the Office's current name, the ''Office of Congressional Workplace Rights'' for its former name, the ''Office of Compliance.''

Note: The use of the terms ''Type A,'' ''Type B,'' ''Type C,'' etc., in this Notice corresponds to the subsections of the FMLA provision describing these types of FMLA leave. Thus, ''Type A'' FMLA leave refers to leave ''[b]ecause of the birth of a son or daughter of the employee and in order to care for such son or daughter.'' *See* 29 U.S.C. 2612(a)(1)(A). ''Type B'' FMLA leave refers to leave ''[b]ecause of the placement of a son or daughter with the employee for adoption or foster care.'' *See* 29 U.S.C. 2612(a)(1)(B). ''Type C'' FMLA leave refers to leave ''[i]n order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.'' *See* 29 U.S.C. 2612(a)(1)(C). ''Type D'' FMLA leave refers to leave ''[b]ecause of a serious health condition that makes the employee unable to perform the functions of the position of such employee.'' *See* 29 U.S.C. 2612(a)(1)(D). ''Type E'' FMLA leave refers to leave ''[b]ecause of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.'' *See* 29 U.S.C. 2612(a)(1)(E).

Some commenters suggested that the Board modify the regulations to resolve potential ambiguities in the DOL regulation. However, the Board has long held that it will not opine on interpretive ambiguities in the regulations outside of the adjudicatory context of individual cases. The Board's rulemaking authority under the CAA is restricted to circumstances where there is ''good cause'' to depart from the Secretary of Labor's substantive regulations. Further, the Board's adjudicatory function would be undermined if it prejudged ambiguous or disputed interpretive matters. Therefore, the Board does not find ''good cause'' to modify a regulation where the request is based on an ostensible need for clarification.

Section-by-Section Discussion and Board Consideration of Comments

Part 825—Family and Medical Leave

825.1 Purpose and Scope.

The Board finds good cause to amend 825.1 to add 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 employees in the legislative branch. The paragraphs in 825.1 that follow paragraph (c) have been redesignated as paragraphs (d) and (e).

One commenter expressed concerns that the term ''Federal *civilian* employees in the legislative branch'' in proposed paragraph (c) could be read to improperly exclude sworn employees (or police officers) from the scope of the new regulations. The new paragraph (c) omits this term, and instead uses the terms ''Federal employees in the legislative branch'' and ''covered employees.''

Subpart A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT

825.100 The Family and Medical Leave Act.

The Board finds good cause 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 825.208(k), which provides that paid parental leave applies to covered employees in the legislative branch without regard to such limitations.

One commenter suggested amending paragraph (d) of 825.100 to apprise employees that FMLA leave may be denied, and the employee designated as Absent Without Leave, for failing to comply with the notification requirements outlined in 825.301(b). The Board finds that 825.100(d) is consistent with the DOL's regulation, and that good cause has not been shown to modify the DOL's regulation.

825.102 Definitions.

The Board finds good cause to amend 825.102 to add the following definition of *Birth: ''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.''*

One commenter suggested that the definition of *Birth* in 825.102 should be revised to ensure that employees who intend to deliver a live child and through complications in the birthing process have a birth that results in a deceased child receive the same entitlements during the physical recovery process from the birth as those employees whose birthing process results in the birth of a living child. The Board declines to make the suggested change, as its proposed definition encompasses the circumstances that the commenter describes.

One commenter stated that the proposed definition of *Birth* should be stricken from the regulation in its entirety on the ground that good cause does not exist for modifying the applicable DOL regulation at 29 CFR 825.120(a)(l) or (2) by adding a definition of *Birth* which the commenter believed to be in conflict with the existing FMLA regulations. It states that nothing in the FEPLA nor anything unique to the congressional workplace justifies varying from or adding a definition that conflicts with that regulation.

The Board disagrees. First, as stated above, the Secretary's regulations do not define the term *Birth*. Thus, the Board's definition of *Birth* presents no conflict with the Secretary's regulations. Second, the paid leave benefit under FEPLA for Type A leave provides good cause for adding such a definition. That is, the definition provides the specificity necessary in the Board's regulations to implement the new paid leave provisions of FEPLA in the legislative branch in connection with births and placements. By contrast, the paid leave benefit under FEPLA does not apply to employers and employees covered by the Secretary's FMLA title I regulations. Thus, there is no apparent need for clear distinctions between leave for births, placements, serious health conditions, or other qualifying exigencies in the applicable DOL regulations at 29 CFR 825.120 and 29 CFR 825.121, because the benefit, *i.e.*, 12 weeks of unpaid leave, is the same for any of these reasons.

The commenter also suggests striking the second sentence of the Board's definition of *Birth* on the ground that FEPLA does not permit substitution of paid leave for anticipated births. For the reasons set forth below concerning proposed 825.208, we disagree.

The Board finds good cause to amend the definition of *Covered Employee* in 825.102. 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; the Helsinki Commission, and the United States Commission on International Religious Freedom.

The Board finds good cause to amend the definition of *Eligible Employee* in 825.102. 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.

A commenter recommended that the *Employee of the House of Representatives* definition in 825.102 should be revised to conform with language updates made through amendments and reforms to the CAA. The 2018 CAA Reform Act changed the language in the definition of House employees to reference pay that is disbursed by the Office of the Chief Administrative Officer, rather than the Office of the Clerk. Similarly, although the term ''clerk-hire allowance'' was used in original CAA text in the 1990's, the appropriate reference is now the ''Members' Representational Allowance.'' The Board finds good cause to make the suggested changes.

The Board finds good cause to amend the definition of *Employing Office* in 825.102. The amended definition of *Employing Office* includes any employee of the Library of Congress; the Stennis Center for Public Service;

the China Review Commission; the Congressional Executive China Commission; the Helsinki Commission, and the United States Commission on International Religious Freedom.

The Board finds good cause to amend the definition of *Family and Medical Leave* in 825.102. The revised definition includes new language addressing leave to care for covered servicemembers. One commenter suggested further revising the definition to clarify that it means an employee's entitlement of ''up to'' 12 workweeks (or 26 workweeks in the case of leave under 825.127) of unpaid leave. The Board agrees and has made the suggested change.

A commenter suggested that the definition of *Intermittent Leave* in 825.102 should be revised to include paid leave that is now available under the FMLA FEPLA provisions for reasons of birth or placement of a child for foster care or adoption. The Board finds good cause to make the suggested revision.

The Board had proposed to amend 825.102 to add a new definition of *Placement* that clarified that it refers to a *new* placement. Two commenters stated that the proposed definition was inconsistent with the DOL's regulations at 29 CFR 825.121, which does not limit placements to ''new'' placements. The Board has determined that no good cause has been shown to modify the DOL regulation, and the Board will not include a new definition of *Placement* in its adopted regulations.

One commenter suggested that the definitions of *Son or Daughter*, *Son or Daughter of a Covered Servicemember*, and *Son or Daughter on Covered Active Duty or Call to Covered Active Duty Status* in 825.102 (and 825.126(a)(5)) should be defined to account for circumstances where a child is gender neutral or gender undetermined. The commenter suggests adding a provision to clarify that these definitions include a covered servicemember's biological, adopted, foster child, stepchild, legal ward, and child(ren) for whom the covered servicemember stood in loco parentis, who are of any age, and who identify as transgender, gender neutral, gender non-conforming, or non-binary. The Board has determined that no good cause has been shown to modify the DOL regulation. It notes, however, that both DOL and the Board interpret these terms to include any child.

825.104 Covered employing offices.

The Board finds good cause 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; the Helsinki Commission; and the United States Commission on International Religious Freedom.

825.110 Eligible employee, general rule.
825.111 Eligible employee, birth or placement.

The Board finds good cause 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. One commenter suggested deleting the cross-references in 825.111 to subparagraphs (a)(1) or (a)(2) of 825.112. The Board agrees and has revised 825.111 accordingly. The Board has determined not to further revise 825.111 to delete the citation: ''*See also* 825.120–21.''

825.112 Qualifying reasons for leave, general rule.

The Board finds good cause 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.

One commenter stated that the citation in subparagraph (a)(1) of 825.112 should be changed to 825.120(a)(1)–(6) in order to exclude citation to the Board's proposed subparagraph (a)(7) of 825.120. As stated below, the Board has determined not to include the proposed subparagraph (a)(7) of 825.120. Therefore, the Board declines to make this revision.

825.120 Leave for pregnancy or birth.

The Board finds good cause 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 also finds good cause 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.

One commenter noted that subparagraph (a)(3) indicates that spouses who are employed by the same employing office ''*may* be limited to a combined total of 12 weeks of leave,'' which seemingly grants employing offices the discretion to determine whether spouses are entitled to 12 weeks of individual or combined FEPLA leave for births or placements. The commenter states that the final rule should plainly indicate whether this is the intent of the provision or identify the instances when spouses would otherwise be limited to a combined 12 weeks of FEPLA leave. The Board has determined that no good cause has been shown to modify the DOL regulation, which uses the term ''may.'' *See* 29 CFR 825.120(a)(3).

The Board had proposed to add a new subparagraph (a)(7) to 825.120, to state 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. Several commenters stated that the new subparagraph (7) should not be included in the final rule, on the ground that no good cause exists for modifying the relevant DOL regulations to add this subparagraph. The Board has determined not to address this issue in the regulations and therefore will not include the proposed subparagraph (a)(7) in 825.120.

825.121 Leave for adoption or foster care.

The Board finds good cause 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.

One commenter stated that the Board should amend subparagraph (a)(3) of 825.121, which concerns spouses who are eligible for FMLA leave and are employed by the same covered employing office, to clarify whether employing offices have discretion to grant the entire 12-week entitlement to both employee spouses; and to identify the circumstances when FEPLA leave must be separated or combined for those eligible employees. The Board's regulation is based on the DOL's regulation, and the Board finds no good cause to further modify that regulation.

One commenter stated that the first sentence of paragraph (b) of 825.121 should be amended to substitute ''the employee's'' for ''the,'' so that the sentence would read: ''An eligible employee may use intermittent or reduced schedule leave after the placement of the employee's healthy child for adoption or foster care only if the employing office agrees.'' The Board has determined that no good cause has been shown to modify the DOL regulation.

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.

One commenter stated that the Board omitted from the proposed rule the following language from 825.208(f) of its existing FMLA regulation: ''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.'' The commenter states that this language should be included as part of 825.200. For the reasons set forth in the Board's June 22, 2016 Notice of Adopted Rulemaking, this language was relocated to paragraph (e) of 825.110. The Board agrees with the commenter, however, that because this language concerns the amount of FMLA leave available to an employee, it is more appropriately be included in 825.200. Accordingly, the Board has relocated this language to paragraph (j) of 825.200.

825.207 Substitution of paid leave, generally.
825.208 Substitution of paid leave—special rule for paid parental leave.

The Board finds good cause 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. Although the proposed 825.208 provided that paid parental leave may be substituted for unpaid FMLA leave based on a birth or placement event as provided in a new proposed subpart E, the Board has determined not to include a subpart E. Rather, as discussed below, relevant provisions of proposed subpart E have been relocated to 825.208, and the paragraphs of 825.208 have been redesignated accordingly.

Paragraph (a) of 825.208 (previously proposed as subparagraph 825.500(b)(3) of subpart E), clarifies that the PPL provisions of the FMLA apply to births or placements occurring on or after October 1, 2020.

Paragraph (b) of 825.208 (previously proposed as paragraph (a) of 825.208) addresses the purpose of the new 825.208. Paragraph (c) of 825.208 (previously proposed as paragraph (b) of 825.208) addresses the possibility of substituting PPL or paid annual, vacation, personal, family, medical, or sick leave for unpaid FMLA leave in connection with a birth or placement.

One commenter suggests that 825.208(b)(1) should be revised to add ''or'' to account for alternative circumstances, such as when the birth of a child does not result in the care of a newborn child. The Board has determined that the suggested change is unnecessary.

One commenter states that because paragraphs (b) and (c) of 825.208 cross-reference the entire section 825.120 (''Leave for pregnancy or birth''), those paragraphs impermissibly expand the entitlement to PPL and the right to demand to substitute paid leave for unpaid leave beyond what Congress provided in the FEPLA. Specifically, the commenter contends that only birth-related events described in subparagraphs (a)(1) and (2) of section 825.120 (covering birth and bonding time) constitute Type A FMLA leave, but that other birth-related events described in 825.120, such as prenatal care and incapacity due to pregnancy, can only constitute Type C or D leave. By referencing 825.120 in its entirety, the commenter concludes, the substitution provisions of 825.208(b) and (c) would impermissibly expand FEPLA to allow substitution for birth-related Type C or D leave. The commenter recommends that paragraphs (b) and (c) should cross-reference 29 U.S.C. 2612(1)(A) or (B) rather than cross-referencing 825.120.

The Board disagrees. First, it is well-established that circumstances may qualify for FMLA leave under more than one FMLA leave type, such as when an employee or the employee's child has a serious health condition requiring continuing medical treatment after the birth of the child. Therefore, the fact that leave for prenatal care and incapacity due to pregnancy could constitute Type C or D leave does not bar an employee from substituting paid leave under FEPLA on the ground that it is also in connection with Type A leave. 2 USC 1312(d)(2).

Second, acceptance of the commenter's position would lead to the incongruous result that paid leave in connection with the placement of a child for adoption or foster care may be substituted for unpaid FMLA leave taken prior to the actual placement, but paid leave in connection with the birth of a child may not be substituted for unpaid FMLA leave taken prior to the actual birth. As stated above, the CAA, as amended by the FEPLA, provides that ''[a] covered employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of section 102(a)(1) of the [FMLA] any paid leave which is available to such employee for that purpose.'' Subparagraph (A) concerns leave without pay ''[b]ecause of the birth of a son or daughter of the employee and in order to care for such son or daughter;'' and subparagraph (B) concerns leave without pay ''[b]ecause of the placement of a son or daughter with the employee for adoption or foster care.'' 2 USC 1312(d). Regarding placements, the Secretary's regulations at 29 CFR 825.121, which the Board has adopted, expressly provide that ''[e]mployees 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,'' such as ''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.'' 29 CFR 825.121(a)(1) (emphasis added). Such leave before the placement could *only* constitute leave ''[b]ecause of the placement'' covered by subparagraph (B) of FMLA section 102(a)(1), *i.e.*, it could not constitute unpaid leave because of a birth, serious health condition, or other qualifying exigency under FMLA sections (A), (C), (D) or (E).

Under FEPLA, ''[a] covered employee may elect to substitute for any leave without pay under subparagraph . . . (B) . . . any paid leave which is available to such employee for that purpose.'' The paid leave that is available to a covered employee for that purpose is up to 12 weeks ''of paid parental leave *in connection with* the . . . placement involved,'' and ''[a]ny additional paid annual, vacation, personal, family, medical, or sick leave provided by the employing office to such employee.'' 2 USC 1312(d)(2) (emphasis added). Accordingly, under FEPLA, covered employees may elect to substitute paid leave for any FMLA leave without pay taken before the actual placement of a child for adoption or foster care if an absence from work is required for the placement to proceed.

Similarly, regarding births, the Secretary's regulations at 29 CFR 825.120 provide that unpaid FMLA leave because of the birth of a child may be used prior to the actual birth. Congress could not have intended that an employee may substitute paid leave under FEPLA for a physical examination in connection with an anticipated placement but not in connection with an anticipated birth. Under FEPLA, ''[a] covered employee may elect to substitute for any leave without pay under subparagraph . . . (A) . . . any paid leave which is available to such employee for that purpose.'' As with placements, the paid leave that is available to a covered employee for that purpose is up to 12 weeks ''of paid parental leave *in connection with* the . . . birth involved,'' and ''[a]ny additional paid annual, vacation, personal, family, medical, or sick leave provided by the employing office to such employee.'' 2 USC 1312(d)(2) (emphasis added). Accordingly, the Board's regulations provide that under FEPLA, covered employees may elect to substitute paid leave for any FMLA leave without pay taken before, and in connection with, the birth of a child.

The Board stresses that the Board's regulations do not impermissibly expand or increase the 12 weeks of PPL granted to covered employees under FEPLA; rather, they merely define the circumstances upon which those 12 weeks of PPL benefits may be used. Therefore, if a covered employee substitutes PPL leave in connection with, but prior to the actual birth or placement, less (or no) PPL leave may be available for the employee to substitute after the birth or placement occurs.

One commenter noted that subparagraph (c)(2) refers to ''annual, vacation, personal, family, medical, or sick leave,'' but in subparagraph (e)(4) there is a reference to ''annual leave or sick leave.'' The commenter recommends making this language consistent throughout the regulations. The Board agrees, and has determined that it would be most consistent with the purposes and provisions of FEPLA to use the term ''annual, vacation, personal, family, medical, or sick leave.''

Paragraph (d) of 825.208 (previously proposed as subparagraph 825.502(b)(2) of subpart E), concerns covered employees' FEPLA leave entitlement. Several commenters suggested that paragraph (d) be revised to further clarify the availability of PPL in cases where there are multiple uses of FMLA leave during a 12-month period. Given the fact-specific nature of such situations, the Board has revised paragraph (d) to set forth the following general principle, to be applied to resolve particular cases as they arise: ''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 within a single 12-month period. The specific amount of paid parental leave available will depend on when the employee uses various types of unpaid FMLA leave relative to any 12-month period established under 825.200(b).''

Paragraph (e) of 825.208 (previously proposed as 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 (e)(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.

One commenter expressed concern that subparagraph (e)(4) of section 825.208 could be misinterpreted to have a meaning that conflicts with sections 825.300 and 825.301 and is inconsistent with a DOL interpretation letter from 2019, which states, ''Once an eligible employee communicates a need to take leave for an FMLA-qualifying reason, neither the employee nor the employer may decline FMLA protection for that leave.'' The commenter notes that sections 825.300 and 825.301 require employing offices to identify and designate as FMLA leave any employee request for leave that qualifies for FMLA protection, even if the employee does not explicitly ''invoke'' the FMLA. For example, if an employee were to request to use sick leave immediately following childbirth, ''without invoking family and medical leave,'' subparagraph (e)(4) would permit the employing office to grant or deny the sick leave request and not designate the leave as Type A or D FMLA leave as required by sections 825.300 and 825.301—even though the employing office has sufficient information to know that the employee is requesting leave that qualifies for both Types of FMLA leave. Accordingly, the commenter states that subparagraph (e)(4) of section 825.208 must be revised to remove the conflict with sections 825.300 and 825.301. The Board agrees and has modified subparagraph (e)(4) accordingly.

Paragraph (f) of 825.208 (previously proposed as 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 (f)(2) through (f)(3) set forth limited exceptions. Paragraph (f)(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.

Several commenters expressed concern that the retroactive designations described in subparagraphs (f)(2)–(4) could conflict with the statute governing the compensation and adjustment of compensation of certain congressional employees. We understand the concern but disagree with one commenter's conclusion that these subparagraphs must therefore be stricken. Rather, we have revised the general rule at subparagraph (f)(1) to provide that retroactive substitution under subparagraphs (f)(2)–(4) is permissible, provided such retroactive substitution does not violate any applicable law or regulation.

Paragraph (g) of 825.208 (previously proposed as paragraph 825.503 of subpart E) concerns pay during leave. It 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.

One commenter recommended that paragraph (g) should not include the second subparagraph of the proposed rule, which concerned premium pay provisions that are inapplicable to congressional employees. The Board agrees and has made the suggested deletion.

Paragraph (h) of 825.208 (previously proposed as subparagraph 825.502(d) of subpart E) concerns treatment of unused leave. It 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.

One commenter suggested that paragraph (h) should be revised to clarify that the forfeiture of unused paid parental leave does not impact an employee's ability to use unpaid FMLA leave for other qualifying reasons, to the extent that the employee is eligible for such leave in accordance with 825.110, 825.112, and 825.200. The Board agrees and has made the recommended clarification.

Paragraph (i) of 825.208 (previously proposed as subparagraph 825.500(c) of subpart E) clarifies that an employing office is responsible for the proper administration of 825.208, including the responsibility of informing employees of their entitlements and obligations. The proposed rule provided that ''[t]he head of'' an employing office was responsible. The Board agrees with two commenters who suggested omitting this phrase on the ground that leave and compensation responsibilities are typically delegated by the head of an employing office to a designee. The final rule has been so revised.

Paragraph (j) of 825.208 (previously proposed as subparagraph 825.500(b)(2) of subpart E) 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.

Paragraph (k) of 825.208 (previously proposed as subparagraph 825.504(a) of subpart E) addresses the applicability of certain FEPLA provisions concerning the obligation to return to work. Subparagraph (k)(1) of 825.208 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. Subparagraph (k)(2) (previously proposed as subparagraph 825.504(b) of subpart E) 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.

One commenter suggested omitting subparagraph (k)(1) on the ground that the statutory limitations referred to in this subparagraph only apply to executive branch employees and are not included in the FEPLA provisions that apply to congressional employees. The Board declines to adopt commenter's suggestion, as the final regulation concerns the FEPLA amendment to the CAA at 2 USC 1312(d)(4)(C).

Paragraph (l) of 825.208 (previously proposed as paragraph 825.505 of subpart E) 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. Subparagraph (1) 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.

We disagree with one commenter's suggestion that this provision should be deleted. However, as with paragraph (f), the Board has revised subparagraph (l)(1) to provide that retroactive substitution under subparagraphs (f)(2)–(4) is permissible provided such retroactive substitution does not violate any applicable law or regulation.

Subparagraph (2) of 825.208(l) 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.

One commenter suggests that subparagraph (l)(2) should be revised to substitute ''learns''' for ''determines.'' The Board agrees and has made the suggested modification. Further, the commenter suggests that subparagraph (l)(2) should be revised to include an option for the employee to rebut the presumption that paid parental leave was desired during the period of incapacitation. For example, the employee might elect to use another form of leave in order to preserve the period of paid parental leave for a later time during the 12-month period. The Board agrees and has revised subparagraph (l)(2) accordingly. The additional language that allows an employee to rebut the presumption of a PPL request upon his/her return to duty mirrors language in subparagraph (l)(1).

Paragraph (m) of 825.208 (previously proposed as paragraph 825.506 of subpart E) 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. Subparagraph (1) 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. Subparagraph (2) of 825.208(m) 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, the provisions of 825.208 shall be independently administered for each birth or placement event.

The Board has opted not to include examples in 825.208; rather, as stated above, the Board will not opine on interpretive ambiguities in the regulations outside of the adjudicatory context of individual cases. Further, the Board's adjudicatory function would be undermined if it prejudged ambiguous or disputed interpretive matters in its substantive regulations.

825.213 Employing office recovery of benefit costs.

The Board finds good cause 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 finds good cause 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 finds good cause 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.

One commenter stated that paragraph (e) of section 825.300 has no basis in applicable law and should be stricken. As the Board stated in 2016 in response to a similar comment: The CAA incorporates the ''rights and protections established by section 101 through 105'' of the FMLA and incorporates remedies ''as would be appropriate if awarded under'' section 107(a)(1) of the FMLA. See 2 U.S.C. 1312(a)(1), (b). The Board agrees that Section 109 of the FMLA is not incorporated in the CAA, and that no legal authority exists for a regulation that incorporates requirements and penalties based on section 109 of the FMLA. However, the Board does not agree with the commenter's assertion that the remedies for section 825.300(e) derive from Section 109 of the FMLA, and finds that no good cause has been shown to modify the DOL regulation.

825.301 Designation of FMLA leave.

One commenter suggested that 825.301, which concerns designation of FMLA leave, should explain that once an employing office properly designates the absence as FMLA leave, the employee cannot overturn the designation. The Board does not find good cause to amend 825.301.

SUBPART D—ADMINISTRATIVE PROCESS

825.400 Administrative process, general rules.

The Board has amended 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 had proposed to amend part 825 of its substantive FMLA regulations to add a new subpart E. In its final adopted rule, the Board has determined not to add a new subpart E. Rather, the provisions of proposed subpart E concerning substitution of paid leave under FEPLA have been consolidated with 825.208, discussed above.

The Board finds good cause 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 OF THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS 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.

(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 02020, Public Law 116–92, December 20, 2019) (FEPLA). FEPLA amended the FMLA to allow most 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 covered 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 825.208(k), 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. *See also* 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; (14) the Helsinki Commission; or (15) the United States Commission on International Religious Freedom.

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 825.112 [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 Chief Administrative Officer 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 Members' Representational 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 United States Commission on International Religious Freedom, 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 of up 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, birth, or placement, 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.

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, the United States Commission on International Religious Freedom, 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.

825.111 Eligible employee, birth or placement.

For purposes of leave under subsections (A) or (B) of section 102(a)(1) of the FMLA, 29 USC 2612(a)(1)(A) or (B):

(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. 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.

(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:

(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 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.

(a) *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).

(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.

(3) 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: in connection with the birth of a son or daughter of the employee and in order to care for such son or daughter; in connection with 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.

(j) 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.

825.201 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 (⅕) 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 (½) 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 (⅓) 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 (⅙) 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 applies to births or placements occurring on or after October 1, 2020.

(b) This section provides the basis for determining the periods of unpaid leave for which paid parental leave or accrued paid leave may be substituted in connection with:

(1) The birth of a son or daughter, and to care for the newborn child (*See* 825.120); or

(2) 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);

(c) *Leave connected to birth or placement.* For unpaid leave described in paragraph (b) of this section, an employee may elect to substitute—

(1) Up to 12 workweeks of paid parental leave 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.

(d) *Leave entitlement.* 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 within a single 12-month period. The specific amount of paid parental leave available will depend on when the employee uses various types of unpaid FMLA leave relative to any 12-month period established under 825.200(b).

(e) *Employee entitlement to substitute.* (1) An employee is entitled to substitute paid leave for leave without pay as provided in paragraph (c) of this section.

(2) An employing office may not require that an employee first use all or any portion of the leave described in subparagraph (c)(2) of this section before being allowed to use the leave described in subparagraph (c)(1) of this section.

(3) An employing office may not require an employee to substitute paid leave for leave without pay as described in subparagraph (c)(2) of this section.

(4) An employee may request to use annual, vacation, personal, family, medical, or sick leave for the reasons described in paragraph (b) of this section 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. If the employing office grants the leave request, it must designate whether any leave granted is FMLA leave, in accordance with sections 825.300 and 825.301.

(f) *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 (f)(2) and (f)(3) of this section, and provided such retroactive substitution does not violate any applicable law or regulation.

(2) An employee may retroactively substitute paid leave for leave without pay as permitted in paragraph (c) of this section, 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.

(g) *Pay during leave*. 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.

(h) *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. The forfeiture of any unused balance of paid parental leave does not impact an employee's ability to use unpaid FMLA leave for other qualifying reasons, if eligible pursuant to 825.110, 825.112 and 825.200.

(i) *Employing office responsibilities*. An employing office that has employees covered by this subpart is responsible for the proper administration of 825.208, including the responsibility of informing employees of their entitlements and obligations.

(j) *Library of Congress*. 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.

(k) *Work obligation*. Paid parental leave under this subpart shall apply without regard to:

(1) 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

(2) 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).

(l) *Cases of employee incapacitation*. (1) If an employing office determines that an otherwise eligible employee who could have made an election for a past leave period to substitute paid parental leave (as provided in paragraph (c) of this section) 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 paragraph (c) of this section on a retroactive basis, provided such retroactive substitution does not violate any applicable law or regulation. 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.

(2) If an employing office learns 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. An employee may, within 5 workdays of the employee's return to duty status, request to substitute other leave for the paid parental leave.

(m) *Cases of multiple children born or placed in the same time period*. (1) 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 paragraph (d) of this section.

(2) 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.

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 825.208(k), 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 nondiscretionary 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 claim, 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(b). 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, 825.208(k)).

(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(b).

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.* Subject to 825.208, 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(b). 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(e).

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).

1825.307 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. 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 that apply to the administrative process 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, as incorporated by the CAA, 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 hearing officer or the Board because the violation was in good faith and the employing office had reasonable grounds for believing the employer had not violated the CAA. When appropriate, the employee may also obtain appropriate equitable relief, such as employment, reinstatement and promotion. When the employing office is found in violation, the employee may recover a reasonable attorney's fee, reasonable expert witness fees, and other costs as would be appropriate if awarded under section 2000e–5(k) of title 42.

(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.

825.401–825.404 [Reserved]

SUBPART E—[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.

SUBPART H—[Reserved]

ORDERS FOR WEDNESDAY, DECEMBER 8, 2021

Mr. SCHUMER. Finally, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, December 8; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day and the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; that the cloture motions filed during yesterday's session ripen at 11:30 a.m., and if cloture is invoked on the Rollins nomination, all postcloture time expire at 2:15; further, that if cloture is invoked on the Smith nomination, all postcloture time expire at 5:30 p.m.; finally, that if any of the nominations are confirmed during Wednesday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's actions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:19 p.m., adjourned until Wednesday, December 8, 2021, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

TODD E. MOSZER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LARRY J. SAUNDERS, JR.

IN THE SPACE FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR SPACE FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be colonel

MARC D. DANIELS
JARED A. HOFFMAN
SCOTT B. JOSSELYN
LOUIS P. MELANCON
NICHOLAS MONTALTO III
JASON A. PARISH
MARCUS D. STARKS
JAY M. STEINGOLD

CONFIRMATIONS

Executive nominations confirmed by the Senate December 7, 2021:

NATIONAL MEDIATION BOARD

DEIRDRE HAMILTON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2022.

DEPARTMENT OF HOMELAND SECURITY

CHRIS MAGNUS, OF ARIZONA, TO BE COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF JUSTICE

CLARE E. CONNORS, OF HAWAII, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS.

ZACHARY A. CUNHA, OF RHODE ISLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS.

NIKOLAS P. KEREST, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF HOMELAND SECURITY

ERIK ADRIAN HOOKS, OF NORTH CAROLINA, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

POSTAL REGULATORY COMMISSION

MICHAEL KUBAYANDA, OF OHIO, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2026.

FEDERAL COMMUNICATIONS COMMISSION

JESSICA ROSENWORCEL, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2020.

DEPARTMENT OF JUSTICE

GREGORY K. HARRIS, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

PHILIP R. SELLINGER, OF NEW JERSEY, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW JERSEY FOR THE TERM OF FOUR YEARS.

BRANDON B. BROWN, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

RONALD C. GATHE, JR., OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 7, 2021 withdrawing from further Senate consideration the following nomination:

SAULE T. OMAROVA, OF NEW YORK, TO BE COMPTROLLER OF THE CURRENCY FOR A TERM OF FIVE YEARS, VICE JOSEPH OTTING, WHICH WAS SENT TO THE SENATE ON NOVEMBER 2, 2021.

EXTENSIONS OF REMARKS

RETIREMENT OF DOREEN DOTZLER, DEPUTY CHIEF OF THE OFFICE OF OFFICIAL REPORTERS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. HOYER. Madam Speaker, I rise today to honor Doreen Dotzler, the Deputy Chief of the Office of Official Reporters, as she retires after twenty-three years of service to the House in the Office of the Clerk.

A Minnesota native, Doreen first came to Congress in 1998, working as a House stenographer covering committee assignments for the Clerk's Office. From 2001 to 2014, she served as a stenographer on the House Floor, and then transitioned to a Senior Official Reporter Position before taking on her current role in 2019. Among a great many other responsibilities, over the last seven years, Doreen has read every single word spoken on the House Floor, and over her career she has borne witness to countless historic moments in this chamber. It is in no small part because of her dedication, her knowledge of Congressional procedure, and her attention to detail that the daily CONGRESSIONAL RECORD over her tenure has been consistently accurate and reliable.

After previously delaying her retirement to extend her public service, Doreen leaves her post this year after a distinguished tenure in support of the House and its work. This institution and the American people it serves have greatly benefitted from her work, and I hope all of my colleagues will join me in extending my heartfelt thanks to Doreen and wishing her and her husband Terry and their family the very best as she retires.

CONGRATULATING CAMAS HIGH SCHOOL'S GIRLS SOCCER TEAM FOR WINNING THE WASHINGTON STATE 4A CHAMPIONSHIP

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. HERRERA BEUTLER. Madam Speaker, I rise today to commend and congratulate the Camas High School's girls soccer team for winning the Washington state 4A championship, the program's third state title and second in five years. The COVID–19 pandemic limited many of our prep athletes from competing during the 2020 season, yet high school athletes like the girls on the Camas soccer team have demonstrated the ability to adapt and persevere in these competitions. For the undefeated Papermakers, that perseverance has paid off in a big way.

Competing in prep sports is a wonderful opportunity to learn lessons in discipline, focus, team play, work ethic, and comradery. Winning a state title is a momentous achievement this team can be proud of for the rest of their lives, and I have confidence they will find success using the lessons they learned while competing in soccer. Go Papermakers.

HONORING LT. COL. BEN JACKMAN

HON. ELISSA SLOTKIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. SLOTKIN. Madam Speaker, I rise today to honor Lieutenant Colonel Ben Jackman, Battalion Commander of the 2nd Battalion, 30th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division.

Originally from Princeton, N.J., Lt. Col. Jackman has an elite pedigree from our nation's premier military institutions. After graduating from West Point, he completed Ranger School and served multiple deployments, first in Korea and subsequently in Iraq. In between tours abroad, he attended the Command and General Staff College and the Advanced Military Studies Program at Fort Leavenworth, before deploying to Afghanistan. In the almost 20 years that Lt. Col. Jackman has worn the uniform, he has earned multiple awards and decorations, including the Ranger Tab, the Combat Infantryman and Expert Infantryman Badges, the Bronze Star Medal with four Oak Leaf Clusters, and the Meritorious Service Medal with three Oak Leaf Clusters.

In short, Lt. Col. Jackman is an officer's officer. He sets the standard for the other battalion commanders and officers around him—which is why, when the mission to safeguard the airport in Kabul demanded our nation's best, Lt. Col. Jackman stepped into the breach. He came face to face with a chaotic, dangerous situation on the ground, full of risk for both the Afghans crowding the gates and the troops responsible for guarding them. The mission demanded equal parts strategic knowledge of perimeter security as well as the human skills to determine who could get through.

The mission brought out the best of our nation's servicemen and women. It had them give up sleep and comfort to help load the sick, the elderly, and small children onto planes scheduled to depart. It required stamina and grit, and it involved sacrifice—11 Marines, an Army soldier and a Navy corpsman who gave their lives defending our allies.

Through it all, Lt. Col. Jackman is the reason that our group of more than 100 Afghans was able to safely make it inside the airport gates. His bravery and his command spared them from the danger they faced to life and limb.

Madam Speaker, I rise to honor Lt. Col. Ben Jackman for his willingness to go above and beyond the call of duty in our effort to evacuate Afghan allies from Kabul and support them in their new life. For the profound difference that he has made in the lives of hundreds, if not thousands of individuals who are now safe, and for his actions that are in keeping with the highest traditions of our military and our nation, I submit these words—may they stand as a tribute to his dedicated service when the moment called for it most.

INITIATING A POSITIVE AND PRODUCTIVE DIALOGUE BETWEEN THE OROMO COMMUNITY OF MINNESOTA AND THE U.S. STATE DEPARTMENT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. MCCOLLUM. Madam Speaker, the ongoing civil conflict in Ethiopia is inflicting terrible suffering on the Ethiopian people of all ethnic groups. The mass killing of civilians, the violence against women, blatant human rights abuses, and displacement of nearly 2 million people are all the consequences of the Ethiopian government's brutal use of military force earlier this year. Now a civil war is raging among armed groups organized along ethnic lines that threatens the lives of millions of innocent civilians and has the potential to destabilize all of East Africa.

In Minnesota, we are fortunate to be home to the largest community of Oromo-Americans in the U.S. and quite possibly the largest Oromo community outside of Ethiopia. I am honored to represent many Oromo-American constituents, but I can say they are suffering because their family and friends in Ethiopia have for years been enduring violence, repression, and human rights abuses by the current government, and preceding Ethiopian governments as well.

Yesterday, my office hosted a direct dialogue between the leaders of the Oromo Community of Minnesota and representatives of the U.S. State Department's Africa Bureau led by Principal Deputy Assistant Secretary (PDAS) Ervin Massinga. The dialogue was an opportunity for the President of the Oromo Community of Minnesota, Ms. Leyla Abawari, and her colleagues to directly share their perspectives, concerns, and recommendations for U.S. diplomatic engagement in Ethiopia, as well as elevate the political and humanitarian issues facing the people of Oromia.

The Oromo-American representatives voiced their strong desire for ongoing U.S. diplomatic action with the goals of achieving peace, respect for human rights, democratic political freedoms, the release of political prisoners, and a humanitarian response that alleviates the horrible human suffering faced by the Oromo and all innocent Ethiopians caught in this conflict.

I applaud the State Department's diplomatic efforts in Ethiopia despite facing a very challenging situation and I know the Biden Administration is committed to continuing to work

tirelessly to achieve peace. I am deeply appreciative of PDAS Massinga's willingness to hear the concerns of the Minnesota Oromo community and respond with direct, respectful, and honest answers.

My long relationship with the Oromo community of Minnesota is built on respect for their many contributions the success of our state and country. I will continue to work closely with the community to ensure that their relatives and friends in Oromia, and all of Ethiopia, can live in peace with the hope and opportunity for the future.

I include in the RECORD the following letter from the Oromo Community of Minnesota outlining their views on the situation in Ethiopia and the conditions faced by the Oromo people.

COMMENTARY ON THE CIVIL WAR IN ETHIOPIA

(Oromo Community of Minnesota)

Ethiopia is fast approaching state collapse. The civil wars raging in the north, south and western parts of the country leaving hundreds and thousands of dead, injured, and displaced. The war has featured gruesome human rights abuses, massacre, sexual assault, and substantial humanitarian crisis. The media and international diplomacy have been preoccupied by the war in the northern that involves Ethiopian federal government and allied forces from Amhara, Eritrean forces one side and TPLF/TDF on the other side, the preceding and equally damaging civil war in Oromia has not been spotlighted.

For the last three years western Oromia and southern Oromia have been under military command post by supplanting civil administration. Ethiopian government tried to justify the imposition of military as counter insurgency measures against OLA. As Amnesty and other human rights organizations have documented Ethiopian securities have committed egregious human rights abuses, extrajudicial killings, rape, torture, mass arrests, burning village and displacement under the guise law enforcement measures. Most of the victims have been students, farmers, members of opposition parties, families of opposition parties and government employees. So far government have neither investigated nor prosecuted the perpetrators of crimes.

Although the situation in Ethiopia continues to be exceedingly volatile, we would like to extend our heartfelt appreciation to the United States government for taking important steps in pressuring the Ethiopian government and fighting parties to hold a national dialogue. We support the administration's decision to impose sanctions on those responsible for human rights violations. It is imperative that the warring parties, including the Ethiopian National Defense Forces, the Tigray People's Liberation Front, and Amhara regional forces, and other armed groups cease all hostilities, protect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of human right abuses being perpetrated against civilians. Oromos represent over 40 percent of the population, therefore, play a significant role in bringing lasting peace to Ethiopia's problems. It is becoming more evident that the country continues to face a complete destabilization, and the opportunity to take decisive action is closing rapidly. We feel addressing the following significant factors in the context of the entire country is essential to address the crisis.

The Oromia region is being devastated by the conflict, just this week, the nation is mourning the loss of Members of Karrayyu Gadaa leadership (the council of an Oromo sacred Instititution who were massacred during a prayer ceremony 'Waaq Kadhaa' by government forces on December 1st, 2021.

State-sanctioned violence in Western Oromia: Under the pretext of fighting armed groups, government security forces themselves have been the perpetrators carrying out extrajudicial killings, rape, and human rights abuses (see: 2020 Amnesty Report).

Drone attacks are continuously being carried out in Wollo and Wollega, claiming thousands of lives. These drones are being supplied by the Turkish, UAE, and Iran governments.

Lack of humanitarian access to areas of Guji, Borana, Bale, Wollega, and Wollo that continue to be affected by the conflict in the Oromia region.

The detention of the prominent Oromo Political opposition leaders—Following the assassination of beloved Oromo singer and activist Haacaaluu Hundeessaa, key political leaders and government opposition figures such as Jawar Mohammed, a former Minnesotan resident, and Bekele Gerba was imprisoned in the capital, Addis Ababa. Currently, more than 100,000 Oromo youth prisoners across the country are held without due process of law.

An ongoing communications blackout in Oromia

Mass imprisonment and ethnic profiling of the Oromo people

Lack of freedom of expression (media) and association

The profiling and detention of American citizens of Oromo origin in Ethiopia. Recently, Mr. Yonas Gudata, a Minnesotan resident, has been unlawfully detained by the Ethiopian government after traveling there to visit his sick father.

The Forced recruitment of child soldiers in the Ethiopian army—Children as young as eight are being forced into conscription. They are being placed on the frontlines to be shielded from ENDF soldiers.

The Rhetoric by regime supporter diasporas despite being pro-regime voices, they continue to undermine the pressure by the U.S. and advocate for the Ethiopian regime to continue their brutality against civilians across the country unchecked. There is clear hate speech by encouraging the regime for mass arrests and violence against civilians.

The unnoticed act of those who hold U.S. citizenship, but are involved in the act of armed conflict, and the promotion of a complete annihilation of other nationalities, mainly Oromos and Tigrayans.

With communications blackouts throughout the country and the lack of independent press, the regime is using disinformation and propaganda to fuel violence, hide what is happening, and create confusion. Pro-regime forces online are going after international journalists and academics discussing or covering the ongoing crises.

Conflict in Benishangul-Gumuz Region: Violence in the Metekkel Zone in the Benishangul-Gumuz Region in western Ethiopia has intensified over possession and control of its fertile and resource-filled land. This conflict has led to incidents of intercommunal violence—between historically marginalized indigenous populations of the region and others who have settled there. As the Amhara Regional State tries to expand its domain, claim the land, and displace the indigenous peoples, the conflict has escalated. PM Abiy Ahmed is repeating a call for Amhara security forces and militias to be involved, raising concerns that even more civilians will be killed and harmed. A report by the UNHCR indicates that thousands of people from Metekkel fled to South Sudan to escape the conflict (see: Voice of America—English and Foreign Policy).

War in Tigray: The war in Tigray that began November 4, 2020, continues. Establishing accountability for mass atrocities and war crimes committed at the hands of Ethiopian National Defense Forces, Eritrean soldiers, and Amhara militias and unimpeded humanitarian access to all affected by these hostilities.

Sudan-Ethiopia border conflict: Ethiopia and Sudan are currently escalating disputes over the control of the ''al-fashqa triangle'', an area of fertile farming land. According to the UN, Sudanese Armed Forces, Ethiopian National Defense Forces, including Amhara militia, and Eritrean forces are deployed around the Barkhat settlement in Greater Fashaga. Clashes have been reported since early March (see: Bloomberg).

Dam dispute between Ethiopia, Egypt, and Sudan: The Grand Ethiopian Renaissance Dam (GERD), located in the Benishangul-Gumuz Regional State, has been under construction since 2011. It remains a contentious project among the three countries because of competing interests to provide cheap electricity and protect the fresh water supply from the Nile. Despite negotiations that have lasted years and include the U.S., Sudan, Egypt, and Ethiopia, they have failed to reach an agreement. In July 2020, Ethiopia began filling the dam's reservoir without a deal, adding to the growing animosity among the three countries. Ethiopia has rejected Sudan's call for outside help in mediating (see: U.S. News).

Crisis of refugees and forcibly displaced persons from Oromia and southern nations of SNNPR and Sidama regional states: On March 7, 2021, hundreds of fleeing migrants who had been forcibly detained in Yemen were killed and injured in deliberate fire at a detention center in Yemen. (See: Human Rights Watch).

It appears that Abiy Ahmed's promises made in 2018 to transition Ethiopia into a democracy has slid back to authoritarianism, causing an influx of people from Oromia, SNNPR, and Sidama regional states to countries in the Middle East seeking refuge, many of which have found themselves stuck in war-torn countries like Yemen. Increasing state brutality against local dissenting populations from special police, local police, army, and Republican guard is mounting dramatically. These circumstances are causing a massive outflow of migrants seeking safety and work. Ethiopia is on the brink of entirely destabilizing. It is critical for a national dialogue, which includes opposition leaders, parties, and stakeholders, to be convened by an independent third party to address and resolve the complex crises ravaging the country. As stated above, the window of time is rapidly closing for the United States to leverage its influence in a way that salvages prospects for democracy in this vitally important country and region.

IN RECOGNITION OF BAY LINK MANUFACTURING AND THEIR EXTRAORDINARY SERVICE TO NORTHEAST WISCONSIN

HON. MIKE GALLAGHER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. GALLAGHER. Madam Speaker, today I rise to extend my sincere appreciation to the Bay Link Manufacturing team at Green Bay West High School for constructing an American Flag pull-up bar for display.

Bay Link Manufacturing is a manufacturing learning lab located in West High School that is used to immerse students in real-world experiences through completing projects for local companies in the areas of welding, machine fabrication, and metals. Bay Link Manufacturing began when the Green Bay Area Public School District recognized that our future depends on creating a highly-skilled workforce to sustain our communities. In 2014, the Green Bay Area Public School District partnered with Northeast Wisconsin Technical College and the NEW Manufacturing Alliance to create Bay Link Manufacturing.

This outstanding program is available to .Juniors and Seniors enrolled throughout the Green Bay Area Public School District and prepares students to attend a two- or four-year college or those who enter the workforce in the field of manufacturing and engineering. Since 2014, the Bay Link students have produced a lengthy portfolio that recognizes their hard work and dedication to their craft. The Bay Link program has completed projects for companies including Georgia-Pacific, Green Bay Police Department S.W.A.T. team, KI, and ACE Marine. I commend the Bay Link Team for the outstanding services that they have provided to the students at the Green Bay School District and to businesses throughout Northeast Wisconsin.

The Bay Link Manufacturing program provides local employers throughout Northeast Wisconsin with the opportunity to train future employees to ensure that the manufacturing sector continues to grow. The Bay Link Manufacturing program at West High School is a true credit to Northeast Wisconsin. The American Flag pull-up bar they have displayed in my District Office is one step closer to fulfilling my dream of having a pull-up bar in every airport and I want to extend my sincere thanks to the Bay Link Manufacturing students for making that a reality.

Madam Speaker, please join me in extending my sincere thanks and appreciation to the Bay Link Manufacturing team at West High School for their work on the American Flag pull-up bar and all they do for Northeast Wisconsin.

HONORING TERRENCE J. ''TERRY'' BOBROWSKI

HON. CHARLES J. "CHUCK" FLEISCHMANN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. FLEISCHMANN. Madam Speaker, I rise today to honor Mr. Terry Bobrowski and recognize a lifetime of service to his community.

For 35 years, Terry served East Tennessee communities through his work at the East Tennessee Development District. Terry led as the Executive Director from February 2002 until his retirement earlier this year. Terry previously served the ETDD as Director of Economic Development. Under Terry's stewardship, the ETDD established a Planning Advisory service that transitioned a major community planning program from the State of Tennessee to provide expert assistance for strategic planning to communities throughout the East Tennessee region. ETDD also maintains a public infrastructure inventory database, provides GIS support to help communities throughout this region make data-driven planning decisions, and assists federal agencies in providing services throughout the region.

Terry has also served his community, lending his leadership to several local and national organizations. Terry served as President and Board Member for the National Association of Development Organizations, past National Chairman of the Rural Transportation Planning Task Force, past Chair of the Tennessee Development District Association, past Board Member of the Community Reuse Organization of East Tennessee, past Board Member of the Southeast Regional Directors Institute, and is a member of the East Tennessee Industrial Council, the Tennessee Economic Development Council, and the American Economic Development Council.

Terry has been a recognized subject matter expert in rural and regional planning. During his career, Terry has provided testimony to the President's Rural Development Task Force, the U.S. Senate Steering Committee on Rural Development, and the U.S. House Subcommittee on Transportation & Infrastructure.

It is with great pleasure that I extend my heartfelt gratitude to Mr. Terry Bobrowski for his years of service with the East Tennessee Development District and wish him the very best in his retirement.

CONGRATULATING DANIEL QUINTANA FOR WINNING THE WASHINGTON STATE 1B/2B BOYS CROSS COUNTRY CHAMPIONSHIP

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. HERRERA BEUTLER. Madam Speaker, I rise today to commend and congratulate Daniel Quintana of Ilwaco High School for winning the Washington state 1B/2B boys cross country championship. In his senior year, Daniel achieved the rare feat of winning a second consecutive state cross country title.

The COVID–19 pandemic limited many of our prep athletes from competing during the 2020 season, yet high school athletes like Daniel have demonstrated the ability to adapt and persevere in these competitions. For Daniel, that perseverance has paid off in a big way.

Competing in prep sports is a wonderful opportunity to learn lessons in discipline, focus, work ethic, and comradery, Winning a state title is a momentous achievement Daniel can be proud of for the rest of his life, and I have confidence he will find success using the lessons he learned while competing in cross country. Go Fishermen.

HONORING KURT RICHTER

HON. ELISSA SLOTKIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. SLOTKIN. Madam Speaker, I rise today to honor an essential member of our team who helped us identify—and eventually evacuate—vulnerable Afghans after the fall of Kabul, Dr. Kurt Richter of Michigan State University.

If you read his biography on the university website, you'll learn that Dr. Richter is a nationally-recognized leader of international development implementation. For over 25 years, he's been a dedicated academic, and administrator, devoted to improving lives abroad. His work has taken him around the world to some of the most complex and challenging environments for international development, from Guatemala to Georgia, South Sudan to Tajikistan.

However, it's in his role as director of the Grain Research and Innovation (GRAIN) programs at MSU that he was connected to scientists in Afghanistan working to grow wheat in arid conditions. It's essential research, particularly in a country where shortages of wheat are the primary causes for hunger and economic instability. But when the Taliban began advancing, and finally took Kabul, their connection to an American university and USAID funding put them in grave danger.

This is when Dr. Richter sprang into action, first submitting visa applications for his staff and scholars. When the timeline for evacuation shrank from months to weeks to days, he worked around the clock to find them a seat on one of the planes leaving Hamid Karzai International Airport. Dr. Richter had firsthand experience with the chaos of an evacuation—he himself was airlifted out of South Sudan when a civil war broke out in 2013.

Thankfully, his tireless efforts paid off. The GRAIN program scholars and their families made it onto our convoy of buses and finally made it through the airport gates after multiple attempts and nearly 24 harrowing hours. Madam Speaker, words alone can't express my gratitude for everything that Dr. Richter did—and continues to do—for the individuals that he vouched for. Simply put, his advocacy saved lives and it deserves to be recognized by a grateful community and nation.

Madam Speaker, I rise to honor Mr. Kurt Richter for his willingness to go above and beyond the call of duty in our effort to evacuate Afghan allies from Kabul and support them in their new life. For his efforts to identify vulnerable scientists, particularly female scholars, when they feared for their lives and for his character that faithfully upholds the values of Michigan State University, I submit these words—may they stand as a tribute to his dedicated service when the moment called for it most.

IN SPECIAL RECOGNITION OF PERRYSBURG HIGH SCHOOL FOR WINNING THE DIVISION I GIRLS STATE CROSS-COUNTRY CHAMPIONSHIP

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding high school cross-country team in Ohio's Fifth Congressional District. The young women of the Perrysburg High School girls' cross-country team have represented their school ably on their way to becoming the Champions of the Division I Girls State Cross-Country Championship. The Perrysburg Yellow Jackets overcame the challenges of intense competition on the path to reach the championship, capping off an outstanding season with their noteworthy performance.

In pursuing the State Championship, the Perrysburg Yellow Jackets defeated their outstanding competitors to win the state cross-country title. The Yellow Jackets ran an impressive final meet that highlighted the perseverance they have demonstrated throughout their trip to the championship. Each member of this very special team has shown the individual effort that their sport requires for a successful team result. As a direct consequence of their hard work and dedication, they achieved an impressive season record that brought pride to their community.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the Perrysburg High School cross-country team. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great achievement.

CONGRATULATING ALEXIS LEONE FOR WINNING THE WASHINGTON STATE 1A GIRLS CROSS COUNTRY CHAMPIONSHIP

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. HERRERA BEUTLER. Madam Speaker, I rise today to commend and congratulate Alexis Leone of Seton Catholic High School for winning the Washington state 1A girls cross country championship. The COVID–19 pandemic limited many of our prep athletes from competing during the 2020 season, yet high school athletes like Alexis have demonstrated the ability to adapt and persevere in these competitions. For Alexis, that perseverance has paid off in a big way.

Competing in prep sports is a wonderful opportunity to learn lessons in discipline, focus, team play, work ethic and comradery. Winning a state title is a momentous achievement Alexis can be proud of for the rest of her life, and I have confidence she will find success using the lessons she learned while competing in cross country. Go Cougars.

CARRIE MEEK: THE SUNSHINE STATE'S PUBLIC SERVANT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. MFUME. Madam Speaker, I rise to recognize a champion for all people, a fighter for fair housing, an unrelenting advocate, and an American trailblazer. This woman was a friend and was our colleague as a former member of this body. The champion I rise to salute today is the Honorable Carrie Mae Pittman Meek—the Sunshine State's Public Servant.

Congresswoman Meek was born the grandchild of a slave and daughter of a sharecropper. As the youngest of 12 children growing up in Tallahassee, Florida, she excelled in academics and used education to overcome systemic obstacles that were the routine reality of those times, including sexism, racism and discrimination.

After earning her undergraduate degree from Florida A&M University, Congresswoman Meek enrolled at the University of Michigan to earn her master's degree because Florida banned Black students from attending state graduate schools at that time, according to her Congressional biography. The state government would pay her out-of-state tuition ''if we agreed to get out of Dodge,'' she once recalled.

The then-single mother of two started her professional career as a college professor and coach at Bethune Cookman University, then taught at her alma mater Florida A&M University, before taking her talents to Miami-Dade Community College as its first Black professor, associate dean and assistant to the vice president.

With a firm foundation as a college professor, our former colleague beat out 12 other candidates when she ran for the Florida state House in 1978. Just five years later, she became the first Black woman elected to the Florida state Senate. Carrie would go on to leverage her state service into a successful U.S. House campaign in 1992. Alongside former Representatives Corrine Brown and Alcee Hastings, Carrie joined Congress as one of the first Black members elected from Florida since the Reconstruction Era.

As a member of the Appropriations Committee, Congresswoman Meek knew the importance of investing federal dollars to provide opportunities for all people and in all communities across this great nation. Her work ethic, thorough knowledge of the legislation before her, and mastery of the legislative process are as much a part of her legacy as her support for public education, affordable housing, and programs to prevent poverty.

As a fighter for women's rights, Congresswoman Meek worked to protect victims of stalking at the state level and focused Congress on important legislation like the Violence Against Women Act. Indeed, her effectiveness as a public servant was only rivaled by her warmth and grace. Warmth, grace, compassion, tenacity, and savvy are some aspects of the Sunshine State's Public Servant that we will always remember.

Congresswoman Meek recently passed away after living a full life of over 95 years. Her funeral services and homegoing celebration are taking place today as I stand before you in this Chamber.

Carrie is survived by her three children Lucia Davis-Raiford, Sheila Davis Kinui, and retired Congressman Kendrick B. Meek of Florida, as well as seven grandchildren and five great grandchildren. Her entire family will remain in our prayers. May they be comforted to know the courageous spirit of the Honorable Carrie Mae Pittman Meek lives on.

HONORING COMMANDER DAVID H. MILLNER

HON. ELISSA SLOTKIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. SLOTKIN. Madam Speaker, I rise today to honor an essential member of our team that worked to receive vulnerable Afghans when they arrived in Albania, Commander David Millner.

Commander Millner has served our nation honorably as a Navy officer for 19 years. In 2007, while attending the Naval Postgraduate School, he was recognized with the Admiral B.R. Inman Award for outstanding contribution to the field of maritime intelligence. He currently serves as the Senior Defense Officer and Attaché at our Embassy in Tirana, where he's responsible for liaising between our armed forces and his Albanian counterparts, which was instrumental as we coordinated the arrival of our group of Afghan refugees.

Simply put, the success of our mission depended on tireless commitment and devotion to the cause. Commander Millner spent long hours alongside Ambassador Kim to ensure that everything would proceed smoothly. He was there, on the tarmac, to help receive our group of evacuees when they first landed on Albanian soil. For his hard work and commitment during our mission, I am forever indebted to him.

As a career naval officer, Commander Millner would tell you that it's essential that

when we ask our allies to fight for us, it comes with the understanding that we will be there for them when they need it too. It's why he would tell you that his work to receive and shelter Afghans is simply our way of upholding the American handshake. We stand krah për krah, or side to side, with them, no matter the mission or the challenge.

Madam Speaker, I rise to honor Commander David Millner for his willingness to go above and beyond the call of duty in our effort to evacuate Afghan allies from Kabul and support them in their new life. For representing the best of our nation as he worked and for working around the clock to expedite requests and assist those who were in danger of losing life and limb,—may they stand as a tribute to his dedicated service when the moment called for it most.

HONORING 1ST LIEUTENANT RONALD KIMLER, USAF

HON. A. DONALD McEACHIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. McEACHIN. Madam Speaker, I would like to take this opportunity to honor and recognize 1st Lt. Ronald Kimler for his service in the United States Air Force during World War II and the Korean War.

When he enlisted in the Air Force out of high school, 1st Lt. Kimler progressed through a challenging series of flight schools before earning his wings in May of 1944. After shipping out from Richmond, Virginia to Europe, he was primarily stationed in Belgium. During the Second World War, 1st Lt. Kimler flew 38 missions with the 9th Air Force, ranging from bombing supply trains to supporting troop deployments. When our nation engaged in the conflict in Korea, he answered the call and served in the Air Force for an additional year and nine months.

For his service, 1st Lt. Kimler earned numerous awards, including the Air Medal with three Oak Leaf Clusters, the American Campaign Medal, European-African-Middle Eastern Campaign Medal, the Army of Occupation Medal, and the World War II Victory Medal.

One lasting impact that stands out from his service was 1st Lt. Kimler's connection to his fellow airmen. In the face of risk-filled and challenging missions, they became, in 1st Lt. Kimler's words, ''closer than blood relatives.'' This bond led 1st Lt. Kimler to regularly keep in touch with a number of his comrades, speaking with them several times a month over decades despite serving together more than 70 years ago.

While his service is deserving of high praise, notably earning the nickname ''flak bait'' for the number of times his plane was hit, 1st Lt. Kimler has always put the focus on his fellow servicemembers. Instead of glamorizing his own actions, he has always looked to memorialize the over four hundred thousand Americans who lost their lives in World War II. This attitude reflects the best nature of our country—Americans working together for a common cause and united in our gratitude for the sacrifice of our fellow countrymen.

Madam Speaker, I ask my colleagues to join me in recognizing 1st Lt. Ronald Kimler for his devotion to the United States of America and courageous service during the Second World War and the Korean War.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE EQUAL RIGHTS AMENDMENT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. DANNY K. DAVIS of Illinois. Madam Speaker, fifty years ago this fall, Congress overwhelmingly passed the Equal Rights Amendment (ERA) that would ensure equality for women and prohibit discrimination based on sex, gender identity, and sexual orientation. In 2020, the ERA crossed its final hurdle to becoming a constitutional amendment when Virginia ratified it. Consequently, the ERA now meets the legal threshold for a constitutional amendment—to be ratified by 38 states. Without haste, the ERA must be certified and published.

Since WWII, women have been the backbone of the U.S. economy and nurturers to the nation, yet they do not enjoy equal protection under the law from discrimination based on sex. As the former Supreme Court Justice Antonin Scalia once commented, ''Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't.'' Today, women hold the majority of jobs in the nation, according to the Bureau of Labor Statistics. Yet their pay lags their White male counterparts. Analysis by the American Association of University Women found that White women earn just 79 percent compared to White men. The pay gap disparity is even greater for women of color, with Black women earning just 63 percent and Hispanic women earning a mere 55 percent compared to White men.

The structural disparities for women in the workforce go beyond simply lower pay. Regardless of the industry, women's labor continues to be undervalued, Studies show that once women enter an occupation in large numbers, wages for the occupation as a whole decline, particularly in the service industry which blatantly devalues women's contributions. And again, women of color are disproportionality impacted, with structural disparities for women of color in the labor force dating back to the end of slavery. Economic growth—both business and personal—boomed based on the exploitation of women of color. For Black women, they were forced laborers under slavery and then forced into low-paying, exploitive jobs. Similarly, Native American women experienced land theft and indentured servitude, robbing them of their economic power. These historical systems created the occupational segregation that persists today, where women of color get tracked into undervalued careers with little power and pay. The government has long failed to mandate that business owners extend basic protections to occupations dominated by women, all while relying on them to do the hardest, dirtiest, and most dangerous work—a trend that has been magnified by the COVID–19 pandemic.

It is long-past time to recognize the equal value of women and enact a constitutional amendment to address discrimination based on sex, sexual orientation, and gender in our country. The ERA is necessary to remedy structural inequalities for women. The ERA would cause public and private industry to address pay inequalities, equal access to health care, and equal treatment under the law. The ERA would give women the right to demand equal protection via the courts.

Fifty years after passage, the vast majority of Americans support the ERA. Specifically, a recent poll by the National Opinion Research Center found that three-quarters of Americans back the ERA, including 90 percent of Democrats and 60 percent of Republicans. The House has passed legislation to eliminate an administrative barrier to certification and publishing of the ERA by removing the arbitrary deadline for the archivist to certify and publish the ERA. Now the Senate must do the same.

As we mark the 50th anniversary of the passage of the Equal Rights Amendment, I reaffirm my resolute commitment to certification and publishing of the ERA to make our country stronger by guaranteeing that women as a class are equal to men. Certifying the ERA is not just symbolic. It is a legal anchor to dismantle systematic discrimination based on sex, giving women and all marginalized genders another tool to achieve equality. The Senate must take action now to remove the arbitrary deadline for the archivist to certify and publish the ERA; pass S.J. Res. 1 now.

CONGRATULATING KALAMA HIGH SCHOOL'S FOOTBALL TEAM ON WINNING THE WASHINGTON STATE 2B CHAMPIONSHIP

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. HERRERA BEUTLER. Madam Speaker, I rise today to commend and congratulate the Kalama High School football team for winning the Washington state 2B championship. After trailing for most of the game, the Chinooks managed to take the lead over rival Napavine in the closing minutes for an exciting win to complete their undefeated season. The COVID–19 pandemic limited many of our high school athletes from competing during the 2020 season, yet these individuals persevered and demonstrated adaptability and competitiveness. For the Chinooks, that perseverance paid off in a big way.

Competing in prep sports is a wonderful opportunity to learn lessons in discipline, focus, team play, work ethic, and comradery. Winning a state title is a momentous achievement these boys can be proud of for the rest of their lives, and I have confidence they will find success using the lessons they learned while competing in football. Go Chinooks.

HONORING MR. KEITH E. WEST

HON. ELISSA SLOTKIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. SLOTKIN. Madam Speaker, I rise today to honor an essential member of our team that worked to receive vulnerable Afghans as they arrived in Albania, Mr. Keith West.

Service is ingrained in Mr. West's DNA—after college, he joined the Peace Corps, first as a volunteer in Cabo Verde teaching literature and English as a second language, and then as a recruiter tasked with inspiring the next generation to follow in his footsteps. Since commissioning as a Foreign Service Officer with the Department of State, he's served in our embassies in Uruguay and Nepal while also working on food security for refugees.

In his current role as the Human Rights Officer at our Embassy in Tirana, Mr. West was tapped to serve as the Afghan Relocation Lead, coordinating the arrival of our group of Afghan refugees. During that critical time, he was able to leverage the immense generosity and hospitality of the Albanian people in order to save Afghan scientists, journalists, activists, former government officials and their loved ones. No small feat—he successfully brought in multiple planes from multiple places all chartered by different non-government organizations.

As so many have noted, the approximately 2,200 Afghans who landed in Albania are more than evacuees—they are human lives who escape danger to life and limb. Thanks to the tireless work by Mr. West on behalf of these men, women, and children in need, they now have the possibility of looking to the future with hope. Along with the rest of the Tirana embassy team, Mr. West spent long hours alongside Ambassador Kim to ensure that everything would proceed smoothly. His attention to detail was second to none, and I am forever indebted to him for his effort.

Madam Speaker, I rise to honor Mr. Keith West for his willingness to go above and beyond the call of duty in our effort to evacuate Afghan allies from Kabul and support them in their new life. For his around-the-clock effort to assist a vulnerable group of Afghans, sight unseen, and his relentless work ethic which left no stone unturned to accomplish the mission, I submit these words—may they stand as a tribute to his dedicated service when the moment called for it most.

HONORING TOM BLEFKO

HON. LLOYD SMUCKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. SMUCKER. Madam Speaker, I rise today to recognize Tom Blefko of Lancaster, Pennsylvania for his work as the 2021 President of the Lancaster County Association of Realtors (LCAR). A graduate of Franklin and Marshall College, Tom got his start in the real estate industry in 1983 when he became a licensed realtor. From that point on, Tom quickly advanced in his career, taking on a number of new roles while closing countless real estate transactions along the way. All of the effort and hard work he put into his profession brought him to his current position as the Director of Operations for the North Pointe office of Berkshire Hathaway HomeServices, based in Lancaster, PA. Outside of this role, Tom uses his expertise and many years of experience to mentor others looking to get involved in the real estate business by working as an instructor at LCAR's Real Estate School.

We wish Tom all the best and thank him for his many years of service to the real estate industry in Pennsylvania's Eleventh District.

HONORING RICARDO PERRY AS IOWAN OF THE WEEK

HON. CYNTHIA AXNE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mrs. AXNE. Madam Speaker, I rise today to ask the House of Representatives to join me in recognizing Laborers Local 177 Journeyman Ricardo Perry as Iowan of the Week. I am especially proud to recognize Ricardo, a recent graduate of the Iowa Laborers' Education and Training Fund Registered Apprenticeship Program, during the 2021 National Apprenticeship Week.

This annual observance offers Americans an opportunity to reflect on how Registered Apprenticeship Programs are critical for creating jobs, bolstering the economy, addressing workforce challenges, supporting communities, and providing equitable opportunities for men and women to succeed. Folks from different backgrounds and at different stages in their careers can engage in these programs to gain skills, make a career change, or get a competitive edge in their industry. Registered Apprenticeship Programs, in Iowa play a key role not only in filling our states talent pipeline, but also in helping keep families here as they establish roots in the areas where apprentices are working and learning their trade.

Ricardo Perry is a wonderful example of how a Registered Apprenticeship Program can benefit an individual, their industry, and the community where they settle. Ricardo recently graduated from the Iowa Laborers' Education and Training Fund Registered Apprenticeship Program to become a Journeyman. He went through a three-year journey of on-the-job work, training hours, and mentorship to become a Construction Craft Laborer.

The pathway for an apprentice can be grueling; no two days are the same, you're constantly presented with challenges, and standards and technology are ever-evolving. While the journey was difficult, Ricardo quickly earned a reputation as an extremely hard worker, skilled laborer, and uniquely positive presence. His colleagues knew him to excel in training and could always rely on him to look at the bright side of any challenge. Their respect and admiration for Ricardo is immediately apparent, and his work ethic, skill set, and strong Iowa values will no doubt benefit the greater Des Moines area for years to come.

There are many reasons I was proud to vote for the historic Infrastructure Investment and Jobs Act (IIJA) earlier this month, one among them being the huge opportunity the bill provides for states like Iowa to train the workforces required to undertake initiatives like building out broadband infrastructure, repairing our roads and bridges, and much more. We're going to need more skilled workers than ever before, and robust Registered Apprenticeship Programs to adequately prepare them for the work at hand.

That's why I was grateful for the opportunity to host United States Secretary of Labor Marty Walsh in Iowa earlier this year. During his visit we met with brothers and sisters in labor, many of whom graduated from Registered Apprenticeship Programs, to hear about filling the jobs pipeline in our state. I was proud to show him the massive, new training facility for the Missouri Valley Line Constructors Apprenticeship and Training Program in Indianola: a shining example of a multi-year, in-depth training program turning out quality lineman across the nation. These conversations helped elevate the amazing work organizations in Iowa are doing to train skilled workers through apprenticeship programs and help those individuals establish prosperous lives in our communities.

Madam Speaker, it is programs like the Iowa Laborers' Education & Training Fund Registered Apprenticeship Program and the efforts of Journeymen like Ricardo Perry that are going to help carry our state into the future. These trained professionals who have the knowledge and skills to safely, effectively improve upon and further build out Iowa's infrastructure will bring additional opportunities to our communities. I am grateful Ricardo has chosen to live and work in my district, and for his contributions to keep Iowa growing. It is my pleasure to name him, during this National Apprenticeship Week, Iowan of the Week.

HONORING NATHAN RAMIA

HON. ELISSA SLOTKIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. SLOTKIN. Madam Speaker, I rise today to honor a member of our team who was instrumental in the safe evacuation of Afghan allies and partners alike, Mr. Nathan Ramia.

Mr. Ramia lives and breathes service. Some would say it's ingrained in his DNA as a graduate of the United States Military Academy. But beyond his Army bona fides, Mr. Ramia's character stands out in his willingness to go above and beyond for a group of vulnerable refugees, sight unseen. He leveraged his network, a word used often but rarely with so much importance, to bring together individuals from all over the world to achieve a common mission.

But where Nathan's leadership truly stands out is over the course of a harrowing 24 hours when our convoy of buses attempted to make it past the airport gates. On a group text chain with all the bus drivers, Mr. Ramia relayed information, calmed nerves, and succeeded in keeping our flock together when immense pressure was on them to turn back. After multiple attempts, several scares, and a few strokes of luck, our group of Afghans made it through—a testament to Mr. Ramia's poise throughout the ordeal.

There is a definition of courage that comes to mind when one thinks of Mr. Ramia—grace under pressure. Undoubtedly he owes some of his courage to serving our country faithfully in uniform. But there is another, quieter source of Mr. Ramia's courage. It comes from the knowledge that his work made a difference in the lives of others. It comes from seeing the fruits of his labor in the lives still with us instead of lost to a chaotic evacuation. I—and the entire team—owe Mr. Ramia an enormous debt of gratitude for his actions and his commitment to his fellow man.

Madam Speaker, I rise to honor Mr. Nathan Ramia for his willingness to go above and beyond the call of duty in our effort to evacuate Afghan allies from Kabul and support them in their new life. For his resolve throughout the

10-day gauntlet and his calm determination in the midst of chaos that ensured the safety of individuals thousands of miles away, I submit these words—may they stand as a tribute to his dedicated service when the moment called for it most.

CONGRATULATING KALAMA HIGH SCHOOL'S GIRLS SOCCER TEAM FOR WINNING THE WASHINGTON STATE 1B/2B CHAMPIONSHIP

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. HERRERA BEUTLER. Madam Speaker, I rise today to commend and congratulate the Kalama High School's girls soccer team for winning the Washington state 1B/2B championship. Kalama, the second seed in the tournament, defeated eighth-seeded Adna on penalty kicks after their title match remained scoreless through 90 minutes. This dramatic finish helped Kalama earn its first state championship in school history. The COVID–19 pandemic limited many of our high school athletes from competing during the 2020 season, yet these individuals persevered and demonstrated adaptability and competitiveness. For the Chinooks, those attributes paid off in a big way.

Competing in prep sports is a wonderful opportunity to learn lessons in discipline, focus, team play, work ethic, and comradery. Winning a state title is a momentous achievement this team can be proud of for the rest of their lives, and I have confidence they will find success using the lessons they learned while competing in soccer. Go Chinooks.

HONORING THE MISSION AND WORK OF THE IMPACT FOUNDATION AND THE IMPACT COMMUNITY CENTERS

HON. DIANA HARSHBARGER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mrs. HARSHBARGER. Madam Speaker, I rise to recognize the Impact Foundation, led by Chris Laisure and his family in Bluff City, Tennessee. Mr. Laisure and his family started a foundation and purchased the former Bluff City Middle School that has now been repurposed into the Impact Community Center Bluff City. The campus has been completely remodeled to house several non-profit organizations which support both the community and local veterans. In addition, within one year, the Foundation created and dedicated the Bluff City Veteran's Memorial. This center's footprint continues to evolve and will soon include a museum dedicated to Bluff City and its history.

The Foundation then purchased the Holston Valley Middle School, and it too was completely renovated at no costs to the tenants. It hosts several non-profit athletic organizations with the same mission as the original Impact Community Center, with a focus of offering children and young adults opportunities in athletics from a faith-based perspective.

In addition, the Impact Centers have a desire to provide services to the community to enhance the quality of life and provide both relief and assistance to those who need it without charge to the applicant. Veterans have a special place in the heart of the Foundation as well.

The Impact Foundation, led by Chris Laisure and his family, has gone above and beyond to change lives for the better every day in their community. Their effort, commitment to good, and strength of collective faith are an inspiration. Without seeking any publicity, the Impact Foundation offers the credit only to God and those around them who seek to improve the lives of their fellow citizens in their beautiful community.

Madam Speaker, today I rise to recognize the Impact Foundation, an organization that seeks to help those in their community and improve the lives of children and veterans through their Impact Community Centers. Their work and dedication serve as an inspiration and beacon of hope to us all.

IN RECOGNITION OF THE CENTENNIAL ANNIVERSARY OF THE VILLAGE OF LENA

HON. MIKE GALLAGHER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. GALLAGHER. Madam Speaker, today I rise in recognition of the centennial celebration of the Village of Lena. As the Village of Lena celebrates this milestone, we look back on the outstanding history that has shaped the community. Shortly after the Civil War, the small settlement once known as Maple Valley began to grow and flourish into what is now known as the Village of Lena. In 1882, the population center moved to the present location to focus life and growth around the railroad depot. The booming development welcomed new homes, small businesses, churches, a school, a small hospital, several hotels, and social establishments. Within just three decades, on December 6, 1921, the bustling settlement became the incorporated Village of Lena under the direction of then village president, Dr. Joseph Rose.

Over the last 100 years, the Village of Lena has retained a strong identity as a dairy-farming and cheeseproducing community and a vibrant small-town with a family-friendly culture. The Village has continued to pay homage to the first settlers of the area and the rich farming history of the region by celebrating the annual Dairyfest each September. It has partnered with businesses throughout the area to host several family-friendly events including the Taste of Fall and Village of Lights which draws Wisconsinites from all over the state to experience all that the Village of Lena has to offer.

The residents of the Village of Lena are blessed to live in such a special place located in Northeast Wisconsin. With 564 residents and growing, the Village of Lena takes great pride in calling this place home for the last 100 years. The Village of Lena has continued to grow and foster a business-friendly environment for the last century. From a small settlement town to hosting Oconto County's largest employer, Saputo Cheese USA, Lena has simply continued to foster growth. I commend the close relationship between the Village and local businesses that have contributed to the success of the village and Northeast Wisconsin as a whole.

It is my honor to commemorate this historic milestone for the Village of Lena. I invite all members of this body to join me in celebrating the centennial of the Village of Lena. The Village of Lena is a true credit to Northeast Wisconsin and is deserving of the highest degree of recognition.

IN RECOGNITION OF PRIVATE ROBERT H. BROOKS AND THE 80TH ANNIVERSARY OF THE ATTACK ON PEARL HARBOR

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. GUTHRIE. Madam Speaker, today, on the 80th anniversary of the attacks on U.S. naval forces at Pearl Harbor, we remember poignantly the courage and sacrifice of America's Greatest Generation.

That legacy of service is rich in Kentucky's Second District, exemplified by the seemingly insurmountable challenges faced by Company D of the 192nd Tank Battalion, which included the Harrodsburg Tankers.

On December 8th, across the international dateline and just hours after the attack on Pearl Harbor, Japanese bombers descended on Company D and other U.S. forces who were stationed in the Philippines at Clark Field. A young private and Kentuckian by the name of Robert H. Brooks attempted to sprint to his station to fight back against Japanese forces. Sadly, he lost his life during his heroic action. He was the first casualty of the U.S. Armored Forces in World War II.

The fighting in the Philippines was relentless for the U.S. service members and Company D. All of the remaining 66 Mercer County natives—known today as the Harrodsburg Tankers—survived the initial conflict. However, 29 soldiers were lost to the unimaginable conditions during the three years they were held at prisoner-of-war camps.

At Fort Knox there is a parade field named after Private Brooks, called Brooks Field, and we will never forget him and those brave soldiers. The bravery of Private Brooks, Company D, and its tankers from Harrodsburg are an indelible reminder of the price of freedom for all that we must never forget.

HONORING LT. COL. EROL K. MUNIR

HON. ELISSA SLOTKIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. SLOTKIN. Madam Speaker, I rise today to honor an essential member of our team that worked to receive vulnerable Afghans when they arrived in Albania, Lt. Col. Erol Munir.

Born in Boston and commissioned at Fort Benning, Lt. Col. Munir has served our nation as an Army officer for the past 16 years. Service is ingrained in his DNA—both his grandfathers were in the military, which he credits with inspiring him to become a soldier.

Through the Army, Lt. Col. Munir has seen the world. In his current role as Office of Defense Cooperation chief at our Embassy in Tirana, he was an instrumental component in coordinating the arrival of our group of Afghan refugees.

Simply put, the success of our mission depended on tireless commitment and devotion to the cause. Lt. Col. Munir spent long hours alongside Ambassador Kim to ensure that everything would proceed smoothly. His meticulous attention to detail was second to none, and I am forever indebted to him for his effort.

Lt. Col. Munir will tell you that his work to receive and shelter Afghan allies is simply an extension of Albanian warmth and hospitality. As a career officer, he would also tell you that it's what he's learned throughout his time in uniform, no matter the mission or the challenge, it's his job to adapt and overcome. These two traits, humility for the work and a determination to carry it out, define Lt. Col. Munir in everything he does.

Madam Speaker, I rise to honor Lt. Col. Erol Munir's willingness to go above and beyond the call of duty in our effort to evacuate Afghan allies from Kabul and support them in their new life. For his laser-like focus in responding to requests for assistance and for his efficient advocacy to facilitate the arrival of vulnerable Afghans to safe haven, I submit these words—may they stand as a tribute to his dedicated service when the moment called for it most.

HONORING REVEREND DELMUS BRUCE

HON. CHARLES J. "CHUCK" FLEISCHMANN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. FLEISCHMANN. Madam Speaker, I rise today to honor Reverend Delmus Bruce of Pioneer, Tennessee, and recognize a lifetime of service to his community.

In his career, Rev. Bruce has officiated more than 200 weddings, presided over 657 funerals, has baptized 1,252 congregants, and has delivered an astonishing 7,010 sermons. Rev. Bruce has also overseen the construction of a new church in 1985 and additional physical growth of the church to include a fellowship hall and a family life center.

As pastor of the Stanfield Church of God, Rev. Bruce has traveled to the Holy Land twice, traveled to Egypt, and has traveled to Hawaii in mission service to the Church of God. In his own community, Rev. Bruce has served as a pillar of faith for more than fifty years.

Rev. Bruce married the love of his life, Mrs. Rose Baird Bruce, on April 19, 1958, and they have been happily married for 63 wonderful years. Their family spans four generations and includes three children, four grandchildren, and seven great-grandchildren.

I am privileged to recognize Rev. Bruce for his many years of distinguished service and dedication.

CONGRATULATING COLUMBIA RIVER HIGH SCHOOL'S VOLLEYBALL TEAM FOR WINNING THE WASHINGTON STATE 2A CHAMPIONSHIP

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. HERRERA BEUTLER. Madam Speaker, I rise today to commend and congratulate the Columbia River High School's volleyball team for winning the Washington state 2A championship. After a dominant season, Columbia River defeated rival Ridgefield in four sets to claim their first state title in the sport in over 20 years. The COVID–19 pandemic limited many of our prep athletes from competing during the 2020 season, yet high school athletes like the girls on the Columbia River volleyball team have demonstrated the ability to adapt and persevere in these competitions. For the Rapids, that perseverance has paid off in a big way.

Competing in prep sports is a wonderful opportunity to learn lessons in discipline, focus, team play, work ethic, and comradery. Winning a state title is a momentous achievement this team can be proud of for the rest of their lives, and I have confidence they will find success using the lessons they learned while competing in volleyball. Go Rapids.

HONORING DANIELA COOPER

HON. ELISSA SLOTKIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. SLOTKIN. Madam Speaker, I rise today to honor a member of our team who was instrumental in the safe evacuation of Afghan allies and partners alike, Ms. Daniela Cooper.

Service is ingrained in Ms. Cooper's DNA—she has honorably served our country as a Marine and as a Foreign Service Officer. True to her relentless grit and instinctive nature for problem-solving, she worked with a group of others to assist with the requests that were flooding in as Afghanistan started to fall. No one asked her to do this, no one tasked her to do this, but she was part of a team that knew that skills and resources needed to be combined to help vulnerable allies in their time of need.

When we added Ms. Cooper to our ragtag band of individuals working to get Afghans out, it was the first time that I felt optimistic that we could find some success in the midst of a chaotic evacuation. When we got our group of buses in a caravan through the airport gates, Daniela worked through an entire night and countless obstacles to ensure that our group was able to get on a flight.

Without her assistance planning the flight, our mission could not have worked out in the way that it did. Thanks to her efforts throughout a gauntlet of several days in late August, over 100 Afghans have a new lease on life and can now look towards the future with their families and feel hope. I will always believe we were fated to meet over breakfast two years ago so that we could do the work we did.

Madam Speaker, I rise to honor Ms. Daniela Cooper for her willingness to go above and beyond the call of duty in our effort to evacuate Afghan allies from Kabul and support them in their new life. For her work ethic, which earned the profound respect and admiration of our team, and for her refusal to give up until every last person in our group was on a flight to safety, I submit these words—may they stand as a tribute to her dedicated service when the moment called for it most.

RECOGNIZING ITALY A. GREENE

HON. TOM RICE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. RICE of South Carolina. Madam Speaker, I rise today in recognition of Mr. Italy A. Greene's 100th birthday.

Mr. I.A. Greene was born on December 25, 1921, in Williamsburg County. He graduated from Wilson High School in 1941 and enrolled in higher education at South Carolina State College. His time in college was interrupted in 1942 when he enlisted in the U.S. Air Force where he served for three years and was honorably discharged in 1945.

Mr. I.A. Greene supported his local community by working in both the Georgetown and Darlington County school systems as a teacher, chairman, and principal. Once his long tenure as an educator ended, he continued to serve his community through various organizations such as Habitat for Humanity, Red Cross, United Way, Billy Hardee Homes for Boys, The Lord Cares Ministry, St. John's Heritage Foundation, and the Fellowship of Christian Athletes.

Additionally, Mr. I.A. Greene played a large part in the growth and upkeep of the Bethel AME Church in Darlington. He taught bible study, Sunday School, and educated new members of the church for many years. Mr. Greene is a shining example of a true American patriot and an amazing role model for the people of South Carolina.

Madam Speaker, I join the people of South Carolina in recognizing and congratulating Mr. Italy A. Greene on his 100th birthday and wish him many more happy birthdays ahead.

IN SPECIAL RECOGNITION OF LIBERTY-BENTON HIGH SCHOOL FOR WINNING THE DIVISION III STATE VOLLEYBALL CHAMPIONSHIP

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding high school volleyball team in Ohio's Fifth Congressional District. The young women of the Liberty-Benton High School volleyball team have represented their school ably on their way to becoming the Champions of the Division III State Volleyball Championship tournament. The Liberty-Benton Eagles overcame the challenges of intense competition on the path to reach the championship playoffs, capping off an outstanding season with their noteworthy performance.

In pursuing the State Championship, the Liberty-Benton Eagles defeated their outstanding competitors to win the state volleyball title. The Eagles played an impressive final game that highlighted the teamwork they have demonstrated throughout their trip to the playoffs. Each member of this very special team has shown the individual effort that their sport requires for a successful team result. As a direct consequence of their hard work and dedication, both on and off the court, they achieved an impressive season record that brought pride to their community.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the Liberty-Benton High School volleyball team. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great achievement.

HONORING COLLEEN DENNY

HON. ELISSA SLOTKIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. SLOTKIN. Madam Speaker, I rise today to honor Colleen Denny, a partner in our effort to evacuate Afghan allies and a trusted resource for them as they look ahead to the vetting process.

Service is ingrained in Ms. Denny's DNA—she is a graduate of the United States Coast Guard Academy, where she earned her degree and was commissioned as an ensign. During her 8 years in service, she served on three different ships, including as commanding officer of a fast response cutter. Her duties spanned from search and rescues, counternarcotics operations, to humanitarian aid missions. In 2010, when Haiti's infrastructure was leveled by a massive 7.0 earthquake, Ms. Denny was one of the first boots on the ground at the Port-au-Prince harbor, providing essential medical care, helicopter evacuations, and disaster relief to the population.

Later, as a Peace Fellow with the Children's Peace Initiative in Kenya, she worked to settle differences between warring pastoralist communities. With a focus on shared activities and common purposes, Ms. Denny helped bring together children from the two sides as well as tribal leaders in order to shift how the groups saw each other from adversary to ally.

Now, as regional director for Europe at Spirit of America, Colleen was instrumental in helping our group of Afghans escape grave and immediate threats from the Taliban. Despite the tragedy of fleeing their homeland, Ms. Denny provided them the support they need to now look towards the future with hope. From securing housing to providing basic supplies and tools to stay in touch with loved ones, Ms. Denny has given the same time, care, and consideration to each request. Ms. Denny is an example of our country at its best, with an attention to detail second to none. I cannot express how grateful I am to have her skills and expertise on our side.

Madam Speaker, I rise to honor Ms. Colleen Denny for her willingness to go above and beyond the call of duty in our effort to evacuate Afghan allies from Kabul and support them in their new life. For being there, on the tarmac, to meet vulnerable men, women, and children when they landed in Tirana and for continuing to be there for them in the days and weeks afterward, I submit these words—may they stand as a tribute to her dedicated service when the moment called for it most.

HONORING THE LIFE OF JOSIP PEPERNI

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. COURTNEY. Madam Speaker, I rise today to mourn and observe the passing of a hardworking public servant, Lieutenant Josip Peperni, who departed from this earth on November 16, 2021. Josip was nearing 20 years of leadership with the police department of Norwich, Connecticut when he unfortunately passed at the all too young age of 57. Josip was an indescribable positive force in the Town of Norwich, and his loss is a particularly sensitive one to the communities of eastern Connecticut.

Born across seas in Bradina, Bosnia-Herzegovina in the Balkans to Kazimir and Reljka Peperni, Josip immigrated to the United States at an early age, gaining the opportunity to establish roots of his own. In achieving that purpose, Josip transitioned to and lived as a longtime community member of southeastern Connecticut, gravitating toward a fulfilling career as a policeman. Though he held several essential roles during his loyal tenure as an officer with the Norwich Police Department—working as a school resource officer, within the department's crisis intervention team, and as a K–9 patrol officer—Josip Peperni was most recently promoted to the role of Lieutenant in 2018, overseeing the day-to-day functions of the Department's patrol unit. Joe utilized his position as Lieutenant as a resource to connect with the Town's community members, ensuring that Norwich Police portrayed an accessible and communicable brand. His incredibly approachable nature and guiding principle of treating everyone with equal respect helped him succeed in this mission. It is for these prime reasons that his intimate presence will be so sorely missed.

Madam Speaker, it is a privilege to represent constituents like Josip, who has reflected the continued strength of the American story by making the hard choice to immigrate to our nation, not just for opportunity but to also become intertwined with our communities. Though his loss is great, we should find solace in his work to contribute to that story, ensuring that it lives on through his surviving family, many of whom are now thriving members of their own communities within the State of Connecticut—his wife, Katie, his children: Nikita, Dakota Peperni and his wife Stephanie, and Kayla, grandchild Mya, and siblings Olivera and Karolina. Josip's legacy and compassionate character will also be remembered by his colleagues at the Norwich Police Department and the countless community members whose lives have been touched by his example. To that end, I ask that my colleagues and this Chamber join me in appreciating Josip's story and successes, expressing our condolences to the Peperni family and extending the reach of Josip's memory by setting it into stone.

RECOGNIZING DAVE MILLER'S SERVICE AS A T-MOBILE EMPLOYEE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. SMITH of Washington. Madam Speaker, I rise to recognize Dave Miller on his many years as General Counsel of T-Mobile, overseeing all of the company's legal and government affairs functions and participating in its expansion and success.

Dave began with the company in 1995 as the Director of Legal Affairs, supporting its work as it spun-off from its parent company, acquired other communications corporations, and changed its name to the T-Mobile we know today. In 2002, he was appointed General Counsel and Chief Legal Officer and in 2011 was appointed Executive Vice President.

He has received many accolades for this work, including the T-Mobilizer Award, the Service Partner Award, and PSBJ Corporate Counsel of the Year.

Dave's more than twenty years with the company have left their mark on the 9th Congressional District of Washington, where T-Mobile's headquarters are located. For this, I thank him and congratulate him on his retirement.

Madam Speaker, it is my privilege to honor Dave Miller for his achievements during his tenure with T-Mobile.

IN RECOGNITION OF CHIEF ANTHONY GALAGAZA OF THE BAKERSFIELD FIRE DEPARTMENT

HON. DAVID G. VALADAO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. VALADAO. Madam Speaker, I rise today to congratulate Chief Anthony Galagaza on his retirement from the City of Bakersfield Fire Department after 30 years of service.

Chief Galagaza found his calling for community service and firefighting at a young age after witnessing his father serve as Fire Captain for over 30 years. Galagaza began his career as a seasonal firefighter for the Bureau of Land Management while volunteering as a reserve firefighter locally. His hard work and dedication allowed him to become a professional firefighter and eventually Fire Captain himself.

Chief Galagaza is a state certified chief officer and obtained numerous advanced training certificates throughout his career. He holds degrees in Fire Technology, Fire Science, and Business Administration.

Chief Galagaza dedicated his life to volunteerism and serving his community. He made great efforts to serve the Central Valley throughout his lifetime and has remained an integral part of the community.

Madam Speaker, I ask my colleagues in the House of Representatives to join me in recognizing Fire Chief Anthony Galagaza for his lifetime of service to the City of Bakersfield, California, and congratulating him on his recent retirement.

RECOGNIZING AND HONORING MARCELLA ROSE RYAN LEBEAU

HON. DUSTY JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. JOHNSON of South Dakota. Madam Speaker, I rise today to recognize and honor the life of Marcella Rose Ryan LeBeau, Wígmuŋke Wašté Wíŋ (Pretty Rainbow Woman), of the Cheyenne River Oóhenuŋpa (Two Kettle) Lakota Nation. Marcella LeBeau, a decorated veteran of the Second World War and a constant advocate for Indian country, passed away on November 22, 2021 at the age of 102.

Mrs. LeBeau was born in 1919, in Promise, South Dakota, and was a member of the Cheyenne River Sioux Tribe. After the death of her mother and grandmother, LeBeau attended an Indian boarding school where she faced much discrimination and was barred from speaking the Lakota language.

When LeBeau was 23 she enlisted in the Army Nurse Corps and served in England, France, and Belgium during the Second World War. As a nurse with the 76th General Hospital Unit, she treated frontline soldiers during the Invasion of Normandy and the Battle of the Bulge. According to Mrs. LeBeau, ''it was the greatest honor of my life to serve.''

After the war, LeBeau continued to serve her community as an R.N. for 31 years until she retired as the director of nursing for the Indian Health Service on the Cheyenne River Sioux Reservation. Marcella also served on the Cheyenne River Sioux Tribal Council from 1991 to 1995 where she succeeded in leading a campaign to ban smoking in tribal buildings.

Mrs. LeBeau remained active in organizations and advocacy for Native Americans' rights and health and was a co-founding member of the North American Indian Women's Association.

Mrs. LeBeau married Gilbert LeBeau in 1947 and together they had eight children, 29 grandchildren, 46 great-grandchildren and three great-great-grandchildren.

LeBeau has been recognized and honored in many ways throughout her life. In 2004, LeBeau was awarded the French Legion of Honor for her service in World War II, which is the highest honor given by the French government. She was inducted into the South Dakota Hall of Fame in 2006 and awarded the Women in History Award from the Spirit of the Prairie Chapter of the Daughters of the American Revolution in 2016. LeBeau also received an honorary doctorate degree in Public Service from South Dakota State University in 2018. In 2020, the National Congress of the American Indian recognized her with a leadership award, and USA Today named her as one of the most influential women of the century. On November 6, 2021, she was inducted into the National Native American Hall of Fame.

Madam Speaker, Marcella LeBeau dedicated her life to the service of her family, her tribe, and her nation. I ask that my colleagues join me in honoring her contributions to our nation and the people of South Dakota. I extend my deepest condolences to the LeBeau family, Marcella will be deeply missed.

HONORING TERRELL CHANDLER

HON. ELISSA SLOTKIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. SLOTKIN. Madam Speaker, I rise today to honor one of our essential partners in supporting our Afghan allies as they await vetting and processing in Albania, Ms. Terrell Chandler.

Ms. Chandler is the Director of Field Operations for Spirit of America, a non-profit organization whose mission is to support our diplomats and our men and women in uniform abroad. Through 1,442 projects in 91 countries, Spirit of America delivers on the promise of a free and better life for countless individuals who live where Americans are deployed.

Before joining Spirit of America, Ms. Chandler spent over a decade as a Navy reservist supporting Marines, Green Berets, and other Navy units. In 2014, she served a combat tour in Afghanistan where she supported Navy SEALs and Army Special Forces as a member of a Cultural Support Team. While deployed, she developed a first-of-its-kind curriculum and training for a military exchange between U.S. and female partner forces in Southwest Asia, all while working to deliver humanitarian aid that supported the local population. This mission brought her in contact with Spirit of America and after exiting the service, she joined the ranks of other veterans who work at the nonprofit.

In her role, she's been instrumental in sourcing donations for more than 100 Afghans who were evacuated to Albania. Their harrowing journey out of danger may be over, but they still need support while they are vetted to come to the United States—a process that could take years. Ms. Chandler knows how to bring resources and efficiency to a mission and we couldn't ask for a better partner as we coordinate the short, medium and long-term plan for our allies.

Ms. Chandler lives and breathes Mark Twain's words, ''broad, wholesome, charitable views of men and things can't be acquired by vegetating in one corner of the earth all one's life.'' Wherever her service has taken her, she has taken the time to give back.

Madam Speaker, I rise to honor Ms. Terrell Chandler for her willingness to go above and beyond the call of duty in our effort to evacuate Afghan allies from Kabul and support them in their new life. For her commitment to providing for them while they await processing and resettlement, and for her resourcefulness and grit to solve any challenge, come what may, I submit these words so they stand as a tribute to her dedicated service when the moment called for it most.

HONORING THE LIFE OF CHARLENE LEONARD

HON. BRIAN BABIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. BABIN. Madam Speaker, I rise today to honor the life and legacy of Charlene Matthews Leonard, who passed away on Tuesday, November 23, 2021, after a brief illness. She was born on March 3, 1933, in Mexia, Texas, to parents Z.S. and Jewel Matthews.

Charlene and her family moved to Beaumont, Texas, in the early 1940s, where she graduated from Beaumont High School in 1951. During her formative years, Charlene encountered and befriended Mrs. Eloise Milam, founder of the Melody Maids. This singing group of young women performed with the goal of expressing their gratitude to the men and women serving in uniform during WWII. Without hesitation, Charlene quickly joined the group. Traveling for 30 years as ''Ambassadors of Goodwill,'' the Melody Maids brought joy to American military bases around the world.

Charlene met the love of her life, William S. ''Bud'' Leonard, while attending Lamar College, which is now known as Lamar University. They shared a wonderful marriage for nearly 67 years until Bud's death in 2020. During their marriage, the couple was blessed with two children. Their eldest daughter, Joni Marie, was born on March 14, 1956, in San Diego, California, while Bud was stationed there in the Navy. Joni was born with severe mental and physical disabilities, but that did not prevent her from living a full life at home with her parents for the last 65 years. Their son Will, equally the apple of the couple's eyes, was born in Beaumont two years later in 1958.

With a song always in her heart, Charlene could be heard faithfully sharing her love of music with the church choir at Calder Baptist Church, the Interfaith Choral Society, Beaumont Junior League Follies, and Lullaby of Broadway which supported the music program at Lamar University. She routinely attended her alma mater's functions, cheering on the Cardinals at athletic events, while her husband Bud served as Vice Chancellor for Development. Those attending productions at the Julie Rogers Theatre in Beaumont regularly found Charlene in the Melody Maids' Museum sharing the countless mementos and scrapbooks from their decades of travel that are housed there.

Charlene was strong in her faith and her love for her husband Bud, her son Will and his wife, Michelle, of Beaumont, and her twin granddaughters, Anne Kellam Leonard of Los Angeles, California, and Claire Matthews Leonard of Birmingham, Alabama. Similarly, one cannot say enough about Charlene's devotion and selfless adoration for her special daughter, Joni. She never relented in her resolve to personally care for Joni as long as she could and never complained or regretted one moment of that decision.

Madam Speaker, until he passed away in 2020, Bud and Charlene Leonard were an inseparable pair, a Beaumont institution that defined community service and a zest for life. Charlene genuinely loved and cared for people and valued making new friends to add to the many cherished old friends she was dedicated to her whole life. I am privileged to have known her.

INTRODUCTION OF THE DISTRICT OF COLUMBIA TRANSPORTATION FUNDING EQUALITY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. NORTON. Madam Speaker, I rise to introduce the District of Columbia Transportation Funding Equality Act. This bill would make the District of Columbia eligible for two federal programs that support the development and revitalization of public transportation systems in the same manner that states are currently eligible for these programs. D.C. residents pay the same federal taxes as residents of the states, and D.C. should be treated as a state in federal programs.

First, the bill would treat D.C. as a state in the High-Density States Formula for certain grants from the Mass Transit Account of the Highway Trust Fund. Currently, only states are eligible for these grants. Second, the bill would treat D.C. as a state under the Grants for Buses and Bus Facilities program. Currently, each state is authorized to receive $1.75 million annually and each of D.C. and the territories are authorized to receive $500,000 annually.

The programs in the bill fund the modernization of bus and rail fleets, the purchase of zero-emission transit vehicles, the improvement of station accessibility for all users and the extension of transit service to new communities. They especially benefit communities of color, since these households are twice as likely to use public transportation.

The House-passed surface transportation reauthorization act, the INVEST in America Act, would have made D.C. eligible for these two programs in the same manner as states. Unfortunately, the enacted surface transportation reauthorization act, the Infrastructure Investment and Jobs Act, which the Senate wrote, did not.

I urge my colleagues to support this bill to provide funding for effective, efficient and sustainable transportation options for D.C. in same manner as states.

CONGRATULATING SETON CATHOLIC HIGH SCHOOL GIRLS CROSS COUNTRY TEAM FOR WINNING THE WASHINGTON STATE 1A CHAMPIONSHIP

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. HERRERA BEUTLER. Madam Speaker, I rise today to commend and congratulate the Seton Catholic High School girls cross country team for winning the Washington state 1A championship. While the COVID–19 pandemic caused significant disruptions to the team's 2020 and 2021 season, the team retained its competitive edge through the challenges they faced. Winning the first state championship in school history is evidence that their perseverance has paid off!

Each member of the team contributed to their team's success at the state tournament. Alexis Leone, Lara Carrion, Avery Garrison, Sara Cordova, Virginia Carrion, and Addison Miller can all be proud of this tremendous accomplishment and cherish the memories they have made for the rest of their lives. Go Cougars.

HONORING THE LIFE OF DETECTIVE MANUEL CHRISTOPHER ''CHRIS'' WIDNER

HON. PAT FALLON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. FALLON. Madam Speaker, I rise today to honor the life of Detective Manuel Christopher ''Chris'' Widner who passed away on August 22nd of 2021. Chris passed due to COVID–19 complications at the young age of 47. He leaves behind, in the safe keeping of God, his beautiful wife, son, and two stepdaughters.

Det. Widner lived a life dedicated to the service of his family and his community. After high school, Chris started his career as a servant to the people at the Texas Department of Criminal Justice (TDCJ). Holding on to his dream to be a police officer, after 15 years with TDCJ Chris found an opportunity to serve as a local police officer. For his last 11 years, Chris served as a sworn officer of the peace for the people of Paris, Texas. Not since 1985 has the Paris Police Department had an officer fall in the line of duty, he will be greatly missed. Chris loved the Lord and knew God as a friend in this life. I am sure, through faith, that Det. Widner has heard the words ''Well done thy good and faithful servant.''

I have requested the United States flag be flown over our Nation's Capitol to recognize Det. Widner's devotion to God, Country, family, and his community. Furthermore, Madam Speaker, I extend my personal condolences to the family and friends of Det. Widner.

HONORING AMBASSADOR YURI KIM

HON. ELISSA SLOTKIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. SLOTKIN. Madam Speaker, I rise today to honor a dedicated career diplomat who has devoted her life to public service, Ambassador Yuri Kim.

I first met Ambassador Kim years ago when we worked together on Iraq policy. Like so many others around the world who have worked alongside her, my initial thought was one of gratitude for her contributions to our team. Ambassador Kim is a thoughtful, compassionate, and committed diplomat who can masterfully leverage her deep knowledge and her magnetic charisma to the task at hand. It's no surprise that Ambassador Kim was confirmed to her position by voice vote in the U.S. Senate—she's one of the best that our country has to offer and I'm proud to call her a friend.

In August, when dire circumstances required us to scramble and reach out to potential countries that could host our group of Afghan evacuees, Ambassador Kim jumped into the breach. Our team called the embassy in Tirana and she personally returned our call—setting in motion a chain of events that led to more than 100 lives being saved. That we were able to cross paths in the way that we did is a testament to the power of relationships and how they can change the course of history.

All leadership starts at the top, and our embassy staff in Tirana is a powerful example of putting country over self in order to complete a mission. They are truly learning from the best, in the same way that Ambassador Kim learned from the best as a special assistant to the late Colin Powell. There are no words to express the relief and the joy that I felt after that initial call with Ambassador Kim. I—and my entire team—are forever in her debt.

Madam Speaker, I rise to honor Ambassador Yuri Kim for her willingness to go above and beyond the call of duty in our effort to evacuate Afghan allies from Kabul and support them in their new life. For her efforts to marshal the resources and personnel of our Embassy in Tirana and for her quick and efficient actions that undoubtedly saved lives in their hour of greatest need, I submit these words—may they stand as a tribute to her dedicated service when the moment called for it most.

RECOGNIZING TRI-VALLEY HAVEN VOLUNTEERS

HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. SWALWELL. Madam Speaker, I rise to recognize the work of Claire Nelson and Emily Stahl, two remarkable volunteers of Tri-Valley Haven, a domestic violence shelter that creates homes safe from abuse and contributes to a more peaceful community one family at a time.

Claire Nelson, one of the founders of Tri-Valley Haven, led an amazing group of formidable women. Claire was invested in working to help women and children after her years of professional experience in the day care field. She even went as far as to take survivors into her own home until Tri-Valley Haven was able to purchase a six-bedroom shelter. Claire took pride in building Tri-Valley Haven up from behind the scenes and served on the organization's board of directors, as their treasurer, and as president.

Emily Stahl was the shelter's children's counselor who approached each child as a unique young person with dreams and ideas of their own. She worked with parents, schools, civic groups and community partners to advocate for the kids at Shiloh Shelter. Her understanding of the work was incredibly broad and infused with kindness, genius, and good humor.

Tri-Valley Haven, like many organizations in recent years, experienced ups and downs with funding and staffing; through it all, Claire and Emily continued to ensure a safe place for survivors and their families. They're part of the reason I'm honored to represent California's 15th Congressional District.

I thank Claire and Emily for their vision and dedication to providing domestic survivors safe harbor when they need it most.

IN SPECIAL RECOGNITION OF CAREY HIGH SCHOOL FOR WINNING THE DIVISION VI STATE FOOTBALL CHAMPIONSHIP

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding high school football team in Ohio's Fifth Congressional District. The young men of the Carey High School football team have represented their school ably on their way to becoming the Champions of the Division VI State Football Championship tournament. The Carey Blue Devils overcame the challenges of intense competition on the path to reach the championship playoffs, capping off an outstanding season with their noteworthy performance.

In pursuing the State Championship, the Carey Blue Devils defeated their outstanding competitors to win the state football title. The Blue Devils played an impressive final game that highlighted the teamwork they have demonstrated throughout their trip to the playoffs. Each member of this very special team has shown the individual effort that their sport requires for a successful team result. As a direct consequence of their hard work and dedication, both on and off the field, they achieved an impressive season record that brought pride to their community.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the Carey High School football team. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great achievement.

IN REMEMBRANCE OF GREGORY RONALD ''RON'' HERRING, SR.

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. WITTMAN. Madam Speaker, I rise today in remembrance of Gregory Ronald ''Ron'' Herring, Sr. Ron spent his life dedicated to his family and the people of the Northern Neck. He was the kind of person who never met a stranger.

Ron graduated from Hargrave Military Academy in 1968 and went on to apprentice and graduate from Newport News Ship Building in 1972. He met the love of his life, Linda Lee, and they were married on March 14, 1970. Together they started the Home Crafters in 1987 where they erected more than 300 homes and completed countless renovations.

Throughout his life, Ron was very involved with the Morattico Baptist Church, the Northumberland County Republican Committee, the Northern Neck Home Builders Association, and the Northumberland County school system. Ron was also an avid outdoorsman with a deep love for the Northern Neck's waters. He enjoyed spending his time fishing, boating, and advocating for commercial and sport fishermen.

Ron is survived by his wife and sweetheart, Linda; sister, Georgena Herring Strawderman; daughters, Angela (Shawn) Clarke and Sara Bishop; son, Greg (Shannon) Herring; grandchildren Madison, Bobby and Jacob Clarke, Luke and McKenna Dooley, and Danielle Thompson.

Madam Speaker, I ask that you join me and countless others as we recognize the life of Gregory Ronald Herring, Sr.

RAISING AWARENESS ABOUT VETERAN SUICIDE

HON. BARRY MOORE

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. MOORE of Alabama. Madam Speaker, today I would like to bring to your attention Operation Iron Ruck, an event led by the University of Alabama and Auburn University's Student Veteran Associations to raise awareness of the critical issue of veteran suicide. Operation Iron Ruck is held every year ahead of the Iron Bowl, the classic football game where the Auburn University Tigers face off against the University of Alabama Crimson Tide.

Unfortunately, each day, twenty-two veterans and active-duty service members take their lives. To raise awareness of this tragedy, Operation Iron Ruck participants hike 151 miles from Tuscaloosa, Alabama, all the way to Auburn. Participants carry twenty-two pounds of gear to represent each of those fallen warfighters.

Once at Auburn, the items inside the rucks are then donated to Alabama State Veteran homes and to Three Hots and A Cot, a nonprofit organization committed to securing housing for veterans in need. Additionally, over $5,000 was raised this year to further support these organizations and other support groups, such as Mission 22 and the student veterans' associations of both universities.

Madam Speaker, we owe it to every American who has ever worn a uniform in military service of our great nation to honor their sacrifices and ensure that they never face a scenario where they falsely believe their last option is to tragically take their own life. As a country, may we renew our dedication to these men and women and care for those who have put their own lives on the line for our liberty and safety. Let this commemoration forever be preserved in the CONGRESSIONAL RECORD of the United States, and may the world never forget the sacrifices of these brave men and women.

HONORING MARTHA BARRA

HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. HUFFMAN. Madam Speaker, I rise today with my colleague Congressman MIKE THOMPSON in recognition of the 80th birthday of Martha Barra and her lifetime of work building the Barra family wine business of Mendocino County into an industry leader in sustainable, organic wine production.

Born on December 14, 1941, Martha's career in the wine industry began in 1980, when she married the late Charlie Barra, a trailblazer in Mendocino County's early wine industry. Under the stewardship of Martha and Charlie Barra, Barra of Mendocino and Girasole Vineyards broke new ground, setting the standard for ecologically friendly wine grape growing and wine making techniques, and becoming leaders in Mendocino County's nascent environmentally conscious 'green' wine industry.

Martha Barra learned the wine business from the inside out, exploring ecologically conscious agriculture and production methods long before these practices were well known. She went on to directly-manage the winery's organic certification process herself for nearly 30 years. Today, all of the grapes grown on the 325 acre Barra vineyard in Mendocino County's inland valley are 100 percent certified organic. Thanks to her pioneering efforts in eco-friendly agriculture, close to 25 percent of the vineyards in Mendocino County are also certified organic.

Barra of Mendocino and Girasole Vineyards remains an independent, family-owned and operated business under Martha Barra's leadership. As the matriarch of a multi-talented family, Barra employed the skills of her adult children to continue to elevate the business. Today, her son and daughter assist her in growing nine different varietals, producing and marketing two wine brands, operating a 2.8 million gallon custom crush facility, and running a uniquely charming events center located along Highway 101.

Originally designed to look like an inverted wine glass, the 5,000 square foot Barra Winery Event Center hosts private events enjoyed by both Mendocino County residents and visitors from near and far. The Barra Winery Event Center reflects Martha Barra's community-minded values by also providing a uniquely beautiful space for fundraising opportunities to support local nonprofits, and her BARRA of Mendocino donates to a range of charitable organizations, with a special dedication toward causes of promoting and supporting the needs of children, cancer research, awareness, and patient support and improving our local community.

In the face of changing and challenging times including the COVID–19 pandemic, Martha Barra has led the family business to continue to prosper, offering COVID-safe wine tasting to guests at their winery, as well as virtual tasting events and wine distribution in 35 states and several countries.

Martha Barra currently spends most of her time overseeing the vineyard operations, doing local tastings and events, working with the winemakers to set flavor profiles, and managing the organic certification processes. At wine events, she is known fondly for handing out shiny stickers of bees, representing her commitment to the importance of sustainable agriculture. From learning the intricacies of organic wine production, to food and wine pairing, studying architecture and remodeling houses, Martha Barra is a person of many talents.

Martha Barra's enduring commitment to protecting the environment and the people of Mendocino County, while also producing premier, award-winning wine, is remarkable and a benefit to the region. Madam Speaker, please join us in recognizing Martha Barra for her many contributions and wishing her a wonderful birthday.

CELEBRATING THE 50TH ANNIVERSARY OF FAMILY TREE CLINIC

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Ms. MCCOLLUM. Madam Speaker, I rise today to recognize the staff, volunteers and patients of Family Tree Clinic on its 50th anniversary of service to the Saint Paul and Minneapolis communities. As a nonprofit community clinic in the Twin Cities metropolitan area, Family Tree provides education and high-quality, affordable, and affirming health care centered on each person they serve.

With its deep roots in Saint Paul, Family Tree began in 1971 when community volunteers and health care workers came together to fill a gap in access to reproductive health care that was brought to light by a neighborhood needs assessment. Family Tree responded by offering non-judgmental and patient-centered care, regardless of an individual's ability to pay. Early on, Family Tree mostly served students from five nearby colleges. Over the years, it has grown to reach people throughout the Upper Midwest.

Family Tree is a leading reproductive and sexual health clinic that has strengthened its services to vulnerable and marginalized populations throughout its five decades of service. It operates the Minnesota Family Planning and STD Hotline, which was established by the Minnesota Department of Health in 1978. Through the hotline, Family Tree provides reliable and accurate medical information and education across Minnesota. Family Tree's health education program in schools reaches more than 15,000 students and parents each year. In 2004, Family Tree pioneered a new health education program—still the only program like it in the U.S.—that provides free, comprehensive sexual health education and advocacy services to 800 people each year in Minnesota who are Deaf, DeafBlind, DeafDisabled, Hard of Hearing, and LateDeafened. Its creation of the LGBTQ Health Access Initiative in 2009 increased Family Tree's percentage of patients who are LGBTQ from 9 percent to 60 percent. Family Tree also partners with the University of Minnesota to train medical students in LGBTQ-inclusive health care services.

Today, Family Tree has more than 35 staff members and 50 volunteers who reach over 22,000 people per year through its many programs and services. With the growth of the clinic and increased demand for comprehensive health care, Family Tree Clinic kicked off its next 50 years of service by recently moving into a new clinic and education center in Minneapolis. The new building provides space for more exam rooms and staff, continued expansion of community programs, the addition of telehealth capabilities, and the potential to serve an additional 10,000 patients each year.

Madam Speaker, please join me in honoring Family Tree Clinic's caring and steadfast staff and volunteers—as well of the patients they serve—on the 50th anniversary of the clinic's success at cultivating a healthy community through comprehensive sexual health care and education.

LIFE AND LEGACY OF HON. GREG HOBBS

HON. JOE NEGUSE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. NEGUSE. Madam Speaker, I rise today to honor and remember the life of Justice Greg Hobbs who we lost on Monday, November 29th.

As a former Supreme Court Justice in Colorado, Justice Hobbs was a mentor to countless Coloradans, our state's preeminent authority on water law and relied on by many for his expertise and leadership.

He was caring and compassionate, a friend to many and a vibrant member of our community.

The impact of his work will continue to be felt throughout the state of Colorado for years to come, and his legacy will not soon be forgotten.

My thoughts and prayers are with Emily, Bonnie and Dan and all of Justice Hobbs family and friends, and the community that loved him.

This week and in the weeks to come we will mourn his passing, remember his life and be inspired by his wisdom and leadership.

RECOGNIZING THE ARCHER CENTER'S 20TH ANNIVERSARY

HON. VAN TAYLOR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2021

Mr. TAYLOR. Madam Speaker, I rise along with my colleague, Rep. COLIN ALLRED, to recognize the Archer Center at The University of Texas System and The University of Texas at Dallas on the occasion of its 20th anniversary.

In 2001, Bill Archer of Houston, Texas, retired from the United States House of Representatives (TX–07) where he had served for 30 years, including a six-year tenure as Chairman of the U.S. House Ways and Means Committee. Immediately upon his retirement, Congressman Archer and his long-time chief of staff, Don Carlson, established the Archer Center and the Bill Archer Fellowship Program. The University of Texas at Dallas, which is in our congressional districts, is the academic home for the Archer Center.

As the Washington, D.C., campus of The University of Texas System, the Archer Center provides talented undergraduate, graduate, and medical students from across the U.T. System's thirteen academic and health institutions with the opportunity to live, learn, and intern in the nation's capital.

The Archer Fellowship Program is a unique academic and experiential learning program that introduces highly accomplished students from the State of Texas to the federal policymaking process. Archer Fellows spend a transformative semester interning for a variety of public and private organizations including the White House, Congress, and the U.S. Supreme Court. More than 1,500 students have participated in the Archer Center's semester-long and summer programs in the past two decades. Over the years and at present, we have each hosted Archer Fellows in our offices. We have even hired Archer Fellow alumni to join our official staffs.

The Archer Fellowship continues to elevate the reputation of the U.T. System and its students. It has served as a springboard for graduate and professional careers at prestigious universities and medical centers such as Harvard University, Yale University, and the University of Oxford, as well as virtually every U.T. institution. The program has also enabled students to enter high-impact careers in the public and private sector. Archer Fellows have been awarded many distinguished scholarships, including the Harry S. Truman Scholarship, the Marshall Scholarship, the Rhodes Scholarship, the Schwarzman Scholarship, and the Fulbright Scholarship.

Today, Archer Fellow alumni continue Congressman Archer's legacy of public service by working in all branches of state, federal, and local government, and by serving in the military. These young people represent the very best of North Texas and there is no doubt some future members of Congress among them.

As the Archer Center celebrates its twentieth anniversary, we wish to express our gratitude to Congressman Archer and Don Carlson for their vision and enduring support for Texas students. The Center's growth and continued success is fueled by the dedication of the U.T. System leadership, including Chancellor J.B. Milliken, the Board of Regents, and U.T. Dallas President Richard Benson, and steadfast supporters and alumni of the Archer Center.

We send our best wishes to the Arther Center on this important milestone.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8937–S9000

Measures Introduced: Fourteen bills and four resolutions were introduced, as follows: S. 3319–3332, S. Res. 471–472, and S. Con. Res. 22–23. **Pages S8961–62**

Measures Passed:

Better Cybercrime Metrics Act: Senate passed S. 2629, to establish cybercrime reporting mechanisms. **Pages S8957–58**

Providing for the Use of the Catafalque: Senate agreed to S. Con. Res. 22, providing for the use of the catafalque situated in the Exhibition Hall of the Capitol Visitor Center in connection with memorial services to be conducted in the rotunda of the Capitol for the Honorable Robert Joseph Dole, a Senator from the State of Kansas. **Page S8958**

Authorizing the Use of the Rotunda: Senate agreed to S. Con. Res. 23, authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the Honorable Robert Joseph Dole, a Senator from the State of Kansas. **Page S8958**

Measures Considered:

Military Sale to Saudi Arabia Congressional Review Act: By 30 yeas to 67 nays (Vote No. 484), Senate did not agree to the motion to discharge S.J. Res. 31, providing for congressional disapproval of the proposed foreign military sale to the Kingdom of Saudi Arabia of certain defense articles, from the Committee on Foreign Relations. **Pages S8952–55**

House Messages:

Dr. Lorna Breen Health Care Provider Protection Act: Senate began consideration of the amendment of the House of Representatives to S. 610, to address behavioral health and well-being among health care professionals, taking action on the following motions and amendments proposed thereto: **Page S8956**

Pending:

Schumer motion to concur in the amendment of the House of Representatives to the bill. **Page S8956**

Schumer motion to concur in the amendment of the House of Representatives to the bill, with Schumer Amendment No. 4871 (to the House amendment), to add an effective date. **Page S8956**

Schumer Amendment No. 4872 (to Amendment No. 4871), to modify the effective date. **Page S8956**

Schumer motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Schumer Amendment No. 4873, to add an effective date. **Page S8956**

Schumer Amendment No. 4874 (to the instructions (Amendment No. 4873) of the motion to refer), to modify the effective date. **Page S8956**

Schumer Amendment No. 4875 (to Amendment No. 4874), to modify the effective date. **Page S8956**

A motion was entered to close further debate on the motion to concur in the amendment of the House of Representatives to the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, December 9, 2021. **Page S8956**

Office of Congressional Workplace Rights—Agreement: A unanimous-consent agreement was reached providing that the Notice of Proposed Rulemaking from the Office of Congressional Workplace Rights be printed in the Record. **Page S8958**

Koh Nomination—Cloture: Senate began consideration of the nomination of Lucy Haeran Koh, of California, to be United States Circuit Judge for the Ninth Circuit. **Page S8956**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the motion to concur in the amendment of the House of Representatives to S. 610, to address behavioral health and well-being among health care professionals. **Page S8956**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S8956**

Sung Nomination—Cloture: Senate began consideration of the nomination of Jennifer Sung, of Oregon, to be United States Circuit Judge for the Ninth Circuit. **Page S8957**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Lucy Haeran Koh, of California, to be United States Circuit Judge for the Ninth Circuit. **Page S8957**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S8957**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S8957**

Elliott Nomination—Cloture: Senate began consideration of the nomination of Samantha D. Elliott, of New Hampshire, to be United States District Judge for the District of New Hampshire. **Page S8957**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Jennifer Sung, of Oregon, to be United States Circuit Judge for the Ninth Circuit. **Page S8957**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S8957**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S8957**

Nominations Confirmed: Senate confirmed the following nominations:

By 68 yeas to 31 nays (Vote No. EX. 479), Jessica Rosenworcel, of Connecticut, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2020. **Pages S8937–44**

By 52 yeas to 48 nays (Vote No. EX. 481), Deirdre Hamilton, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2022. **Pages S8944–45**

During consideration of this nomination today, Senate also took the following action:

By 51 yeas to 48 nays (Vote No. EX. 480), Senate agreed to the motion to close further debate on the nomination. **Page S8944**

By 50 yeas to 47 nays (Vote No. EX. 483), Chris Magnus, of Arizona, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security. **Pages S8945–49, S8949–52**

During consideration of this nomination today, Senate also took the following action:

By 52 yeas to 47 nays (Vote No. EX. 482), Senate agreed to the motion to close further debate on the nomination. **Page S8945**

Erik Adrian Hooks, of North Carolina, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

Clare E. Connors, of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years.

Zachary A. Cunha, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

Nikolas P. Kerest, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

Michael Kubayanda, of Ohio, to be a Commissioner of the Postal Regulatory Commission for a term expiring November 22, 2026.

Gregory K. Harris, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years.

Philip R. Sellinger, of New Jersey, to be United States Attorney for the District of New Jersey for the term of four years.

Brandon B. Brown, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

Ronald C. Gathe, Jr., of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years. **Pages S8949, S8951–52, S8957**

Nominations Received: Senate received the following nominations:

Routine lists in the Army and Space Force. **Page S9000**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Saule T. Omarova, of New York, to be Comptroller of the Currency for a term of five years, which was sent to the Senate on November 2, 2021. **Page S9000**

Messages from the House: **Page S8961**

Executive Communications: **Page S8961**

Additional Cosponsors: **Pages S8962–63**

Statements on Introduced Bills/Resolutions: **Pages S8964–65**

Additional Statements: **Pages S8960–61**

Amendments Submitted: **Page S8965**

Authorities for Committees to Meet: **Pages S8965–66**

Privileges of the Floor: **Page S8966**

Record Votes: Six record votes were taken today. (Total—484) **Page S8944, S8945, S8952, S8955**

Adjournment: Senate convened at 10 a.m. and adjourned at 10:19 p.m., until 10 a.m. on Wednesday, December 8, 2021. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9000.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Parisa Salehi, of the District of Columbia, to be Inspector General, Export-Import Bank, and Brian Michael Tomney, of Virginia, to be Inspector General of the Federal Housing Finance Agency, after the nominees testified and answered questions in their own behalf.

OCEAN SHIPPING SUPPLY CHAINS

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation, Maritime, Freight, and Ports, concluded a hearing to examine challenges posed by ocean shipping supply chains, after receiving testimony from John W. Butler, World Shipping Council, and Greg Regan, Transportation Trades Department, AFL–CIO, both of Washington, D.C.; Paul Doyle, Coastal Automotive, Holland, Michigan; and Norman Krug, Preferred Popcorn, Chapman, Nebraska.

TECHNOLOGY SECTOR

Committee on Finance: Subcommittee on Fiscal Responsibility and Economic Growth concluded a hearing to examine promoting competition, growth, and privacy protection in the technology sector, after receiving testimony from District of Columbia Attorney General Karl A. Racine, Barry C. Lynn, Open Markets Institute, and Stacey Gray, Future of Privacy Forum, all of Washington, D.C.; Courtenay Brown, United for Respect, Newark, New Jersey; Justin Sherman, Duke University Sanford School of Public Policy, Durham, North Carolina; and Samm Sacks, Yale Law School Paul Tsai China Center, New Haven, Connecticut.

U.S.-RUSSIA POLICY

Committee on Foreign Relations: Committee concluded a hearing to examine U.S.-Russia policy, after receiving testimony from Victoria Nuland, Under Secretary of State for Political Affairs.

GUANTANAMO

Committee on the Judiciary: Committee concluded a hearing to examine closing Guantanamo, after receiving testimony from John G. Baker, Brigadier General, USMC, Chief Defense Counsel, Military Commissions Defense Organization, Department of Defense; Katya Jestin, Jenner and Block, New York, New York; Colleen Kelly, 9/11 Families for Peaceful Tomorrows, Bronx, New York; Jamil N. Jaffer, George Mason University Antonin Scalia Law School, Fairfax, Virginia; Charles D. Stimson, Heritage Foundation, Washington, D.C.; and Michael R. Lenhert, USMC (Ret.), Williamsburg, Virginia.

USCP FOLLOWING JANUARY 6TH ATTACK

Committee on Rules and Administration: Committee concluded an oversight hearing to examine the United States Capitol Police following the January 6th attack on the Capitol, after receiving testimony from Michael A. Bolton, Inspector General, United States Capitol Police.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 6143–6171; and 6 resolutions, H. Con. Res. 63–64; and H. Res. 839–842, were introduced. **Pages H7260–62**

Additional Cosponsors: **Pages H7263–64**

Reports Filed: Reports were filed today as follows:

H.R. 5608, to support research and state management efforts on chronic wasting disease (H. Rept. 117–202);

H.R. 5609, to amend the Agricultural Marketing Act of 1946, to establish a cattle contract library, and for other purposes (H. Rept. 117–203);

H.R. 4489, to amend the Act of June 20, 1958, to require that certain amounts collected by the

United States with respect to lands under the administration of the Forest Service be invested into interest bearing obligations, and for other purposes (H. Rept. 117–204);

H. Res. 838, providing for consideration of the bill (H.R. 5314) to protect our democracy by preventing abuses of presidential power, restoring checks and balances and accountability and transparency in government, and defending elections against foreign interference, and for other purposes; providing for consideration of the bill (S. 1605) to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes; and providing for consideration of the bill (S. 610) to address behavioral health and well-being among health care professionals (H. Rept. 117–205); and

H.R. 4616, to deem certain references to LIBOR as referring to a replacement benchmark rate upon the occurrence of certain events affecting LIBOR, and for other purposes, with an amendment (H. Rept. 117–206, Part 1). **Page H7260**

Speaker: Read a letter from the Speaker wherein she appointed Representative Cárdenas to act as Speaker pro tempore for today. **Page H6917**

Recess: The House recessed at 12:20 p.m. and reconvened at 2 p.m. **Page H6919**

Recess: The House recessed at 2:12 p.m. and reconvened at 5:15 p.m. **Page H6920**

Recess: The House recessed at 6:14 p.m. and reconvened at 6:30 p.m. **Page H6927**

Dr. Lorna Breen Health Care Provider Protection Act: The House passed S. 610, to address behavioral health and well-being among health care professionals, by a yea-and-nay vote of 222 yeas to 212 nays, Roll No. 404. **Pages H6920–27, H6927–33, H7222**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–22 shall be considered as adopted. **Pages H6928–29**

H. Res. 838, the rule providing for consideration of the bills (H.R 5314), (S. 1605), and (S. 610) was agreed to by a yea-and-nay vote of 219 yeas to 213 nays, Roll No. 403, after the previous question was ordered by a yea-and-nay vote of 218 yeas to 210 nays, Roll No. 402. **Pages H6920–27, H6927–28**

Designating the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida. The House passed S. 1605, to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, by a yea-and-nay vote of 363 yeas to 70 nays, Roll No. 405. **Pages H6933–H7222, H7223**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–21 shall be considered as adopted. **Pages H6933–H7215**

H. Res. 838, the rule providing for consideration of the bills (H.R 5314), (S. 1605), and (S. 610) was agreed to by a yea-and-nay vote of 219 yeas to 213 nays, Roll No. 403, after the previous question was ordered by a yea-and-nay vote of 218 yeas to 210 nays, Roll No. 402. **Pages H6920–27, H6927–28**

Directing the Secretary of the Senate to make a correction in the enrollment of the bill S. 1605: The House agreed to H. Con. Res. 64, directing the Secretary of the Senate to make a correction in the enrollment of the bill S. 1605. **Page H7223**

Expressing the profound sorrow of the House of Representatives on the death of the Honorable Robert Joseph Dole: The House agreed to H. Res. 839, expressing the profound sorrow of the House of Representatives on the death of the Honorable Robert Joseph Dole. **Pages H7223–24**

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of today and appear on pages H6927–28, H6928, H7222, and H7223.

Adjournment: The House met at 12 noon and adjourned at 9:57 p.m., pursuant to House Resolution 839, as a further mark of respect to the memory of the late Honorable Robert Joseph Dole.

Committee Meetings

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests, and Public Lands held a hearing on H.R. 1117, the ''Rosie the Riveter National Historic Site Expansion Act''; H.R. 3525, the ''Commission To Study the Potential Creation of a National Museum of Asian Pacific American History and Culture Act''; and H.R. 5230, the ''9/11 Memorial and Museum Act''. Testimony was heard from Chairman Nadler, and Representatives Meng, DeSaulnier, and Katko; Tom Butt, Mayor, Richmond, California; Theodore S. Gonzalves, Acting Director, Asian Pacific American Center, Smithsonian Institution; and public witnesses.

EXAMINING THE WORLDWIDE THREAT OF AL QAEDA, ISIS, AND OTHER FOREIGN TERRORIST ORGANIZATIONS

Committee on Oversight and Reform: Subcommittee on National Security held a hearing entitled ''Examining the Worldwide Threat of al Qaeda, ISIS, and Other Foreign Terrorist Organizations''. Testimony

was heard from Christopher Landberg, Acting Principal Deputy Coordinator for Counterterrorism, Department of State; and Milancy Harris, Deputy Assistant Secretary of Defense for Special Operations and Combating Terrorism, Department of Defense.

PROTECTING OUR DEMOCRACY ACT; TO DESIGNATE THE NATIONAL PULSE MEMORIAL LOCATED AT 1912 SOUTH ORANGE AVENUE IN ORLANDO, FLORIDA; TO ADDRESS BEHAVIORAL HEALTH AND WELL-BEING AMONG HEALTH CARE PROFESSIONALS

Committee on Rules: Full Committee held a hearing on H.R. 5314, the "Protecting Our Democracy Act"; S. 1605, to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes [National Defense Authorization Act for Fiscal Year 2022]; and S. 610, to address behavioral health and well-being among health care professionals [Protecting Medicare and American Farmers from Sequester Cuts Act]. The Committee granted, by record vote of 8–4, a rule providing for consideration of H.R. 5314, the "Protecting Our Democracy Act", S. 1605, the National Defense Authorization Act for Fiscal Year 2022, and S. 610, the "Protecting Medicare and American Farmers from Sequester Cuts Act". The rule provides for consideration of H.R. 5314, the "Protecting Our Democracy Act", under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform or their respective designees. The rule waives all points of order against consideration of the bill. The rule provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–20, modified by the amendment printed in part A of the Rules Committee report, shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule provides that following debate, each further amendment printed in part B of the Rules Committee report not earlier considered as part of amendments en bloc pursuant to section 3 shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question. Section 3 of the rule provides that at any time after debate the chair of the Committee on Oversight and Reform or her designee may offer amendments en bloc consisting of further amendments printed in part B of the Rules Committee report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in part B of the report and amendments en bloc described in section 3 of the resolution. The rule provides one motion to recommit. The rule provides for consideration of S. 1605, the National Defense Authorization Act for Fiscal Year 2022, under a closed rule. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their respective designees. The rule waives all points of order against consideration of the bill. The rule provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–21 shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule provides one motion to commit. The rule provides that the chair of the Committee on Armed Services may insert in the Congressional Record not later than December 10, 2021, such material as he may deem explanatory of S. 1605. The rule provides for consideration of S. 610, the Protecting Medicare and American Farmers from Sequester Cuts Act, under a closed rule. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means or their respective designees. The rule waives all points of order against consideration of the bill. The rule provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–22 shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule provides one motion to commit. The rule provides that at any time through the legislative day of Thursday, December 9, 2021, the Speaker may entertain motions offered by the Majority Leader or a designee that the House suspend the rules with respect to multiple measures that were the object of motions to suspend the rules on November 30, 2021, December 1, 2021, or December 8, 2021, and on which the yeas and nays were ordered and further proceedings postponed. The Chair shall put the question on any such motion without debate or intervening motion, and the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated. Testimony was heard from Chairman Carolyn B. Maloney of New York, Chairman Nadler, Chairman Smith of Washington, Chairman Yarmuth, and Representatives Comer, Jordan, Rogers of Alabama, Sánchez, Rice of South Carolina, Dingell, Bucshon, Smith of Missouri, Garamendi, and Graves of Louisiana.

FOREVER CHEMICALS: RESEARCH AND DEVELOPMENT FOR ADDRESSING THE PFAS PROBLEM

Committee on Science, Space, and Technology: Subcommittee on Environment; and Subcommittee on Research and Technology held a joint hearing entitled "Forever Chemicals: Research and Development for Addressing the PFAS Problem". Testimony was heard from public witnesses.

THE FIERCE URGENCY OF NOW—SOCIAL SECURITY 2100: A SACRED TRUST

Committee on Ways and Means: Subcommittee on Social Security held a hearing entitled "The Fierce Urgency of Now—Social Security 2100: A Sacred Trust". Testimony was heard from public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 8, 2021

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nomination of Admiral Christopher W. Grady, USN for reappointment to the grade of admiral and to be Vice Chairman of the Joint Chiefs of Staff, 10 a.m., SD–106.

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Protection, Product Safety, and Data Security, to hold hearings to examine protecting kids online, focusing on Instagram and reforms for young users, 2:30 p.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine S. 2372, to amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, 10 a.m., SD–406.

Committee on Finance: business meeting to consider the nominations of Maria Louise Lago, of New York, to be Under Secretary for International Trade, and Lisa W. Wang, of the District of Columbia, to be an Assistant Secretary, both of the Department of Commerce, 9:30 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the future of U.S. policy on Taiwan, 2:30 p.m., SD–G50/VTC.

Committee on Indian Affairs: to hold an oversight hearing to examine addressing violence in Native communities through VAWA Title IX special jurisdiction, 2:30 p.m., SD–628.

Committee on Veterans' Affairs: to hold hearings to examine the nomination of Kurt D. DelBene, of Washington, to be an Assistant Secretary of Veterans Affairs (Information and Technology), 3 p.m., SR–418.

Select Committee on Intelligence: to receive a closed briefing on certain intelligence matters, 2 p.m., SVC–217.

House

Committee on Agriculture, Subcommittee on Nutrition, Oversight, and Department Operations, hearing entitled "Review of USDA Nutrition Distribution Programs", 10 a.m., 1300 Longworth and Zoom.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled "The Future of Biomedicine: Translating Biomedical Research into Personalized Health Care", 10:30 a.m., 2123 Rayburn and Webex.

Committee on Financial Services, Full Committee, hearing entitled "Digital Assets and the Future of Finance: Understanding the Challenges and Benefits of Financial Innovation in the United States", 10 a.m., 2128 Rayburn and Webex.

Committee on Foreign Affairs, Subcommittee on Asia, the Pacific, Central Asia, and Nonproliferation, hearing entitled "Biosecurity for the Future: Strengthening Deterrence and Detection", 10 a.m., Webex.

Committee on the Judiciary, Full Committee, markup on H.R. 3359, the "Homicide Victims' Families' Rights Act of 2021"; H.R. 4977, the "Better Cybercrime Metrics Act"; H.R. 55, the "Emmett Till Antilynching Act"; H.R. 5338, the "Radiation Exposure Compensation Act Amendments of 2021"; and H.R. 5796, the "Patents for Humanity Act of 2021", 10 a.m., 2141 Rayburn and Zoom.

Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties, hearing entitled "Forfeiting our Rights: The Urgent Need for Civil Asset Forfeiture Reform", 10 a.m., 2154 Rayburn and Zoom.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing entitled "Promoting Economic and Community Redevelopment and Environmental Justice in the Revitalization and Reuse of Contaminated Properties", 10 a.m., 2167 Rayburn and Zoom.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing entitled "Removing Barriers to Veteran Home Ownership", 10 a.m., HVC–210 and Zoom.

Committee on Ways and Means, Subcommittee on Oversight, hearing entitled "The Pandora Papers and Hidden Wealth", 10 a.m., 1100 Longworth and Webex.

Select Committee on the Modernization of Congress, Full Committee, business meeting on proposed recommendations, 8:45 a.m., 210 Cannon and Zoom.

Select Committee on Economic Disparity and Fairness in Growth, Full Committee, hearing entitled "Growing our Economy by Investing in Families: How Supporting Family Caregiving Expands Economic Opportunity and Benefits All Americans", 11 a.m., 2118 Rayburn.

Next Meeting of the SENATE

10 a.m., Wednesday, December 8

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will vote on the motion to invoke cloture on the nomination of Rachael S. Rollins, of Massachusetts, to be United States Attorney for the District of Massachusetts, and if cloture is invoked on the nomination, Senate will vote on confirmation thereon at 2:15 p.m.

Following disposition of the nomination of Rachael S. Rollins, Senate will vote on the motion to invoke cloture on the nomination of Michael D. Smith, of Virginia, to be Chief Executive Officer of the Corporation for National and Community Service, and if cloture is invoked on the nomination, Senate will vote on confirmation thereon at 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, December 8

House Chamber

Program for Wednesday: Consideration of measures under suspension of the Rules.

Extensions of Remarks, as inserted in this issue

HOUSE

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